

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

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**REGULAR SESSION**  
**2024**

Convened on Wednesday, January 17, 2024, and  
Adjourned sine die on Friday, May 3, 2024

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State of Hawaii  
Honolulu, Hawaii



## PREFACE

This volume contains all of the laws enacted by the Hawaii State Legislature during the Regular Session of 2024.

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 Statutory material that is being repealed is either bracketed or bracketed and stricken.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Hawaii Revised Statutes (HRS), the text is edited to omit the bracketed material for HRS sections that are being repealed in their entirety and to omit the underscoring for entirely new HRS sections.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 10, 2024

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Mazie K. Hirono

House of Representatives:  
Ed Case  
Jill Tokuda

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**STATE EXECUTIVE OFFICERS**

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Lieutenant Governor ..... Sylvia Luke

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REGULAR SESSION 2024**

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Vice President ..... Michelle N. Kidani  
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Seventeenth District—(Oahu)  
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Tenth District—(Oahu)  
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Jarrett Keohokalole (D)

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Maile S.L. Shimabukuro (D)

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

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

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D – Democrats .....	23
R – Republicans .....	2

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 Vice Speaker ..... Greggor Ilagan  
 Clerk ..... Brian L. Takeshita

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Eleventh District—(Maui) Terez Amato (D)	Twenty-Seventh District—(Oahu) Jenna Takenouchi (D)
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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) Micah P.K. Aiu (D)

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<sup>1</sup> Appointed on January 16, 2024, to seat vacated by John M. Mizuno.

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)
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Forty-Second District—(Oahu) Diamond Garcia (R)	

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D – Democrats .....	45
R – Republicans .....	6

# TABLE OF CONTENTS

	<b>PAGE</b>
List of Acts, 2024 Regular Session .....	ix
Text of Acts, 2024 Regular Session .....	1
Committee Reports on Bills Enacted .....	782
Tables Showing Effect of Acts	
A. Sections of Hawaii Revised Statutes (HRS) Affected .....	787
B. Acts of Session Laws of Hawaii (SLH) Affected .....	790
C. Section of Hawaiian Homes Commission Act of 1920 (HHCA) Affected .....	790
D. Sections of State Constitution Affected .....	790
General Index .....	791



**LIST OF ACTS**

**REGULAR SESSION OF 2024**

<b>ACT NO.</b>	<b>BILL NO.</b>	<b>SUBJECT</b>	<b>PAGE</b>
1	H.B. 129	Mandatory recount of votes.....	1
2	H.B. 2520	Legislative appropriations .....	2
3	S.B. 2387	Landowners' liability; correction to erroneous references .....	5
4	H.B. 1899	State snails.....	7
5	H.B. 1541	Suicide Prevention and Awareness Month.....	8
6	H.B. 1880	Assembly of electors.....	8
7	H.B. 1915	Probate; notice to creditors.....	9
8	H.B. 1950	Kimchi Day.....	9
9	S.B. 2354	Beer .....	10
10	S.B. 582	Maui wildfires response and recovery; emergency appropriations .....	12
11	H.B. 1598	Public agency meetings; board packets .....	18
12	H.B. 1599	Public agency meetings; remote meetings .....	19
13	H.B. 1600	Public agency meetings; investigative group reports.....	21
14	H.B. 1879	Digital voter information guide .....	22
15	H.B. 1881	Ethics violations; administrative fines.....	24
16	H.B. 2072	Campaign finance; solicitations relating to disasters.....	24
17	S.B. 2919	Zoning; transient accommodations .....	25
18	H.B. 1974	Personal needs allowance .....	28
19	H.B. 2069	Department of accounting and general services; exempt employees.....	29
20	H.B. 2216	State supplemental payments .....	30
21	H.B. 2342	Weapons .....	31
22	H.B. 2376	Department of transportation; funding adjustment .....	38
23	H.B. 2380	Department of budget and finance; emergency appropriation .....	39
24	S.B. 2841	Water Safety Day .....	40
25	S.B. 116	Special number plates; Duke Kahanamoku.....	41
26	H.B. 2377	Department of public safety; funding adjustment .....	43
27	S.B. 2333	Election audits.....	44
28	H.B. 2365	Hawaii interagency council for transit-oriented development ..	45
29	H.B. 2790	Housing loan and mortgage program.....	47
30	S.B. 1099	County surcharge on state tax revenues; housing infrastructure costs .....	47
31	S.B. 1170	Counties; affordable housing credits.....	48
32	S.B. 2132	Landlord-tenant code; remedy of health or safety violations ..	53
33	S.B. 2834	Death of a tenant .....	54
34	S.B. 2133	Bonds; infrastructure projects .....	56
35	H.B. 1760	Bond volume cap recycling program.....	59
36	H.B. 1925	Hawaii State Planning Act phase II task force.....	63
37	H.B. 2090	Residential development; reuse of commercial buildings.....	65
38	S.B. 2066	Housing development; exemption from certain laws and rules .....	67
39	S.B. 3202	Urban development.....	69
40	H.B. 2685	Solar hui program .....	75
41	H.B. 2801	Commercial property assessed financing program .....	76
42	H.B. 2315	Condominium association meetings .....	88
43	S.B. 2726	Condominium property regime task force .....	90
44	S.B. 2600	Condominium purchasers; documents by electronic mail .....	92
45	S.B. 2337	Counties; housing projects and mixed-use developments.....	92
46	H.B. 2404	Income tax .....	94
47	S.B. 1035	General excise tax exemption; medical and dental service providers .....	102
48	H.B. 2340	Claims against the State .....	105
49	H.B. 2374	Collective bargaining agreement; units 1, 2, 3, 4, 8, 9, 10, 13, and 14.....	109
50	S.B. 2725	Pass-through entity taxation election.....	111
51	S.B. 3091	Food service operations at public schools; emergency appropriation .....	114
52	S.B. 3092	Charter schools; emergency appropriation .....	115

ACT NO.	BILL NO.	SUBJECT	PAGE
53	H.B. 2020	Renewable energy producers.....	116
54	H.B. 2390	Lifecycle greenhouse gas emissions.....	117
55	S.B. 2537	Chief energy officer .....	119
56	S.B. 2504	Hawaii Pacific hydrogen hub .....	120
57	S.B. 2753	Refrigerants.....	121
58	H.B. 159	Renewals of liquor licenses.....	122
59	H.B. 982	Tobacco enforcement special fund.....	123
60	H.B. 1577	Motor vehicle towing fees.....	124
61	H.B. 1578	Shipping container chassis.....	126
62	H.B. 1595	Expungement of arrest records; pilot project .....	127
63	H.B. 1642	New employee orientation.....	129
64	H.B. 1861	Number plates; electric vehicles.....	130
65	H.B. 2295	Traffic infractions; stopping, standing, and parking .....	132
66	H.B. 2339	911 services.....	133
67	H.B. 2354	Small business regulatory review board .....	142
68	H.B. 2369	Community-based economic development loans.....	142
69	H.B. 2394	Insurance code .....	143
70	H.B. 2395	Hawaii national guard; employees' retirement system.....	150
71	H.B. 2396	Hawaii national guard; health care.....	151
72	H.B. 2435	Licenses; marriages and civil unions.....	152
73	H.B. 2463	Wage and hour law .....	153
74	H.B. 2483	Department of corrections and rehabilitation; criminal history record checks.....	154
75	H.B. 2484	Income and estate and generation-skipping transfer taxes.....	160
76	H.B. 2485	Tax administration .....	161
77	H.B. 2486	Service of administrative subpoenas outside the State.....	164
78	H.B. 2488	Taxation board of review .....	166
79	H.B. 2489	Department of taxation; exempt positions .....	166
80	H.B. 2641	Appraisal management companies .....	170
81	H.B. 2715	Special number plates for Malama Puuloa .....	190
82	S.B. 2287	State government website; mobile application .....	193
83	S.B. 2731	Special number plates for Iraq and Afghanistan war veterans ..	195
84	S.B. 3083	Insurance holding company system.....	196
85	S.B. 3312	Shaka .....	206
86	S.B. 3139	Crisis intervention and diversion services .....	207
87	H.B. 2159	Mental health; assisted community treatment .....	212
88	S.B. 3094	Peer support specialist working group .....	219
89	H.B. 1827	Health care workforce development .....	221
90	S.B. 3122	Public health standing orders .....	223
91	S.B. 3125	Medical care and services for minors.....	226
92	H.B. 1686	Chiropractic reimbursement rate .....	228
93	H.B. 1830	Mental health services.....	229
94	H.B. 1944	Workers' compensation; cervical and lumbar spinal injuries....	245
95	S.B. 63	Nurses.....	246
96	S.B. 2119	Out-of-state prescriptions.....	249
97	S.B. 2476	Dental hygienists .....	250
98	S.B. 2529	Provider orders for life sustaining treatment.....	252
99	S.B. 2837	Maui state veterans home.....	253
100	H.B. 1836	Medication refills.....	254
101	H.B. 1889	Workers' compensation; firefighters.....	257
102	H.B. 2042	Youth mental health and wellness services.....	259
103	H.B. 2393	Health insurance .....	260
104	H.B. 2553	Pharmacists; vaccine administration .....	268
105	H.B. 2577	Public health emergency reports by the department of education .....	273
106	S.B. 3279	State of well-being project .....	273
107	H.B. 1148	Mental health-related programs .....	276
108	H.B. 1533	Death benefits .....	277
109	H.B. 1932	Department of transportation; acquisition of property.....	278

ACT NO.	BILL NO.	SUBJECT	PAGE
110	H.B. 2444	Hemp processors; criminal history record checks .....	282
111	H.B. 2499	University of Hawaii; procurement .....	286
112	S.B. 2443	Automated speed enforcement systems.....	288
113	S.B. 2536	Procurement preferences and reciprocity .....	296
114	S.B. 3157	Direct negotiation for public land leases.....	298
115	S.B. 3191	University of Hawaii; technology transfer activities .....	299
116	S.B. 3192	University of Hawaii; innovation and commercialization initiative program .....	300
117	S.B. 3220	Motor carrier law .....	300
118	S.B. 2289	Kalaupapa Settlement .....	304
119	S.B. 2591	Burial sites.....	305
120	S.B. 2657	Makahiki Commemoration Day .....	306
121	S.B. 3236	Land trusts .....	306
122	S.B. 3123	Public health statistics records.....	307
123	H.B. 1529	Island burial councils .....	308
124	H.B. 2626	Fishponds.....	310
125	S.B. 3109	Hawaiian home lands; waitlist elimination .....	311
126	H.B. 2074	Kaiapuni education .....	313
127	S.B. 2937	University of Hawaii at Hilo; Hawaiian language college.....	314
128	S.B. 2659	Regenerative tourism.....	314
129	S.B. 3154	Archaeological activities.....	316
130	H.B. 2218	Department of Hawaiian home lands; loans .....	318
131	H.B. 2457	Department of law enforcement; accreditation.....	320
132	H.B. 2458	Department of law enforcement; investigations.....	325
133	H.B. 2480	Apostilles and certifications.....	327
134	H.B. 2481	Time share commissioners of deeds .....	328
135	H.B. 2491	Commercial driver's license violations .....	328
136	H.B. 2492	Commercial driver's licenses and learner's permits .....	329
137	H.B. 2493	Commercial driver's license endorsements and restrictions.....	334
138	S.B. 2342	Motor vehicle insurance .....	336
139	S.B. 2497	Tax credit for research activities .....	340
140	S.B. 2516	Chief information officer.....	341
141	S.B. 2718	Hawaii labor relations board; hearsay evidence .....	344
142	S.B. 2974	Business revitalization task force .....	345
143	S.B. 2991	New collective bargaining units.....	347
144	S.B. 2245	Protective and temporary foster custody of children .....	348
145	H.B. 470	No cost emergency shelters and related services for minors.....	353
146	H.B. 2227	Child care.....	354
147	H.B. 2425	Child abuse and neglect central registry.....	356
148	H.B. 2426	Relative resource caregivers .....	358
149	S.B. 3207	Superintendent of education .....	358
150	S.B. 2070	Career and technical education programs; procurement exemptions .....	359
151	S.B. 2257	Career and technical education teachers.....	362
152	S.B. 3087	Early learning programs; facilities .....	363
153	S.B. 3116	Preschool open doors program.....	365
154	S.B. 3305	Public charter schools; prekindergarten programs.....	366
155	H.B. 2430	Summer electronic benefits transfer for children program .....	366
156	S.B. 2475	Harm to students registry.....	368
157	H.B. 2400	Forfeiture of teachers' licenses.....	375
158	S.B. 2305	Silver alert program.....	376
159	H.B. 2224	Long-term care plan.....	378
160	H.B. 1597	Public agency meetings.....	380
161	H.B. 1869	Uncrewed aircraft.....	382
162	H.B. 2070	Public contracts; cash or protest bonds .....	384
163	H.B. 2071	Photo red light imaging detector systems .....	385
164	H.B. 2343	Wage payment violations.....	386
165	H.B. 2399	State librarian; administrative assistants.....	387
166	H.B. 2482	Meeting notices .....	391

ACT NO.	BILL NO.	SUBJECT	PAGE
167	H.B. 2501	University of Hawaii; workers' compensation for students.....	391
168	H.B. 2513	Expungement; alcohol and property offenses.....	392
169	S.B. 795	Motion picture, digital media, and film production income tax credit .....	394
170	S.B. 1258	Kaena point state park .....	395
171	S.B. 2350	Noise pollution; mufflers .....	397
172	S.B. 2461	Medical cannabis.....	399
173	S.B. 2526	Technology services consolidation working group.....	400
174	S.B. 2715	Unfair labor practices.....	402
175	S.B. 2819	Slow-moving vehicles .....	404
176	S.B. 2861	Executive Listing Agreements Act.....	405
177	S.B. 2943	Commercial drivers workforce working group.....	407
178	S.B. 2958	Statutory revision .....	408
179	S.B. 3011	Weed whackers .....	416
180	S.B. 3242	Road safety .....	417
181	S.B. 2413	Agricultural lands; leases.....	418
182	H.B. 1923	Overnight camps in agricultural districts.....	419
183	H.B. 2337	Advisory committee on pesticides .....	424
184	H.B. 2546	Invasive species; fine meshed nets .....	424
185	S.B. 2401	Feral chickens.....	425
186	H.B. 1832	Vacant state positions; minimum qualification review .....	426
187	H.B. 1916	Public servants' personal information.....	427
188	S.B. 2216	State ethics commission.....	433
189	S.B. 2217	Ethics; disclosure statements .....	437
190	S.B. 2240	Voter registration rolls .....	440
191	S.B. 2687	Distribution of materially deceptive media.....	441
192	S.B. 3070	Employees' retirement system; funding period.....	444
193	H.B. 2192	Limited ownership of cemeteries .....	446
194	S.B. 2960	Farm and ranch lots .....	448
195	H.B. 2144	Homemade food products .....	451
196	S.B. 2079	Plant and animal declaration form .....	452
197	S.B. 3365	Plant care components .....	456
198	H.B. 2298	Coffee labeling and advertising.....	458
199	H.B. 2278	Macadamia nuts.....	461
200	S.B. 2284	Wildfire forecast system.....	463
201	H.B. 1842	Fire prevention; penalties .....	464
202	H.B. 2742	Pre-litigation mediation for tenancies.....	465
203	S.B. 2782	Multilingual accessibility standards.....	469
204	S.B. 3290	American Sign Language .....	471
205	S.B. 2983	Charitable fundraising.....	472
206	H.B. 1902	Emergency management powers; price control.....	486
207	S.B. 2787	Immigration services and access unit.....	489
208	H.B. 2193	Fireworks .....	491
209	S.B. 2085	State fire marshal.....	498
210	H.B. 2107	Emergency management; limited English proficiency language access coordinator and community projects .....	504
211	S.B. 2693	Charitable fraud during a state of emergency .....	505
212	H.B. 2526	Driving without a valid license .....	506
213	S.B. 2347	Habitual violent crime.....	507
214	S.B. 2182	Ocean stewardship.....	509
215	S.B. 2721	Ocean recreation; violations and penalties.....	510
216	H.B. 2478	Pacific marine fisheries compact .....	512
217	H.B. 2743	Cesspools .....	516
218	H.B. 2453	Drinking water treatment revolving loan fund; water pollution control revolving fund .....	518
219	H.B. 2467	Public land leases; rental reductions or waivers .....	520
220	H.B. 2471	Public lands; inspection of demised premises .....	520
221	H.B. 1527	Veterinary medicine.....	523
222	H.B. 1554	Aquatic resources; rulemaking authority.....	524

ACT NO.	BILL NO.	SUBJECT	PAGE
223	H.B. 1922	Wildlife; rulemaking authority .....	527
224	H.B. 2058	Dangerous dogs.....	528
225	S.B. 3364	Destination management.....	535
226	H.B. 2248	North shore beach management plan .....	540
227	H.B. 2475	Commercial ocean activity .....	542
228	S.B. 2575	Hawaii Seabed Mining Prevention Act .....	546
229	H.B. 40	Excess revenues .....	548
230	H.B. 1800	Supplemental Appropriations Act of 2024 .....	549
231	H.B. 2619	Agricultural biosecurity.....	719
232	S.B. 3153	Dam and appurtenance improvement or removal grant program special fund.....	726
233	H.B. 1911	Judiciary supplemental appropriations act of 2024 .....	729
234	H.B. 1640	Collective bargaining; repricing of classes .....	733
235	H.B. 1763	Rental housing revolving fund.....	735
236	H.B. 1936	Mooring of vessels .....	736
237	H.B. 2581	Emergency management; electronic media transmission .....	737
238	S.B. 2439	Civil statute of limitations for sexual offenses .....	740
239	S.B. 2193	Violation of privacy .....	741
240	S.B. 2532	Burglary; multi-unit buildings .....	742
241	S.B. 2706	Clean slate expungement task force.....	743
242	S.B. 3033	Physical evidence .....	745
243	S.B. 3034	Intoxication; penal liability.....	746
244	S.B. 3037	Promoting pornography for minors.....	747
245	H.B. 1953	Penal code review .....	748
246	H.B. 1611	Law enforcement officers; National Decertification Index .....	750
247	H.B. 2352	Law enforcement standards board.....	751
248	S.B. 2845	Ammunition .....	758
249	S.B. 2197	Gambling .....	761
250	S.B. 2601	Sexual abuse of minors.....	762
251	H.B. 2231	Law enforcement officers; diversity.....	764
252	H.B. 2657	Abusive litigation .....	765
253	H.B. 1801	State bonds.....	771

**PROPOSED CONSTITUTIONAL AMENDMENTS  
2024 REGULAR SESSION**

BILL NO.	SUBJECT	PAGE
H.B. 2802	Marriage .....	778
S.B. 2927	District court judges .....	778



**Session Laws of Hawaii  
Passed By The  
Thirty-Second State Legislature  
Regular Session  
2024**

**ACT 1**

H.B. NO. 129

A Bill for an Act Relating to Recounts.

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

SECTION 1. Section 11-158, Hawaii Revised Statutes, is amended to read as follows:

“~~§§11-158~~ **Mandatory recount of votes.** (a) The chief election officer, or the clerk in the case of a county election, shall conduct a recount of all votes cast for any office or ballot question in any election if the official tabulation of all of the returns for that office or question reveals that the difference in:

- (1) The number of votes cast for a candidate apparently qualified for the general election ballot or elected to office and the number of votes cast for the closest apparently defeated opponent; or
- (2) The number of votes cast in the affirmative for the ballot question and the number of votes cast in the negative for the ballot question, including when applicable, the tabulation of blank votes,

is equal to or less than one hundred votes or one-quarter of one per cent of the total number of votes cast for the contest, whichever is ~~greater.~~ lesser.

(b) No candidate shall be charged for the cost of a mandatory recount under this section.

(c) All mandatory recounts of votes under this section shall be completed and the results publicly announced ~~[no later than seventy-two hours after the closing of polls on]~~ by the fifth business day after election day.

(d) The chief election officer may adopt rules pursuant to chapter 91 for the mandatory recount of votes under this section, including:

- (1) Authorizing candidates affected by the recount, or their designated representatives, to attend and witness the recount; and
- (2) Notifying the parties described in paragraph (1) of the time and place of the recount no later than one day prior to the date of the recount.

(e) This section shall apply to votes counted pursuant to section 11-151.

(f) A recount conducted pursuant to this section shall not be considered a contest for cause subject to section 11-172.”

SECTION 2. Section 11-173.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

## ACT 2

“(a) In a primary and special primary election contest, or a county election contest held concurrently with a regularly scheduled primary or special primary election, the complaint shall be filed in the office of the clerk of the supreme court no later than 4:30 p.m. on the thirteenth day after a primary or special primary election or a county election contest held concurrently with a regularly scheduled primary or special primary election, and shall be accompanied by a deposit for costs of court as established by the rules of the supreme court[; ~~provided that a complaint for a contest for cause that arises from a mandatory recount pursuant to section 11-158 shall be filed no later than 4:30 p.m. on the third calendar day following the public announcement of the results of the mandatory recount pursuant to section 11-158(e)~~]. The clerk shall issue to the defendants named in the complaint a summons to appear before the supreme court no later than 4:30 p.m. on the fifth day after service of the summons.”

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 5, 2024.)

## ACT 2

H.B. NO. 2520

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 Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2023-2024 has already been exceeded by \$1,005,342,735, or 9.4 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 2023-2024 to be further exceeded by \$28,572,120, or 1.0 per cent. This declaration takes into account the additional 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.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$11,686,000 or so much thereof as may be necessary to the senate for the following expenses:

- (1) The sum of \$10,423,500 for defraying any and all session and non-session expenses of the senate up to and including June 30, 2025, including the 2024 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 2024 and 2025 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 \$16,077,122 or so much thereof as may be necessary to the house of representatives for the following expenses:

- (1) The sum of \$15,026,198 for defraying any and all session and non-session expenses of the house of representatives up to and including June 30, 2025, including the 2024 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 2024 and 2025 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 2024 and 2025 regular sessions shall be made only with the approval of the president of the senate, and payment of expenses of the house of representatives during the interim between the 2024 and 2025 regular sessions shall be made only with the approval of the speaker of the house of representatives.

SECTION 5. Before January 17, 2025, 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, 2025.

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 \$3,556,800 or so much thereof as may be necessary to the office of the auditor for the following expenses:

## ACT 2

- (1) The sum of \$3,406,800 for defraying the expenses of the office of the auditor during fiscal year 2024-2025; and
- (2) The sum of \$150,000 during fiscal year 2024-2025 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 2024-2025 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 2024-2025 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 \$4,265,423 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 2024-2025, 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 \$1,574,544 or so much thereof as may be necessary to the office of the ombudsman for defraying the expenses of the office during fiscal year 2024-2025.

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 \$1,584,678 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 2024-2025.

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 represen-

tatives, 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	\$100,780
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, 2025.

SECTION 14. As of the close of business on June 30, 2025, 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 14, 2024.)

**ACT 3**

S.B. NO. 2387

A Bill for an Act Relating to Owners of Land.

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

SECTION 1. The legislature finds that sections 520-3 and 520-4(a), Hawaii Revised Statutes, erroneously refer to section 520-6, Hawaii Revised Statutes, and should instead refer to section 520-5, Hawaii Revised Statutes. The legislature also finds that sections 520A-3 and 520A-4(a), Hawaii Revised Statutes, erroneously refer to section 520A-6, Hawaii Revised Statutes, and should instead refer to section 520A-5, Hawaii Revised Statutes.

The legislature further finds that the legislative reference bureau’s revision bill is not the correct vehicle to make these changes, since there are questions of legislative intent.

Therefore, the purpose of this Act is to correct erroneous references in chapters 520 and 520A, Hawaii Revised Statutes.

SECTION 2. Section 520-3, Hawaii Revised Statutes, is amended to read as follows:

**“§520-3 Duty of care of owner limited.** Except as specifically recognized by or provided in section [~~520-6,~~] 520-5, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes, or to persons entering for a purpose in response to a recreational user who requires assistance, either

## ACT 3

direct or indirect, including but not limited to rescue, medical care, or other form of assistance.”

SECTION 3. Section 520-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as specifically recognized by or provided in section [~~520-6;~~ 520-5], an owner of land who either directly or indirectly invites or permits without charge any person to use the property for recreational purposes does not:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed;
- (3) Assume responsibility for, or incur liability for, any injury to person or property caused by an act of omission or commission of such persons; and
- (4) Assume responsibility for, or incur liability for, any injury to person or persons who enter the premises in response to an injured recreational user.”

SECTION 4. Section 520A-3, Hawaii Revised Statutes, is amended to read as follows:

“**§520A-3 Duty of care of owner limited.** Except as specifically recognized by or provided in section [~~520A-6;~~ 520A-5], an owner of land owes no duty of care to keep the premises safe for entry or use by others for control or eradication of invasive species, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes, or to persons entering in response to such persons who require assistance, either directly or indirectly, including but not limited to rescue, medical care, or other form of assistance.”

SECTION 5. Section 520A-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as specifically recognized by or provided in section [~~520A-6;~~ 520A-5], an owner of land who either directly or indirectly invites or permits without charge any person to use the property for control or eradication of invasive species does not:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed;
- (3) Assume responsibility for, or incur liability for, any injury to any person or property caused by an act of omission or commission of such persons; and
- (4) Assume responsibility for, or incur liability for, any injury to any person or persons who enter the premises in response to an injured person who entered the premises to control or eradicate invasive species.”

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

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

(Approved April 11, 2024.)

A Bill for an Act Relating to State Snails.

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

SECTION 1. The legislature finds that Hawaii’s land snails have a significant role in native ecosystems. Hawaii’s land snails act as fungivores that scrape fungus from plants to promote plant health, decompose decaying material for plant nutrients, and are a major component of intact watershed forest communities. These snails may also serve as a food source for other native species. In Hawaiian culture, snails such as kähuli, pūpūkanioe, and pūpū kuahiwi have a significant role in native songs, hula, and chants and are a symbol of romance and omens. Furthermore, land snails are among the most threatened of all animal groups in the world, with more recorded extinctions than birds and mammals combined.

The legislature further finds that designating certain species as official state snails that are emblematic of Hawaii will increase awareness of the imperiled status and cultural and ecological relevance of all Hawaiian land snails, preserve their cultural and ecological significance, and encourage continued conservation of native Hawaiian invertebrates.

The legislature also finds that previous legislation in 2020 would have designated a single species as the state snail and that, due to the geographic variability of snails and their close ties to particular islands, the senate standing committee on government operations invited the Bishop Museum and department of land and natural resources to suggest multiple snails species to be designated as official state snails to better represent the diversity of the Hawaiian Islands.

The legislature finds that 2023 was proclaimed “Year of the Kähuli”, during which the Bishop Museum organized a statewide snail voting campaign to give voice to the community in deciding which snail species to recommend to the legislature to be designated as the official state snail for each island. As a result, Hawaii’s K-12 students and community members from across the State voted to establish snails that are emblematic of the distinctive flora and fauna of the Northwestern Hawaiian Islands and each island in Hawaii.

The purpose of this Act is to designate official state snails based on the results of the Bishop Museum community outreach and voting process.

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 snails. (a) Hini hini kua mauna (*Succinea konaensis*) is established and designated as the official snail of the island of Hawai‘i.

(b) Pūpū kua mauna (*Lyropupa striatula*) is established and designated as the official snail of the island of Maui.

(c) Pūpū kua mauna (*Pleuropoma laciniosa kahoolawensis*) is established and designated as the official snail of the island of Kaho‘olawe.

(d) Pūpū kuahiwi (*Auriculella lanaiensis*) is established and designated as the official snail of the island of Lāna‘i.

(e) Pūpū kuahiwi (*Laminella venusta*) is established and designated as the official snail of the island of Moloka‘i.

(f) Kähuli (*Kaala subrutila*) is established and designated as the official snail of the island of O‘ahu.

(g) *Erinna newcombi* is established and designated as the official snail of the island of Kaua‘i.

## ACT 5

(h) Kahelelani‘ila‘ula (Collonista verruca) is established and designated as the official snail of the island of Ni‘ihau.

(i) Naka kua mauna (Endodonta christenseni) is established and designated as the official snail of the Northwestern Hawaiian Islands.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved April 12, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 5

H.B. NO. 1541

A Bill for an Act Relating to Suicide Prevention and Awareness Month.

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

SECTION 1. Act 36, Session Laws of Hawaii 2019, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect on July 1, [2050.] 2024.”

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 18, 2024.)

## ACT 6

H.B. NO. 1880

A Bill for an Act Relating to the Electoral College.

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

SECTION 1. Section 14-26, Hawaii Revised Statutes, is amended to read as follows:

“**§14-26 Assembly of electors at state capital; time.** The electors chosen shall assemble at the state capital on the first [~~Monday~~] Tuesday after the second Wednesday in December next following their election, at two o’clock in the afternoon.”

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 18, 2024.)

## ACT 7

H.B. NO. 1915

A Bill for an Act Relating to the Uniform Probate Code.

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

SECTION 1. The purpose of this Act is to correct an oversight in Act 158, Session Laws of Hawaii 2023, which updated articles I through IV of the Uniform Probate Code to adjust for inflation, clarify provisions, resolve issues that have arisen in probate practice, and address societal changes in familial relations. Specifically, this Act reduces the number of required publications of a notice to creditors by a trustee to once a week for two successive weeks, consistent with the amendments Act 158 made to publication requirements applicable to probate matters generally.

SECTION 2. Section 560:3-801, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The trustee or successor trustee of any trust created by the decedent 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 either:

- (1) The decedent was domiciled; or
- (2) An application or petition for appointment of personal representative is filed announcing the trustee’s name and address, and notifying creditors of the decedent to present their claims to the trustee within four months after the date of the first publication of the notice or be forever barred.

The notice may be combined with the published notice of the pendency of any probate or appointment proceedings.”

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 18, 2024.)

## ACT 8

H.B. NO. 1950

A Bill for an Act Relating to Kimchi Day.

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

SECTION 1. The legislature finds that 2024 is the one hundred twenty-first anniversary of the arrival of the first Korean immigrant workers in Hawaii. Since that time, Korean Americans in Hawaii have greatly contributed to the diverse and vibrant culture of the State. Today, approximately 50,000 residents in Hawaii consider themselves ethnically Korean.

The legislature further finds that kimchi is a traditional Korean dish with a long, rich history that began over two millennia ago during the time of the Three Kingdoms of Korea. Kimchi has been a part of meals shared between friends and family in the Hawaiian Islands for as long as the State has been welcoming Korean immigrants. The legislature notes that Hawaii island is the birthplace of the first commercialized bottled kimchi in the country. Hannah Sun Nai Kim, the daughter of a Korean immigrant family who arrived in Honolulu Harbor in 1904, started her Kohala Kim Chee business in Hawaii in the 1940s.

The legislature also finds that currently, there are three hundred thirty-five different types of kimchi registered in South Korea. In 2013, the traditional process of preparing kimchi, “kimjang”, was recognized as an Intangible Cultural Heritage of Humanity by the United Nations Educational, Scientific and Cultural Organization. Kimchi can increasingly be found for sale at many major retailers across the United States and is becoming an international staple, particularly as it is used in the place of slaws, pickles, and sauerkraut in fusion cuisine. Kimchi is an excellent source of probiotics, folate, beta-carotene, choline, potassium, calcium, and vitamins A, C, and K. Many of these nutrients can contribute to lower rates of stroke, cancer, and diabetes. South Korea celebrates “National Kimchi Day” each November 22, as the date represents the eleven major ingredients in kimchi and the twenty-two health benefits of the food. In 2021, California passed a resolution designating November 22 as Kimchi Day, and Virginia passed a similar resolution in 2022.

In 2023, the legislature passed House Concurrent Resolution No. 33 to establish the first Kimchi Day in Hawaii on November 22, 2023. Across the State, the Korean-American community celebrated with festivals, cultural performances, and kimchi making demonstrations, and shared kimchi traditions. Additionally, on November 22, 2023, the first Kimchi Museum opened in Hawaii to celebrate the State’s first Kimchi Day and share the rich history of kimchi and the many different types of kimchi.

The legislature additionally finds that the establishment of an annual Kimchi Day will foster economic commercial relations with Korean American businesses in the State and across the continental United States. By celebrating Kimchi Day, the State will be able to offer an additional annual attraction to draw tourists and locals interested in experiencing and celebrating kimchi and Korean history and culture.

Therefore, the legislature now finds it appropriate to designate November 22 of each year as “Kimchi Day” 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- Kimchi Day. November 22 of each year shall be known and designated as “Kimchi Day”. This day is not and shall not be construed to be a state holiday.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved April 19, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 9**

S.B. NO. 2354

A Bill for an Act Relating to Alcohol.

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

SECTION 1. Section 281-1, Hawaii Revised Statutes, is amended by amending the definition of “beer” to read as follows:



““Beer” means any alcoholic beverage containing not less than 0.5 per cent alcohol by volume obtained by the [alcoholic] fermentation of any infusion or decoction of [barley or other grain,] malt, [and hops in water-] wholly or in part, or any substitute, including grain of any kind, bran, glucose, sugar, or molasses. “Beer” includes ale, porter, brown, stout, lager beer, small beer, strong beer, and alcoholic seltzer beverages. “Beer” does not include sake, also known as Japanese rice wine; cooler beverage; or any products of distillation, by whatever name known, that contain distilled spirits, alcoholic spirits, or spirits.”

SECTION 2. Section 281-31, Hawaii Revised Statutes, is amended by amending subsection (n) to read as follows:

(n) Class 14. Brewpub license. A brewpub licensee:

- (1) May sell malt beverages and beer manufactured on the licensee’s premises for consumption on the premises;
- (2) May sell malt beverages and beer manufactured by the licensee in brewery-sealed packages to class 3 wholesale dealer licensees pursuant to conditions imposed by the county by ordinance or rule;
- (3) May sell intoxicating liquor purchased from a class 3 wholesale dealer licensee to consumers for consumption on the licensee’s premises. The categories of establishments shall be as follows:
  - (A) A standard bar; or
  - (B) Premises in which live entertainment or recorded music is provided. Facilities for dancing by the patrons may be permitted as provided by commission rules;
- (4) May, subject to federal labeling and bottling requirements, sell malt beverages and beer manufactured on the licensee’s premises to consumers in brewery-sealed kegs and recyclable or reusable containers and sell malt beverages and beer manufactured on the licensee’s premises or purchased from a class 1 manufacturer licensee, a class 3 wholesale dealer licensee, a class 14 brewpub licensee, or a class 18 small craft producer pub licensee to consumers in growlers for off-premises consumption; provided that for purposes of this paragraph, “growler” means a recyclable or reusable container that does not exceed one gallon and is securely sealed on the licensee’s premises;
- (5) Shall comply with all requirements pertaining to class 4 retail dealer licensees when engaging in the retail sale of malt beverages[;] and beer;
- (6) May, subject to federal labeling and bottling requirements, sell malt beverages and beer manufactured on the licensee’s premises in brewery-sealed containers directly to class 2 restaurant licensees, class 3 wholesale dealer licensees, class 4 retail dealer licensees, class 5 dispenser licensees, class 6 club licensees, class 8 transient vessel licensees, class 9 tour or cruise vessel licensees, class 10 special licensees, class 11 cabaret licensees, class 12 hotel licensees, class 13 caterer licensees, class 14 brewpub licensees, class 15 condominium hotel licensees, class 18 small craft producer pub licensees, and consumers pursuant to conditions imposed by county ordinances or rules governing class 1 manufacturer licensees and class 3 wholesale dealer licensees;
- (7) May conduct the activities under paragraphs (1) to (6) at locations other than the licensee’s primary manufacturing premises; provided that:
  - (A) The manufacturing takes place in Hawaii;

**ACT 10**

- (B) Each of the other locations:
    - (i) Operates within the State under the same trade name for the premises; and
    - (ii) Is properly licensed within the county of its operation as a class 1 manufacturer licensee, class 2 restaurant licensee, class 4 retail dealer licensee, class 5 dispenser licensee, class 12 hotel licensee, class 14 brewpub licensee, or class 18 small craft producer pub licensee;
  - (C) The county liquor commission of the county in which the licensee satellite is located shall have jurisdiction of the satellite; and
  - (D) All requirements of the license class of the location shall be in effect as required by the county liquor commission for the satellite licensed premises; and
- (8) May allow minors, who are accompanied by a parent or legal guardian of legal drinking age, on the licensee's premises.”

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 April 19, 2024.)

**ACT 10**

S.B. NO. 582

A Bill for an Act Relating to State Budget.

*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.

**PART II**

SECTION 2. In accordance with section 9 of article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2023-2024 has already been exceeded by \$1,033,839,854 or ten per cent. The appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$362,000,000 or four per cent. This declaration takes into account the additional 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.

## PART III

SECTION 3. The legislature finds that the devastating wildfires brought on by winds from Hurricane Dora on August 8, 2023, resulted in one of the worst natural disasters in the State's history. The wildfires caused loss of life and displacement of thousands on the island of Maui. The disaster also destroyed nearly all of Lahaina.

The legislature further finds that to support response and recovery efforts and address immediate 2023 wildfire funding needs, the governor, through the seventh emergency proclamation relating to wildfires, dated September 8, 2023, and executive memorandum no. 23-08, redirected \$164,100,000, after adjustments, from selected general fund operating appropriations from Act 164, Session Laws of Hawaii 2023, originally intended for specific purposes and capital improvement projects, to the department of budget and finance. The department of budget and finance subsequently transferred the \$164,100,000 amount to the major disaster fund along with another \$30,000,000 that the governor authorized pursuant to section 5 of Act 164, Session Laws of Hawaii 2023. With the existing \$5,000,000 major disaster fund appropriation, a total of \$199,100,000 has been allocated to the major disaster fund for initial wildfire response and recovery, including the State's expected share of noncongregate housing and debris clean-up costs initially being paid by the Federal Emergency Management Agency. These steps provided what was thought to be sufficient funding for the State to address the expected fiscal year 2023-2024 response and recovery expenses as of the beginning of January 2024. The legislature further finds that the Federal Emergency Management Agency executed the contract for debris clean-up costs, and the State executed the contracts for noncongregate housing and related expenses for room and board of Maui wildfire victims displaced from their homes.

The legislature further finds that the immediate expenses in fiscal year 2023-2024 that the State may be obligated to provide total \$1,018,967,788, including:

- (1) \$500,000,000 for noncongregate Federal Emergency Management Agency eligible and Federal Emergency Management Agency ineligible housing;
- (2) \$135,512,492 for the State's share of mission assignment and federal assistance expenses;
- (3) \$123,680,797 for Federal Emergency Management Agency ineligible transitional housing and rental assistance;
- (4) \$194,774,499 for potential Federal Emergency Management Agency ineligible state expenses made by various state agencies; and
- (5) \$65,000,000 for a victim relief fund.

The State's expenses for noncongregate housing and other expenses, including expenses for individuals impacted by the wildfires who have been classified as not eligible for Federal Emergency Management Agency assistance, are expected to exceed the amounts previously transferred to the major disaster fund. Because the State executed these contracts, the State is responsible for making payment and will seek reimbursement from the Federal Emergency Management Agency for eligible costs. Issues have recently arisen over what costs are eligible for reimbursement, and the timeline in which the State will be reimbursed for eligible costs is currently not clear. The State will thus require additional funds to cover these immediate expenses in fiscal year 2023-2024.

Accordingly, the purpose of this part is to make an emergency appropriation to cover the State's immediate expenses incurred in the Maui wildfires disaster response efforts.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii to the department of budget and finance, departmental administration and budget division (BUF101), the sum of \$297,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 for expenses related to non-congregate housing and other costs relating to the provision of food, housing, or other assistance for individuals affected by the Maui wildfires disaster that began on August 8, 2023; provided that:

- (1) \$72,500,000 or so much thereof as may be necessary may be transferred to the department of human services to pay for housing that is ineligible for reimbursement by the Federal Emergency Management Agency and for other costs relating to the provision of food, housing, or other assistance for individuals affected by the Maui wildfires disaster that began on August 8, 2023; provided further that no funds transferred under this paragraph shall be expended unless matched with not less than \$40,000,000 of private funds; and
- (2) Any unexpended or unencumbered balance shall lapse to the general fund on June 30, 2024.

SECTION 5. The sum appropriated shall be expended by the department of budget and finance for the purposes of this part.

SECTION 6. Any law to the contrary notwithstanding, the department of budget and finance and department of human services shall submit the following information associated with the Hawaii wildfires disaster that began on August 8, 2023, to the legislature on the seventh day of each month:

- (1) The date of any expenditures;
- (2) The amounts of any expenditures made, separately, for Federal Emergency Management Agency eligible and Federal Emergency Management Agency ineligible expenses;
- (3) The purpose of the expenditures;
- (4) Any contracts executed for the expenditure of funds;
- (5) The liquidation date for all contracts or liabilities; and
- (6) A detailed explanation of the public purpose served by the expenditure of resources; provided that the governor shall submit to the legislature a summary report containing the aforementioned information for the previous twelve month period from December 1 to November 30 no later than thirty days prior to the convening of the regular session of 2025.

#### PART IV

SECTION 7. The legislature finds that the State's contribution of public funds to the one ohana bank trust account is for the compromise and settlement of claims to compensate individuals or their personal representatives affected by serious physical injury or death caused by the Maui wildfires and serves a public purpose.

The purpose of this part is to make an emergency appropriation to fund the State's contribution to the one ohana bank trust account for the compromise and settlement of claims based on the Maui wildfires.

SECTION 8. The legislature finds and declares that the contribution of state moneys to the one ohana bank trust account under this part for the compromise and settlement of claims is in the public interest and for the public health, safety, and general welfare of the State for the following reasons:

- (1) The State recognizes the devastating impact of the Maui wildfires on its residents, resulting in physical injury and loss of life;
- (2) It is imperative for the State to respond with compassion and support for those affected by the Maui wildfires, ensuring that victims or their personal representatives are provided with fair and just compensation on a timely basis;
- (3) The State's contribution to the one ohana bank trust account is for the compromise and settlement of claims for those who have lost loved ones or suffered serious physical injuries in the Maui wildfires. Participation in seeking compensation from the one ohana bank trust account is purely voluntary;
- (4) The legislature recognizes that contributors to the one ohana bank trust account besides the State include, among others, the county of Maui, Hawaiian Electric Company, the Kamehameha Schools, Charter Communications/Spectrum, Hawaiian Telcom, and the West Maui Land Company;
- (5) The legislature recognizes the one ohana bank trust account as an efficient mechanism to address this urgent and exceptional situation, and understands the one ohana bank trust account's unique ability to provide assistance to those in need;
- (6) The legislature recognizes the complexity and challenges of tort litigation and finds it prudent to provide an alternative through the one ohana bank trust account of streamlining the compensation process for those impacted by the Maui wildfires;
- (7) The legislature finds that it is in the public interest to encourage swift and fair resolution to claims arising from the Maui wildfires, thus alleviating the burden on the judicial system, and fostering community support, unity, and recovery in the aftermath of the Maui wildfires; and
- (8) The legislature recognizes that individuals seeking compensation from the one ohana bank trust account will be required to release the contributing parties to the fund from further liability and are willingly waiving their rights to pursue damages through tort litigation for wrongful death or personal injury claims, contributing to a more efficient resolution process.

Consequently, the legislature finds and declares that the public purpose is served by authorizing the expenditure of public moneys as the State's contribution to the one ohana bank trust account for the compromise and settlement of claims to provide an alternative for compensation to any individual or personal representative of a deceased individual who suffered serious physical injury or died as a result of the Maui wildfires, thus offering a timely and compassionate resolution to those affected by the Maui wildfires while relieving the burden on the judicial system and contributing to the rebuilding of lives and community.

SECTION 9. Any individual who receives compensation from the one ohana fund under this Act shall waive the right to sue for damages related to physical injury or death resulting from the Maui wildfires, recognizing the one ohana fund as an alternative to tort litigation.

SECTION 10. The department of the attorney general shall submit a report to the legislature no later than twenty days prior to the convening of each regular session, which shall include lists of:

- (1) Claims and the amounts paid by the one ohana bank trust account for the calendar year;

## ACT 10

- (2) The administrative costs incurred for the one ohana bank trust account for the calendar year; and
- (3) Contributors and their contribution amounts to the one ohana bank trust account received during the calendar year.

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of \$65,000,000, or so much thereof as may be necessary for fiscal year 2023-2024, to fund the State's contribution to the one ohana bank trust account for the compromise and settlement of claims to compensate individuals or personal representatives affected by serious physical injury or death caused by the 2023 Maui wildfires; provided that the moneys appropriated in this section shall not lapse at the end of the fiscal year for which the appropriation is made; and provided further that any moneys that remain unencumbered on June 30, 2025, shall lapse on that date; provided further that upon closure of the one ohana bank trust account, the remaining balance after the settlement of all administrative costs shall be returned to the contributors to the one ohana bank trust account in proportion to their contributions, with the State's proportionate contribution being returned to the general fund.

SECTION 12. The sum appropriated shall be expended by the department of the attorney general for the purposes of this part.

### PART V

SECTION 13. Act 115, Session Laws of Hawaii 2022, section 4, as amended by Act 35, Session Laws of Hawaii 2023, section 5, is amended 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, unallotted, or unrequired balances from the appropriation shall lapse to the general fund on ~~[June 30, 2024;]~~ the effective date of Act \_\_, Session Laws of Hawaii 2024; provided further that funds shall not be expended nor deposited into the pension accumulation fund before July 1, 2023.”

### PART VI

SECTION 14. Section 37-41.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) In addition to the five per cent retainage under subsection (a), the department of education may retain any appropriation received pursuant to section 127A-16(a) or as reimbursement for disaster relief pursuant to section ~~[127A-16(d)]~~ 127A-16(e) at the close of the fiscal year in which the appropriation or reimbursement was received, and the funds retained shall not lapse until June 30 of the first fiscal year of the next fiscal biennium. ~~[Such]~~ The funds shall be considered as separate and distinct from the funds the department of education is authorized to retain pursuant to subsection (a).”

SECTION 15. Section 127A-16, Hawaii Revised Statutes, is amended to read as follows:

“**§127A-16 Major disaster fund.** (a) The administrator shall submit requests to the legislature to appropriate from the general revenues of the State

sufficient moneys as may be necessary for expenditure by or under the direction of the governor for immediate relief in response to an emergency or disaster in any part of the State; provided that:

- (1) The governor has issued a proclamation of a state of emergency;
- (2) The governor shall not expend in excess of \$10,000,000 for immediate relief as a result of any single emergency or disaster; and
- (3) In addition to the funds in paragraph (2), an additional \$5,000,000 may be made available solely for the purpose of matching federal disaster relief funds when these funds become available to the State following a presidential disaster declaration.

In expending the moneys, the governor may allot any portion thereof to any agency, office, or employee of the State or a county for the most efficient relief for the population. Notwithstanding this subsection, the only exception to paragraphs (1), (2), and (3) is that the administrator may use up to \$250,000 per year to support the emergency management reserve corps.

(b) No later than sixty days after any allotment by the governor or the expenditure of any fund moneys, the administrator shall report to the legislature on the purpose of the allotment or expenditure.

(c) Except as provided in ~~[subsection (d)]~~ subsections (d) and (e), federal reimbursement moneys for disaster relief shall be deemed to be trust moneys and shall be deposited into a trust account with and under the control of the Hawaii emergency management agency. Upon receipt by the Hawaii emergency management agency, these moneys shall be reimbursed to the originating fund of the expending agency; provided that if the original appropriation has lapsed, the funds shall be returned to the general fund.

(d) Federal reimbursement moneys for disaster relief for the Maui wildfires disaster that began on August 8, 2023, shall be deemed to be trust moneys and shall be deposited into a trust account with and under the control of the Hawaii emergency management agency. These moneys and any interest earned thereon shall be used for the recovery efforts from the Maui wildfires disaster that began on August 8, 2023, and shall not lapse to the general fund.

~~[(d)]~~ (e) In cases in which the department of education expends the funds appropriated to the department for purposes deemed to be reimbursable by federal reimbursement moneys for disaster relief, the federal reimbursement moneys shall not lapse to the general fund and shall be credited directly to the department of education without regard to whether the original appropriation has lapsed. ~~[Such]~~ The funds shall carry over in accordance with section 37-41.5(c).

~~[(e)]~~ (f) Any unspent funding under \$2,500,000 shall be rolled over to the next fiscal year to support current and future emergencies and disasters.

~~[(f)]~~ (g) Each state department and agency shall submit to the administrator, no later than August 1 of each year, a report of all funds expended, if any, for the prior fiscal year by the state department and agency for disaster response. The report shall include:

- (1) The source of funds, including the name and account number of the funding source;
- (2) The amount and purpose of each expenditure; and
- (3) Whether any programs, activities, or contracts were reduced as a result of disaster response spending by the state department and agency.

~~[(g)]~~ (h) The administrator shall submit an annual report to the legislature no later than September 1 of each year on:

- (1) The amount of federal reimbursement moneys for disaster response that the State could have applied for during the prior fiscal year. The

## ACT 11

- report shall indicate the amount of federal reimbursement moneys for disaster response broken down by department and agency;
- (2) The amount of federal reimbursement moneys for disaster response that the State applied for and the amount received during the prior fiscal year. The report shall indicate the amount of federal reimbursement moneys for disaster response broken down by department and agency;
  - (3) The justification for any difference in the amount of federal reimbursement moneys for disaster response that the State was eligible for and the amount the State applied for;
  - (4) The average amount of time between the submittal of an application for a Federal Emergency Management Agency reimbursement and receipt of the funds;
  - (5) The number of disaster accounts opened for the prior fiscal year; and
  - (6) The information relating to the expenditure of funds that is reported by each state department and agency pursuant to subsection ~~(f)~~ (g).”

### PART VII

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 on July 1, 2026, sections 14 and 15 of this Act shall be repealed and sections 37-41.5 and 127A-16, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective date of this Act; provided further that on June 30, 2026, any unencumbered trust account moneys retained, pursuant to section 15 of this Act, in the account to be used for the recovery efforts from the Maui wildfires disaster that began on August 8, 2023, shall lapse to the general fund.

(Approved May 2, 2024.)

## ACT 11

H.B. NO. 1598

A Bill for an Act Relating to the Sunshine Law.

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

SECTION 1. The purpose of this Act is to:

- (1) Require boards to make available for public inspection board packets, if created, at the time the board packet is distributed to board members but no later than two business days before the board meeting;
- (2) Allow public testimony to be distributed to board members before the board meeting;
- (3) Require boards to include in the notice to persons requesting notification of meetings, a list of the documents that were compiled by the board and distributed to board members before a board meeting for use at the meeting; and
- (4) Require boards to post board packets on its website.



SECTION 2. Section 92-7.5, Hawaii Revised Statutes, is amended to read as follows:

**“§92-7.5 Board packet; filing; public inspection; notice.** At the time the board packet is distributed to the board members, but no later than ~~[forty-eight hours]~~ two business days before the meeting ~~[time]~~, the board shall also make the board packet available for public inspection in the board’s office; provided that nothing in this section shall require creation of a board packet~~[-]~~; provided further that nothing in this section shall prohibit the distribution of public testimony to board members before the meeting. The board shall provide notice to persons requesting notification of meetings pursuant to section 92-7(e) that includes a list of the documents that were compiled by the board and distributed to the board members before a meeting for use at that meeting and that the board packet is available for inspection in the board’s office and shall provide reasonably prompt access to the board packet to any person upon request. The board is not required to mail board packets. As soon as practicable, the board shall accommodate requests for electronic access to the board packet~~[-]~~ and shall post the board packet on its website.

For purposes of this section~~[-~~“board”];

“Board packet” means documents that are compiled by the board and distributed to board members before a meeting for use at that meeting, to the extent the documents are public under chapter 92F; provided that this section shall not require disclosure of executive session minutes, license applications, or other records for which the board cannot reasonably complete its redaction of nonpublic information in the time available before the public inspection required by this section.

“Business day” shall have the same meaning as in section 11-1.”

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

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

(Approved May 3, 2024.)

## ACT 12

H.B. NO. 1599

A Bill for an Act Relating to the Sunshine Law.

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

SECTION 1. The purpose of this Act is to:

- (1) Require public meeting notices to inform members of the public how to provide remote oral testimony in a manner that allows the testifier, upon request, to be visible to board members and other meeting participants; and
- (2) Recognize a board’s authority to remove and block individuals who disrupt meetings remotely.

SECTION 2. Section 92-3.7, Hawaii Revised Statutes, is amended to read as follows:

**“§92-3.7 Remote meeting by interactive conference technology; notice; quorum.** (a) A board may hold a remote meeting by interactive conference technology; provided that the interactive conference technology used by the board allows audiovisual interaction among all members of the board partic-

icipating in the meeting and all members of the public attending the meeting, except as otherwise provided under this section; provided further that there is at least one meeting location that is open to the public and has an audiovisual connection. A board holding a remote meeting pursuant to this section shall not be required to allow members of the public to join board members in person at nonpublic locations where board members are physically present or to identify those locations in the notice required by section 92-7; provided that at the meeting, each board member shall state the name of any person eighteen years of age or older who is present at the nonpublic location with the member; provided further that the name of a person under the age of eighteen years shall be stated if the person has a personal business, property, or financial interest on any issue before the board at the meeting. The notice required by section 92-7 shall:

- (1) List at least one meeting location that is open to the public that shall have an audiovisual connection; and
- (2) Inform members of the public how to contemporaneously:
  - (A) Remotely view the video and audio of the meeting through internet streaming or other means; and
  - (B) Provide remote oral testimony in a manner that allows [board]:
    - (i) ~~Board members and other meeting participants to hear the testimony[, whether through an internet link, a telephone conference, or other means.]; and~~
    - (ii) The testifier to be visible to board members and other meeting participants upon request by the testifier.

The board may provide additional locations open for public participation. The notice required by section 92-7 shall list any additional locations open for public participation and specify, in the event an additional location loses its audiovisual connection to the remote meeting, whether the meeting will continue without that location or will be automatically recessed to restore communication as provided in subsection (c).

(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) 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.

(c) A meeting held by interactive conference technology shall be automatically recessed for up to thirty minutes to restore communication when audio-

visual communication cannot be maintained with all members participating in the meeting or with the public location identified in the board's notice pursuant to subsection (a)(1) or with the remote public broadcast identified in the board's notice pursuant to subsection (a)(2)(A). This subsection shall not apply based on the inability of a member of the public to maintain an audiovisual connection to the remote public broadcast, unless the remote public broadcast itself is not transmitting an audiovisual link to the meeting. The meeting may reconvene when either audiovisual communication is restored, or audio-only communication is established after an unsuccessful attempt to restore audiovisual communication, but only if the board has provided reasonable notice to the public as to how to access the reconvened meeting after an interruption to communication. If audio-only communication is established, then each speaker shall be required to state their name before making their remarks. Within fifteen minutes after audio-only communication is established, copies of nonconfidential visual aids that are required by or brought to the meeting by board members or as part of a scheduled presentation shall be made available either by posting on the Internet or by other means to all meeting participants, including those participating remotely, and those agenda items for which visual aids are not available for all participants shall not be acted upon at the meeting. If it is not possible to reconvene the meeting as provided in this subsection within thirty minutes after an interruption to communication and the board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

(d) During executive meetings from which the public has been excluded, board members shall be audible to other authorized participants but shall not be required to be visible. To preserve the executive nature of any portion of a meeting closed to the public, the presiding officer shall publicly state the names and titles of all authorized participants, and, upon convening the executive session, all participants shall confirm to the presiding officer that no unauthorized person is present or able to hear them at their remote locations or via another audio or audiovisual connection. The person organizing the interactive conference technology shall confirm that no unauthorized person has access to the executive meeting as indicated on the control panels of the interactive conference technology being used for the meeting, if applicable.

(e) Nothing in this section shall prohibit a board from removing or blocking any person who wilfully disrupts or compromises the conduct of a meeting.

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 May 3, 2024.)

## ACT 13

H.B. NO. 1600

A Bill for an Act Relating to Open Meetings.

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

SECTION 1. The legislature finds that for decades, the State's Sunshine Law has had an exception to the open meetings requirement to permit a limited number of board members to investigate an issue and report back to the board before a decision is made. In these cases, the board must hold three meetings:

## ACT 14

first, to identify the members and scope of the investigative group; second, for the investigative group to report its findings to the board; and finally, for the board to discuss and act on the investigative group's report. However, the legislature finds that over the years, there have been multiple occasions where boards have attempted to circumvent the legislative intent that the public and board have sufficient time to digest the investigative group's report before any substantive discussion occurs by the board. Specifically, boards have circumvented this legislative intent by separately noticing back-to-back meetings, first for the investigative group to report to the board, and second for the board to act on the report. Most recently, the Honolulu city council attempted to schedule a meeting for an investigative group to report back on its investigation into real property tax bills with a "separate" meeting to discuss and act on the report scheduled for thirty minutes after the investigative group reported to the council.

The purpose of this Act is to require board meetings to deliberate and decision-make on an investigative group's report to occur at least six business days after the investigative group has presented the findings and recommendations of its investigation to the board.

SECTION 2. Section 92-2.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Two or more members of a board, but less than the number of members that would constitute a quorum for the board, may be assigned to:

- (1) Investigate a matter relating to board business; provided that:
  - (A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;
  - (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and
  - (C) Deliberation and ~~[decisionmaking]~~ decision-making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held ~~[subsequent to]~~ no less than six business days after the meeting at which the findings and recommendations of the investigation were presented to the board; or
- (2) Present, discuss, or negotiate any position that the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board before the presentation, discussion, or negotiation."

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

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

(Approved May 3, 2024.)

## ACT 14

H.B. NO. 1879

A Bill for an Act Relating to the Digital Voter Information Guide.

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

SECTION 1. Section 11-122, Hawaii Revised Statutes, is amended to read as follows:

"~~§§11-122~~ **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 Olelo 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.
- (e) Notwithstanding chapter 92F and any other law to the contrary, the contents of subsection (b) shall not be released to any requestor in whole or in part before the public release of the entire guide.”

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

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

(Approved May 3, 2024.)

A Bill for an Act Relating to Administrative Fines.

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

SECTION 1. The purpose of this Act is to update the maximum administrative fines allowed for violations of chapters relating to standards of conduct and lobbyists.

SECTION 2. Section 84-39, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Where an administrative fine has not been established for a violation of this chapter, any person, including a legislator or employee, who violates this chapter shall be subject to an administrative fine imposed by the state ethics commission that shall not exceed [~~\$1,000~~] \$5,000 for each violation. All fines collected under this section shall be deposited in the general fund.”

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

“(a) Any person 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;
- (4) Fails to provide information required by section 97-2, including documentation confirming completion of the mandatory lobbyist training course, or 97-3; or
- (5) Makes a gift in violation of section 97-5.5[~~];~~]

shall be subject to an administrative fine imposed by the state ethics commission that shall not exceed [~~\$1,000~~] \$5,000 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. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved May 3, 2024.)

A Bill for an Act Relating to Campaign Finance.

*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 part XIII, subpart E, to be appropriately designated and to read as follows:

**“§11- Solicitations relating to disasters.** (a) No candidate, candidate committee, or noncandidate committee shall solicit a contribution in a manner that would lead a reasonable person to believe that the solicited contribution would primarily be used to provide assistance to persons directly affected by a disaster unless the solicitation includes an explicit disclosure that:

- (1) The solicited contributions are subject to state campaign finance law;
- (2) Contributions may be used to influence the outcomes of elections for political office or votes relating to ballot questions; and
- (3) Persons affected by the disaster may not necessarily benefit from any solicited contribution.

(b) The disclosure described in subsection (a) shall be prominently displayed or announced in a manner that a reasonable person is likely to notice while reading, listening to, or observing the remainder of the solicitation.

(c) A person who violates this section shall be guilty of a class C felony.

(d) For the purposes of this section, “disaster” shall have the same meaning as defined in section 127A-2.”

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

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved May 3, 2024.)

#### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 17

S.B. NO. 2919

A Bill for an Act Relating to Property.

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

SECTION 1. The legislature finds that the district court in *Hawaii Legal Short-Term Rental Alliance v. City and County of Honolulu*, No. 22-cv-247-DKW-RT (D. Haw., 2022), permanently enjoined the city and county of Honolulu from enforcing Ordinance No. 22-7, insofar as it prohibited thirty- to eighty-nine-day home rentals, or the advertisement of these rentals, in any district on Oahu. Notwithstanding, it is the legislature’s intent to honor and wholeheartedly support the home rule authority statutorily provided to the counties relating to zoning to ensure that the counties are able to guide the overall future development of their local jurisdictions in a manner they deem fit, using the tools available to the counties to put their general plans into effect in an orderly manner.

Accordingly, the purpose of this Act is to:

- (1) Clarify the counties’ authority to regulate by zoning ordinance the time, place, manner, and duration in which uses of land and structures may take place;

- (2) Clarify that uses that include the provision of transient accommodations are not considered residential uses and may be phased out or amortized by the counties; and
- (3) Expand the scope of the transient accommodations tax law to include certain shelters and vehicles with sleeping accommodations.

SECTION 2. Section 46-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) This section and any ordinance, rule, or regulation adopted in accordance with this section shall apply to lands not contained within the forest reserve boundaries as established on January 31, 1957, or as subsequently amended.

Zoning in all counties shall be accomplished within the framework of a long-range, comprehensive general plan prepared or being prepared to guide the overall future development of the county. Zoning shall be one of the tools available to the county to put the general plan into effect in an orderly manner. Zoning in the counties of Hawaii, Maui, and Kauai means the establishment of districts of such number, shape, and area, and the adoption of regulations for each district, to carry out the purposes of this section. In establishing or regulating the districts, full consideration shall be given to all available data as to soil classification and physical use capabilities of the land to allow and encourage the most beneficial use of the land consonant with good zoning practices. The zoning power granted ~~herein~~ in this section shall be exercised by ordinance, which may relate to:

- (1) The areas within which agriculture, forestry, industry, trade, and business may be conducted;
- (2) The areas in which residential uses may be regulated or prohibited;
- (3) The areas bordering natural watercourses, channels, and streams, in which trades or industries, filling or dumping, erection of structures, and the location of buildings may be prohibited or restricted;
- (4) The areas in which particular uses may be subjected to special restrictions;
- (5) The location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered;
- (6) The location, height, bulk, number of stories, and size of buildings and other structures;
- (7) The location of roads, schools, and recreation areas;
- (8) Building setback lines and future street lines;
- (9) The density and distribution of population;
- (10) The percentage of a lot that may be occupied, size of yards, courts, and other open spaces;
- (11) Minimum and maximum lot sizes; ~~and~~
- (12) The time, place, manner, and duration in which uses of land and structures may take place; and
- ~~(12)~~ (13) Other regulations the boards or [city] council of any county find necessary and proper to permit and encourage the orderly development of land resources within their jurisdictions.

The council of any county shall prescribe rules, regulations, and administrative procedures and provide personnel it finds necessary to enforce this section and any ordinance enacted in accordance with this section. The ordinances may be enforced by appropriate fines and penalties, civil or criminal, or by court order at the suit of the county or the owner or owners of real estate directly affected by the ordinances.



Any civil fine or penalty provided by ordinance under this section may be imposed by the district court, or by the zoning agency after an opportunity for a hearing pursuant to chapter 91. The proceeding shall not be a prerequisite for any injunctive relief ordered by the circuit court.

Nothing in this section shall invalidate any zoning ordinance or regulation adopted by any county or other agency of government pursuant to the statutes in effect ~~prior to~~ before July 1, 1957.

The powers granted ~~herein~~ in this section shall be liberally construed in favor of the county exercising them, and in ~~such~~ a manner ~~as to promote~~ that promotes the orderly development of each county or city and county in accordance with a long-range, comprehensive general plan to ensure the greatest benefit for the State as a whole. This section shall not be construed to limit or repeal any powers of any county to achieve these ends through zoning and building regulations, except insofar as forest and water reserve zones are concerned and as provided in subsections (c) and (d).

Neither this section nor any ordinance enacted pursuant to this section shall prohibit the continued lawful use of any building or premises for any trade, industrial, residential, agricultural, or other purpose for which the building or premises is used at the time this section or the ordinance takes effect; provided that a zoning ordinance may provide for elimination of nonconforming uses as the uses are discontinued, or for the amortization or phasing out of nonconforming uses or signs over a reasonable period of time in commercial, industrial, resort, and apartment zoned areas only. In no event shall ~~such~~ the amortization or phasing out of nonconforming uses apply to any existing building or premises used for residential (single-family or duplex) or agricultural uses~~[-];~~ provided that uses that include the furnishing or offering of transient accommodations shall not be considered residential or agricultural uses and may be phased out or amortized in any zoning district by county zoning regulations; provided further that a zoning ordinance may provide that transient accommodations may be furnished to a transient for a period of less than one hundred eighty consecutive days. Nothing in this section shall affect or impair the powers and duties of the director of transportation as set forth in chapter 262.

For purposes of this subsection, "transient accommodations" has the same meaning as defined in section 237D-1. "Transient accommodations" includes uses that require the payment of transient accommodations taxes."

SECTION 3. Section 237D-1, Hawaii Revised Statutes, is amended by amending the definition of "transient accommodations" to read as follows:

"Transient accommodations" means the furnishing of a room, apartment, suite, single family dwelling, shelter, or the like to a transient for less than one hundred eighty consecutive days for each letting in a hotel, apartment hotel, motel, condominium or unit as defined in chapter 514B, cooperative apartment, vehicle equipped with or advertised as including sleeping accommodations, dwelling unit, or rooming house that provides living quarters, sleeping, or house-keeping accommodations, or other place in which lodgings are regularly furnished to transients."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 6. This Act shall take effect upon its approval; provided that section 3 shall take effect on January 1, 2025.

(Approved May 3, 2024.)

ACT 18

H.B. NO. 1974

A Bill for an Act Relating to Social Services.

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

SECTION 1. The legislature finds that the State provides a personal needs allowance for individuals residing in adult residential care homes, domiciliary homes, adult foster homes, and other long-term care facilities. The personal needs allowance allows recipients to purchase necessary items, such as clothing, toiletries, and meals, and covers other day-to-day living expenses.

The legislature further finds that when the federal government first established the needs allowance in 1974, the allowance was set at \$25 per month, which was then subsequently increased to \$30 in 1998. Act 96, Session Laws of Hawaii 2007, increased the monthly needs allowance to \$50 to better accommodate the increase in the cost of living. However, the allowance has not been increased since then. The legislature believes that the personal needs allowance must be increased to effectively support individuals residing in long-term care facilities.

Accordingly, the purpose of this Act is to:

- (1) Increase the personal needs allowance from \$50 to \$75;
- (2) Clarify that the needs allowance is not intended to replace or affect funds received from the federal supplemental security income program;
- (3) Require certain long-term care facility operators to pay for generic toiletries, linens, and meals and snacks; and
- (4) Clarify the individuals who are eligible to receive the needs allowance.

SECTION 2. Section 346D-4.5, Hawaii Revised Statutes, is amended to read as follows:

**“§346D-4.5 Needs allowance; waiver program individuals.** (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; or
- (7) A community-based residence as part of the residential alternatives community care program.

(b) The needs allowance may be administered by the department of human services to pay for clothing and other personal miscellaneous needs, such as bus fare, personal postage costs, haircuts, and other costs of day-to-day living.

(c) The State’s supplemental payment for a needs allowance under subsection (a) shall be increased by an amount necessary to bring the allowance up to ~~to \$50~~ \$75 per month. The payment under this section shall be afforded to an individual notwithstanding that the individual is incapacitated; provided that

the moneys may be spent on behalf of the client, with a written accounting, by the operator of the residence or facility.

(d) The needs allowance is not intended to replace or affect the funds received from the federal supplemental security income program and shall be supplemental to any funds provided to a recipient by the federal supplemental security income program.

(e) The operators of facilities identified in subsection (a) shall pay for generic toiletries, including toilet paper, hand soap, and paper towels; linens, including bedding, sheets, blankets, towels, and bath towels; and meals and snacks for outings; provided that operators shall not use the needs allowance without the consent of the individual receiving the needs allowance.

(f) The needs allowance shall apply to persons otherwise eligible to receive monthly income pursuant to state law or rules and federal laws or regulations and is not intended to affect the classifications of, or number of, persons eligible to receive these funds.”

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, 2024.

(Approved May 13, 2024.)

## ACT 19

H.B. NO. 2069

A Bill for an Act Relating to the Department of Accounting and General Services.

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

SECTION 1. Section 26-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The department shall:

- (1) Preaudit and conduct after-the-fact audits of the financial accounts of all state departments to determine the legality of expenditures and the accuracy of accounts;
- (2) Report to the governor and to each regular session of the legislature as to the finances of each department of the State;
- (3) Administer the state risk management program;
- (4) Establish and manage motor pools;
- (5) Manage the preservation and disposal of all records of the State;
- (6) Undertake the program of centralized engineering and office leasing services, including operation and maintenance and lease buyback processing pursuant to subsection (d) of public buildings, for departments of the State;
- (7) Undertake the functions of the state surveyor;
- (8) Establish accounting and internal control systems;
- (9) Have the discretion to employ persons within the comptroller’s office who shall be exempt from chapters 76 and 89 in support of communications, change management, and business process improvement programs as part of the State’s information technology modernization efforts; provided that the persons shall be members of the state employees’ retirement system and shall be eligible to receive the ben-

efits of any state employee benefit program generally applicable to officers and employees of the State;

- [~~(9)~~] (10) Under the direction of the chief information officer, provide centralized computer information management and processing services;
- [~~(10)~~] (11) Establish a program to provide a means for public access to public information and develop an information network for state government;
- [~~(11)~~] (12) Assume administrative responsibility for the office of information practices; and
- [~~(12)~~] (13) Approve state fleet acquisitions; provided that:
  - (A) Beginning January 1, 2022, all new light-duty motor vehicles that are passenger cars purchased for the State’s fleet shall be zero-emission vehicles;
  - (B) Beginning as soon as practicable but no later than January 1, 2030, all new light-duty motor vehicles that are multipurpose passenger vehicles and trucks for the State’s fleet shall be zero-emission vehicles; and
  - (C) The comptroller may authorize an exemption for new fleet vehicle purchases if zero-emission vehicles are demonstrated to be cost-prohibitive on a lifecycle basis or unsuitable for the vehicles’ planned purpose, or if funds are unavailable.

For the purposes of this subsection:

“Light-duty motor vehicle” shall have the same meaning as contained in title 10 Code of Federal Regulations part 490.

“Multipurpose passenger vehicle” shall have the same meaning as contained in title 49 Code of Federal Regulations section 571.3.

“Passenger car” shall have the same meaning as contained in title 49 Code of Federal Regulations section 571.3.

“Truck” shall have the same meaning as contained in title 49 Code of Federal Regulations section 571.3.

“Zero-emission vehicle” shall have the same meaning as contained in title 40 Code of Federal Regulations section 88.102-94.”

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, 2024.

(Approved May 13, 2024.)

**ACT 20**

H.B. NO. 2216

A Bill for an Act Relating to Care Homes.

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

SECTION 1. Section 346-53, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The director, pursuant to chapter 91, shall determine the rate of payment for domiciliary care, including care provided in licensed developmental disabilities domiciliary homes, community care foster family homes, and certified adult foster homes, to be provided to recipients who are eligible for federal

~~[supplementary]~~ supplemental security income or public assistance, or both. The director shall provide for level of care payment as follows:

- (1) ~~[Beginning on July 1, 2008, for]~~ For adult residential care homes classified as facility type I, licensed developmental disabilities domiciliary homes as defined under section 321-15.9, community care foster family homes as defined under section 321-481, and certified adult foster homes as defined under section 321-11.2, the state supplemental payment shall not exceed ~~[\$651.90;]~~ \$784; and
- (2) ~~[Beginning on July 1, 2008, for]~~ For adult residential care homes classified as facility type II, the state supplemental payment shall not exceed ~~[\$759.90;]~~ \$892.

If the operator does not provide the quality of care consistent with the needs of the individual to the satisfaction of the department, the department may remove the recipient to another facility.

The department shall handle abusive practices under this section in accordance with chapter 91.

Nothing in this subsection shall allow the director to remove a recipient from an adult residential care home or other similar institution if the recipient does not desire to be removed and the operator is agreeable to the recipient remaining, except where the recipient requires a higher level of care than provided or where the recipient no longer requires any domiciliary care.”

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

SECTION 3. This Act shall take effect on October 1, 2024.

(Approved May 13, 2024.)

## ACT 21

H.B. NO. 2342

A Bill for an Act Relating to Weapons.

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

SECTION 1. The purpose of this Act is to clarify, update, and revise Hawaii’s laws relating to weapons in order to address hazards to public health, safety, and welfare.

SECTION 2. Chapter 134, Hawaii Revised Statutes, is amended by adding to part I a new section to be appropriately designated and to read as follows:

**“§134- Carrying of a firearm in the commission of a separate misdemeanor; penalty.** (a) It shall be unlawful for a person to knowingly carry on the person or have within the person’s immediate control a firearm while engaged in the commission of a separate misdemeanor offense, whether the firearm was loaded or not, and whether operable or not; provided that a person shall not be prosecuted under this section when the separate offense is an offense otherwise defined by this chapter or is the offense of criminally negligent storage of a firearm under section 707-714.5.

(b) A conviction and sentence under this section shall be in addition to and not in lieu of any conviction and sentence for the separate misdemeanor; provided that the sentence imposed under this section may run concurrently or consecutively with the sentence for the separate misdemeanor.

- (c) Any person violating this section shall be guilty of a class C felony.
- (d) For the purposes of this section, “misdemeanor” does not include a petty misdemeanor.”

SECTION 3. 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 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:
  - (1) Include:
    - (A) The applicant’s name, address, gender, height, weight, date of birth, place of birth, country of citizenship, social security number, alien or admission number;
    - (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
  - (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:
  - (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 all 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).
- (d) The chief of police of the respective counties shall issue permits to acquire firearms to:
  - (1) Citizens, nationals, or lawful permanent residents of the United States of the age of twenty-one years or more;
  - (2) Duly accredited official representatives of foreign nations;
  - (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 fire-

arm within forty-eight hours after termination of employment from a law enforcement agency;

- (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; 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 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 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, dealers licensed by the United States Department of Justice, law enforcement officers, 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 fortieth day from the date of application. Permits issued to acquire any pistol or revolver shall be void unless used within 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 revocation under section 134-13; provided that if a permittee is arrested for committing a felony, 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 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, National Crime Information Center, and 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 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) No person shall be issued a permit under this section for the acquisition of a firearm unless the person, 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 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 nongov-



ernmental 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 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. 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 corrections and rehabilitation.

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 corrections and rehabilitation receives notice that an applicant has been denied a permit because of a prior criminal conviction, the director of corrections and rehabilitation 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.

(m) The requirements of subsection (g) shall not apply to an applicant for a permit to acquire a rifle or shotgun who:

- (1) Has been issued a hunter education certificate under section 183D-28 that is valid for the life of the person; or
- (2) Has received a written exemption under section 183D-28.”

SECTION 4. Section 134-51, Hawaii Revised Statutes, is amended to read as follows:

**“§134-51 Deadly or dangerous weapons; prohibitions; penalty.** (a) Any person, not authorized by law, who knowingly carries concealed ~~upon~~ on the ~~[person’s self or within any vehicle used or occupied by the person or who is found armed with] person, or in a bag or other container carried by the person,~~ any dirk, dagger, blackjack, ~~[slug shot, billy,]~~ metal knuckles, ~~[pistol,]~~ or other deadly or dangerous weapon shall be guilty of a misdemeanor ~~[and may be immediately arrested without warrant by any sheriff, police officer, or other officer or person. Any weapon, above enumerated, upon conviction of the one carrying or possessing it under this section, shall be summarily destroyed by the chief of police or sheriff.];~~ provided that this subsection shall not apply to a billy.

(b) ~~[Whoever]~~ Any person who knowingly possesses or intentionally uses or threatens to use a dirk, dagger, blackjack, metal knuckles, or other deadly or dangerous weapon, or a billy, while engaged in the commission of a ~~[crime]~~ separate felony or misdemeanor shall be guilty of a class C felony.

(c) A conviction and sentence under subsection (b) shall be in addition to and not in lieu of any conviction and sentence for the separate felony or misdemeanor; provided that the sentence imposed under subsection (b) may run concurrently or consecutively with the sentence for the separate felony or misdemeanor.

(d) Upon conviction of a person for carrying or possessing a deadly or dangerous weapon pursuant to this section, the deadly or dangerous weapon shall be summarily destroyed by the chief of police or sheriff.

(e) Notwithstanding any provision to the contrary, this section shall not apply to:

- (1) A firearm, whether loaded or not, and whether operable or not;
- (2) A switchblade knife as defined in section 134-52;
- (3) A butterfly knife as defined in section 134-53; or
- (4) An electric gun as defined in section 134-81.
- (f) For purposes of this section, “billy” includes a cudgel, truncheon, police baton, collapsible baton, billy club, or nightstick.

(g) It shall be a defense to a prosecution under subsection (a) that a person was lawfully present in the person’s own home at the time of the offense.”

SECTION 5. Section 134-52, Hawaii Revised Statutes, is amended to read as follows:

**“§134-52 Switchblade knives; prohibitions; penalty.** (a) Whoever knowingly ~~[manufactures, sells, transfers, possesses, or transports in the State]~~

carries concealed on the person, or in a bag or other container carried by the person, any switchblade knife[~~-, being any knife having a blade which opens automatically (1) by hand pressure applied to a button or other device in the handle of the knife, or (2) by operation of inertia, gravity, or both,~~] shall be guilty of a misdemeanor.

(b) Whoever knowingly possesses or intentionally uses or threatens to use a switchblade knife while engaged in the commission of a [crime] separate felony or misdemeanor shall be guilty of a class C felony[-]; provided that a person shall not be prosecuted under this subsection when the separate felony or misdemeanor is an offense otherwise defined by this chapter.

(c) A conviction and sentence under subsection (b) shall be in addition to and not in lieu of any conviction and sentence for the separate felony or misdemeanor; provided that the sentence imposed under subsection (b) may run concurrently or consecutively with the sentence for the separate felony or misdemeanor.

(d) It shall be a defense to a prosecution under subsection (a) that the person was lawfully present in the person's own home at the time of the offense.

(e) For the purposes of this section, "switchblade knife" means any knife having a blade that opens automatically by:

- (1) Hand pressure applied to a button or other device in the handle of the knife; or
- (2) Operation of inertia, gravity, or both."

SECTION 6. Section 134-53, Hawaii Revised Statutes, is amended to read as follows:

**"[§134-53] Butterfly knives; prohibitions; penalty.** (a) Whoever knowingly [manufactures, sells, transfers, possesses, or transports in the State] carries concealed on the person, or in a bag or other container carried by the person, any butterfly knife[~~-, being a knife having a blade encased in a split handle that manually unfolds with hand or wrist action with the assistance of inertia, gravity or both,~~] shall be guilty of a misdemeanor.

(b) Whoever knowingly possesses or intentionally uses or threatens to use a butterfly knife while engaged in the commission of a [crime] separate felony or misdemeanor shall be guilty of a class C felony[-]; provided that a person shall not be prosecuted under this subsection when the separate felony or misdemeanor is an offense otherwise defined by this chapter.

(c) A conviction and sentence under subsection (b) shall be in addition to and not in lieu of any conviction and sentence for the separate felony or misdemeanor; provided that the sentence imposed under subsection (b) may run concurrently or consecutively with the sentence for the separate felony or misdemeanor.

(d) It shall be a defense to a prosecution under subsection (a) that the person was lawfully present in the person's own home at the time of the offense.

(e) For the purposes of this section, "butterfly knife" means any knife having a blade encased in a split handle that manually unfolds with hand or wrist action with the assistance of inertia, gravity, or both."

SECTION 7. 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 because it is the legislature's intent that all valid applications shall remain in force.

## ACT 22

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

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

SECTION 10. This Act shall take effect upon its approval.

(Approved May 13, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 22

H.B. NO. 2376

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 of Act 88, Session Laws of Hawaii 2021, the General Appropriations Act of 2021 (Act 88), which permitted departments to transfer funds between their programs 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 of Act 88, and Act 164, Session Laws of Hawaii 2023, the General Appropriations Act of 2023, does not reinstate the proviso. Consequently, although funds were appropriated to various state departments for their operating programs for fiscal year 2023-2024, the proviso's elimination has caused a critical funding emergency by limiting the ability of departments to transfer funds between their programs to address changing conditions.

The department of transportation is requesting the transfer of special funds to replace one of its two existing barrier transfer machines that provides high occupancy vehicle lanes during the morning rush hour on Oahu. The purchase requires the transfer of \$3,952,250 from the highways administration program that are not necessary for debt service requirements. These program savings would be transferred to the Oahu highways program for the purchase of the replacement barrier transfer machine.

The purpose of this Act is to address the omission of the transfer proviso by adjusting funding for various programs to be commensurate with their anticipated levels of activity. The funding adjustment made in this Act is budget neutral.

SECTION 3. Act 164, Session Laws of Hawaii 2023, is amended by amending section 3 as follows:

(1) By amending item C-27 to read:

“27. TRN501 - OAHU HIGHWAYS

190.00\*

190.00\*

	OPERATING	TRN	[91,594,359B] <u>95,546,609B</u>	93,045,019B
	(2) By amending item C-31 to read:			
“31.	TRN595 - HIGHWAYS ADMINISTRATION			
	OPERATING	TRN	3,600,000A 544.50* 4.00#	A 544.50* 4.00#
		TRN	[200,645,923B] <u>196,693,673B</u> 1.00#	196,403,474B
		TRN	15,453,000N	15,429,518N
	INVESTMENT CAPITAL	TRN	8,700,000B	6,500,000B
		TRN	91,299,000E	67,499,000E
		TRN	295,600,000N	185,600,000N”

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 May 13, 2024.)

**ACT 23**

H.B. NO. 2380

A Bill for an Act Making an Emergency Appropriation to the Department of Budget and Finance.

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

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

SECTION 2. The legislature finds that in fiscal year 2022-2023, the mass transit special fund received revenues totaling \$405,454,763, \$27,879,763 above the special fund ceiling appropriated by Act 88, Session Laws of Hawaii 2021, as amended by Act 248, Session Laws of Hawaii 2022. Additionally, \$95,877,228 was carried over from the mass transit special fund’s ending cash balance for fiscal year 2021-2022. As a result, the department of budget and finance was unable to disburse all the available moneys in fiscal year 2022-2023 and carried over \$123,756,991 into fiscal year 2023-2024.

Based on estimated revenues of \$410,240,000 for the mass transit special fund for fiscal year 2023-2024 and the carryover of the ending cash balance from fiscal year 2022-2023, the department of budget and finance anticipates there will again be a shortfall in special fund ceiling for the mass transit special fund.

The purpose of this Act is to provide an emergency appropriation of special funds to allow the department of budget and finance to disburse moneys in the mass transit special fund.

SECTION 3. There is appropriated out of the mass transit special fund the sum of \$179,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 for making disbursements pursuant to section 248-2.7, Hawaii Revised Statutes.

## ACT 24

The sum appropriated shall be expended by the department of budget and finance for the purposes of this Act.

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

(Approved May 13, 2024.)

## ACT 24

S.B. NO. 2841

A Bill for an Act Relating to Water Safety Day.

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

SECTION 1. The legislature finds that drowning is a tragic but preventable source of injury and death in the State, especially among children. Specifically, the department of health found that drowning was the leading cause of death for children one to seventeen years of age in Hawaii between 2018 and 2022. In fact, more children died by drowning than in motor vehicle and pedestrian accidents combined. Further, although non-resident visitors comprised a slight majority of the adult (eighteen years of age or older) fatal drownings that occurred in the State between 2018 and 2022, an alarmingly large proportion of fatal child drownings—eighty-eight per cent—were among local resident children. The legislature finds that it is critically important to increase water safety awareness to help prevent and reduce the number of fatal and non-fatal child drowning incidents in the State.

The legislature further finds that International Water Safety Day, celebrated on May 15 of each year, is a worldwide effort to spread global awareness of drowning and to educate youth in becoming safer in and around the water. Community organizations such as the International Water Safety Foundation and American Red Cross, among others, believe that water safety is a life skill that can be taught and that water safety education and awareness can help curb the number of child drowning fatalities. Historically, Hawaii has one of the strongest waterperson cultures in the world. The legislature therefore finds that, as an island state, it is vital to both the local community and culture for Hawaii's children to learn and be aware of the basics of aquatic safety.

Accordingly, the purpose of this Act is to establish May 15 of each year as Water Safety Day to spread awareness of drowning and educate Hawaii's youth in becoming safer in and around the water.

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

“§8- **Water Safety Day.** May 15 of each year shall be known and designated as “Water Safety Day” to spread awareness of drowning and educate Hawaii's youth in becoming safer in and around the water. This day is not and shall not be construed to be a state holiday.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved May 15, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 25

A Bill for an Act Relating to Special Number Plates.

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

SECTION 1. The legislature finds that Duke Kahanamoku should be recognized for his contributions as an all-around waterman, a lifeguard and life-saver, a record-setting swimmer, a swim and surf instructor, a five-time Olympic medalist in swimming and water polo, a sheriff of the city and county of Honolulu, an early champion of volunteerism, and Hawaii's original ambassador of aloha. Duke Kahanamoku was inducted into the Hawaii Waterman Hall of Fame, United States Olympic Hall of Fame, International Swimming Hall of Fame, and International Surfing Hall of Fame. As one of the first internationally recognized native Hawaiians, Duke Kahanamoku shared surfing and the aloha spirit with the world, and in doing so, brought Hawaii to the world's attention. It is therefore appropriate that Duke Kahanamoku be honored with a special license plate emblazoned with his name and likeness to further promote his legacy of aloha.

Accordingly, the purpose of this Act is to authorize the issuance of special number plates to recognize and honor Duke Kahanamoku.

SECTION 2. Chapter 249, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§249- Special number plates for Duke Kahanamoku authorized.** (a) Notwithstanding any law to the contrary, the director of finance shall issue to any registered owner of a motor vehicle, who is a resident of the State, upon completed application and payment of required fees, a special number plate for the registered owner's motor vehicle commemorating Duke Kahanamoku and his contributions to Hawaii; provided that the director of finance of the city and county of Honolulu shall not issue any special number plate pursuant to this section before receiving from the owner of the Duke Kahanamoku trademark, Malama Pono, Inc., written permission for the trademark to be used for the special number plate and for all proceeds to benefit the Outrigger Duke Kahanamoku Foundation.

(b) The director of finance of the city and county of Honolulu, in consultation with the directors of finance of the counties of Kauai, Maui, and Hawaii, the chiefs of police of the city and county of Honolulu and the counties of Kauai, Maui, and Hawaii, and the executive director of the Outrigger Duke Kahanamoku Foundation, shall establish a special number plate design that:

- (1) Is similar in shape and size to the uniform state number plate prescribed by law;
- (2) Complies with all other requirements in section 249-9(a);
- (3) Contains words, images, or both, not to exceed four and a half inches in height by four inches in width, that indicate the special number plate is issued to recognize Duke Kahanamoku; and
- (4) Does not obstruct the visibility of the number or letters or any other information that is required by law to be on a number plate and is readily identifiable and distinguishable under actual traffic conditions;

provided that the director of finance of the city and county of Honolulu may also establish additional special number plate designs in conformance with this subsection and subsection (c) that jointly or separately recognize Duke Kahanamoku.

- (c) The special number plate design shall not:

- (1) Infringe upon or otherwise violate any trademark, trade name, service mark, copyright, or other proprietary or property right;
- (2) Represent any obscene or degrading image, idea, word, or phrase;
- (3) Advertise or endorse a product, brand, or service that is provided for sale;
- (4) Promote any religious belief; or
- (5) Promote any philosophy based on prejudice or that is contrary to state civil rights laws.

(d) Each special number plate shall be securely fastened to the motor vehicle in lieu of the uniform state number plate.

(e) The director of finance shall charge a special number plate fee at least equal to the county's cost of providing the special number plate and administrative costs, if any, plus a fundraising fee to be determined by the director of finance in consultation with the executive director of the Outrigger Duke Kahanamoku Foundation. The fundraising fee shall be in addition to any other state or county fees collected for a motor vehicle registration or license plate.

(f) The director of finance may charge an additional fundraising fee, of the same or a different amount as the fundraising fee established pursuant to subsection (e), for the renewal of a special number plate. If an additional fundraising fee is implemented pursuant to this subsection, the director of finance shall not renew and instead shall revoke the special number plate of the registered owner of a motor vehicle who fails to pay the additional fundraising fee imposed by this subsection.

(g) The revenue generated by the fundraising fees, or a portion of the revenue generated by the fundraising fees as determined by the director of finance, shall be deposited in the name of the Outrigger Duke Kahanamoku Foundation in a separate county budget account. The director of finance shall determine the most efficient means of directing the net revenue generated by the fundraising fees to the Outrigger Duke Kahanamoku Foundation, as appropriate, to fund programs that promote water safety and swim education across the State while developing world class water athletes as a tribute to, and in the spirit of, Duke Kahanamoku.

(h) The director of finance may revoke all special number plates issued pursuant to this section if the total number of registered owners of motor vehicles who obtain the special number plates is less than one hundred fifty within three years of issuance of the first special number plate.

(i) Nothing in this section shall be construed to apply to any plates issued pursuant to section 249-9.2.

(j) For the purposes of this section, unless a different meaning appears from the context, "special number plate" means a license plate that commemorates Duke Kahanamoku."

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved May 15, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.



ACT 26

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 of Act 88, Session Laws of Hawaii 2021, the General Appropriations Act of 2021 (Act 88), which permitted departments to transfer funds between their programs 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 of Act 88, and Act 164, Session Laws of Hawaii 2023, the General Appropriations Act of 2023, does not reinstate the proviso. Consequently, although funds were appropriated to various state departments for their operating programs for fiscal year 2023-2024, the proviso's elimination 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 omission of the transfer proviso by adjusting funding for various programs to be commensurate with their anticipated levels of activity. The funding adjustments made in this Act are budget neutral.

SECTION 3. Act 164, Session Laws of Hawaii 2023, is amended by amending section 3 as follows:

(1) By amending item I-1 to read:

"1. PSD402 - HALAWA CORRECTIONAL FACILITY			
		411.00*	411.00*
OPERATING	PSD	[ <del>35,994,959A</del> <u>34,994,959A</u> "]	37,723,924A

(2) By amending item I-4 to read:

"4. PSD405 - HAWAII COMMUNITY CORRECTIONAL CENTER			
		193.00*	193.00*
OPERATING	PSD	[ <del>14,730,758A</del> <u>14,230,758A</u> "]	15,220,198A

(3) By amending item I-5 to read:

"5. PSD406 - MAUI COMMUNITY CORRECTIONAL CENTER			
		205.00*	205.00*
OPERATING	PSD	[ <del>14,872,239A</del> <u>14,372,239A</u> "]	16,116,875A
		3.00#	3.00#
	PSD	209,721S	209,721S"

(4) By amending item I-6 to read:

"6. PSD407 - OAHU COMMUNITY CORRECTIONAL CENTER			
		501.00*	501.00*
OPERATING	PSD	[ <del>40,621,493A</del> <u>44,121,493A</u> "]	41,805,659A

(5) By amending item I-8 to read:

"8. PSD409 - WOMEN'S COMMUNITY CORRECTIONAL CENTER			
		270.00*	270.00*

**ACT 27**

OPERATING	PSD	[ <del>15,860,044A</del> <u>14,860,044A</u> ”	20,762,306A
(6) By amending item I-9 to read:			
“9.	PSD410 - INTAKE SERVICE CENTERS		
		73.00*	73.00*
OPERATING	PSD	[ <del>5,601,773A</del> <u>4,601,773A</u> ”	5,860,680A
(7) By amending item I-10 to read:			
“10.	PSD420 - CORRECTIONS PROGRAM SERVICES		
		185.00*	185.00*
OPERATING	PSD	[ <del>25,418,326A</del> <u>24,918,326A</u>	26,098,010A
	PSD	1,045,989N	1,045,989N”
(8) By amending item I-11 to read:			
“11.	PSD421 - HEALTH CARE		
		266.60*	266.60*
OPERATING	PSD	[ <del>36,590,487A</del> <u>34,090,487A</u> ”	38,920,323A
(9) By amending item I-13 to read:			
“13.	PSD808 - NON-STATE FACILITIES		
		9.00*	9.00*
OPERATING	PSD	[ <del>46,289,307A</del> <u>29,289,307A</u> ”	46,312,753A
(10) By amending item I-25 to read:			
“25.	PSD900 - GENERAL ADMINISTRATION		
		159.00*	145.00*
OPERATING	PSD	[ <del>25,049,233A</del> <u>45,549,233A</u>	25,041,312A
		4.00*	4.00*
	PSD	1,310,363B	1,330,312B
	PSD	75,065T	75,065T
INVESTMENT CAPITAL	AGS	15,000,000A	7,500,000A
	PSD	3,000,000A	3,000,000A
	AGS	C	10,000,000C
	PSD	11,000,000C	16,000,000C”

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 May 23, 2024.)

**ACT 27**

S.B. NO. 2333

A Bill for an Act Relating to Election Audits.

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

SECTION 1. The legislature finds that existing law requires the chief election officer, as a condition of using an electronic voting system to create an electronic tally of ballots, to audit the vote counts in ten per cent of the precincts where an electronic voting system was used and select the precincts to audit at random. The legislature also finds that existing law requires the chief election of-

ficer to conduct the audit of the randomly selected precincts by comparing electronic tally amounts against the original paper ballots. The legislature further finds that using accurate copies of paper ballots, rather than the original paper ballots, to conduct the audits will increase the efficiency of the audits without compromising their precision.

Accordingly, the purpose of this Act is to allow the chief election officer to use accurate copies of paper ballots, rather than the originals, when conducting a precinct audit of an electronic voting system's tally.

SECTION 2. Section 16-42, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The chief election officer may rely on electronic tallies created directly by electronic voting systems, in lieu of counting the paper ballots by hand or with a mechanical tabulation system, if:

- (1) The electronic voting system is subject to inspection, audit, and experimental testing, by qualified observers, before and after the election, pursuant to administrative rules adopted by the chief election officer under chapter 91;
- (2) No upgrades, patches, fixes, or alterations [~~shall be~~ are] applied to the system through thirty days after the election;
- (3) The chief election officer conducts a post-election, pre-certification audit of a random sample of not less than ten per cent of the precincts employing the electronic voting system, to verify that the electronic tallies generated by the system in those precincts equal hand tallies of the paper ballots generated by the system in those precincts; and provided that accurate copies of the paper ballots, including accurate electronic copies, may be used in place of the paper ballots when verifying that the electronic tallies are equal to the hand tallies of the paper ballots; and
- (4) [~~H~~] When discrepancies appear in the pre-certification audits in paragraph (3), the chief election officer, pursuant to administrative rules, [~~shall~~] immediately conducts an expanded audit to determine the extent of misreporting in the system.”

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

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

(Approved May 23, 2024.)

## ACT 28

H.B. NO. 2365

A Bill for an Act Relating to Transit-Oriented Development Planning.

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

SECTION 1. The purpose of this Act is to replace the director of law enforcement with the director of corrections and rehabilitation as a member of the Hawaii interagency council for transit-oriented development. The director of public safety was named as a member of the Hawaii interagency council for transit-oriented development when it was established in 2016. With the codification of Act 278, Session Laws of Hawaii 2022, which reorganized the department of public safety, membership of the Hawaii interagency council for transit-oriented

development was amended to replace the director of public safety with the director of law enforcement. Since the council advises on state facilities in transit-oriented development areas, the director of corrections and rehabilitation, who has administrative responsibilities for correctional and rehabilitation facilities statewide, is the more appropriate director to serve on the council.

SECTION 2. Section 226-64, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The Hawaii interagency council for transit-oriented development shall be composed of the following members:

- (1) Director of the office of planning and sustainable development, who shall serve as co-chair;
- (2) Executive director of the Hawaii housing finance and development corporation, who shall serve as co-chair;
- (3) Chief of staff, office of the governor;
- (4) Chairperson of the board of land and natural resources;
- (5) Director of transportation;
- (6) Comptroller;
- (7) Director of health;
- (8) Director of human services;
- (9) Director of ~~[law enforcement];~~ corrections and rehabilitation;
- (10) Chairperson of the Hawaiian homes commission;
- (11) Chairperson of the stadium authority;
- (12) President of the University of Hawaii;
- (13) Superintendent of education;
- (14) Executive director of the Hawaii community development authority;
- (15) Executive director of the Hawaii public housing authority;
- (16) One member of the house of representatives to be designated by the speaker of the house of representatives; provided that the speaker of the house of representatives may designate a second member of the house of representatives to serve as an alternate;
- (17) One member of the senate to be designated by the president of the senate; provided that the president of the senate may designate a second member of the senate to serve as an alternate;
- (18) The mayor of each county;
- (19) A representative of the Honolulu field office of the United States Department of Housing and Urban Development, who shall be requested to serve on a nonvoting~~[], []~~ ex officio basis by the governor;
- (20) A representative of the business community, to be designated by the governor;
- (21) A representative of the community who is a housing advocate, to be designated by the governor; and
- (22) A representative of the community with experience in housing and real estate development, to be designated by the governor.”

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

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

(Approved May 28, 2024.)

## ACT 29

H.B. NO. 2790

A Bill for an Act Relating to Housing.

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

SECTION 1. The Hawaii housing finance and development corporation shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than sixty days prior to the convening of the regular session of 2026. The report shall be an analysis of the feasibility of continuing to fund the operations of the housing loan and mortgage program.

SECTION 2. This Act shall take effect on July 1, 2024.

(Approved May 28, 2024.)

## ACT 30

S.B. NO. 1099

A Bill for an Act Relating to Taxation.

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

SECTION 1. Section 46-16.8, Hawaii Revised Statutes, is amended by amending subsections (g) and (h) to read as follows:

“(g) 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 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:
  - (A) Public roadways or highways;
  - (B) Public buses;
  - (C) Trains;
  - (D) Ferries;
  - (E) Pedestrian paths or sidewalks; or
  - (F) Bicycle paths;
- (2) Expenses in complying with the Americans with Disabilities Act of 1990 with respect to paragraph (1); and
- (3) Housing infrastructure[;] costs; 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)[;] for county-appropriated housing infrastructure costs.

(h) As used in this section:

“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

## ACT 31

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<sup>[2]</sup> costs” 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[-] and shall include financing costs, including any related debt service and financing agreement costs.”

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, 2024.

(Approved May 28, 2024.)

## ACT 31

S.B. NO. 1170

A Bill for an Act Relating to Affordable Housing Credits.

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

SECTION 1. The legislature finds that the State has a housing crisis. A 2019 study commissioned by the department of business, economic development, and tourism found that the State will require an additional 50,156 homes by the year 2025, with the city and county of Honolulu requiring 22,168 new units, Hawaii county requiring 13,303 new units, Maui county requiring 10,404 new units, and Kauai county requiring 4,281 new housing units. While this forecast projects an acute housing shortage, there has been a lack of measurable progress at the county level to enact policies that will stimulate housing production to meet project demand.

The Federal Home Loan Corporation, more commonly known as Freddie Mac, has reported that the average 30-year fixed residential mortgage interest rate was 3.11 per cent in December 2021 and 6.42 per cent in December 2022. This one hundred-six per cent increase reflects the dramatically increasing monthly cost of owning a home for residents and the decreasing maximum sale price of income-specified affordable housing units that are constructed under the various programs of the Hawaii housing finance and development corporation. In addition, the Federal Reserve has reported that the one-month term of the secured overnight financing rate, a metric used by lenders to determine real estate construction loan interest rates, has increased from 0.05 per cent in December 2021 to 4.30 per cent in December 2022. The eight thousand five hundred per cent increase reflects the dramatically increasing cost of construction financing for residential units. These increases in home loan and construction loan interest rates have severely impaired the ability of the Hawaii housing finance and development corporation to increase the affordable housing supply in the State.

Accordingly, the purpose of this Act is to require the counties to issue affordable housing credits for affordable housing units that are constructed under the various programs of the Hawaii housing finance and development corporation.

SECTION 2. Section 46-15.1, Hawaii Revised Statutes, is amended to read as follows:

**“§46-15.1 Housing; county powers.** (a) Notwithstanding any law to the contrary, any county shall have and may exercise the same powers, subject to applicable limitations, as those granted the Hawaii housing finance and development corporation pursuant to chapter 201H insofar as those powers may be reasonably construed to be exercisable by a county for the purpose of developing, constructing, and providing low- and moderate-income housing; provided that no county shall be empowered to cause the State to issue general obligation bonds to finance a project pursuant to this section; provided further that county projects shall be granted an exemption from general excise or receipts taxes in the same manner as projects of the Hawaii housing finance and development corporation pursuant to section 201H-36; [and] provided further that section 201H-16 shall not apply to this section unless federal guidelines specifically provide local governments with that authorization and the authorization does not conflict with any state laws. The powers shall include the power, subject to applicable limitations, to:

- (1) Develop and construct dwelling units, alone or in partnership with developers;
- (2) Acquire necessary land by lease, purchase, exchange, or eminent domain;
- (3) Provide assistance and aid to a public agency or other person in developing and constructing new housing and rehabilitating existing housing for elders of low- and moderate-income, other persons of low- and moderate-income, and persons displaced by any governmental action, by making long-term mortgage or interim construction loans available;
- (4) Contract with any eligible bidders to provide for construction of urgently needed housing for persons of low- and moderate-income;
- (5) Guarantee the top twenty-five per cent of the principal balance of real property mortgage loans, plus interest thereon, made to qualified borrowers by qualified lenders;
- (6) Enter into mortgage guarantee agreements with appropriate officials of any agency or instrumentality of the United States to induce those officials to commit to insure or to insure mortgages under the National Housing Act, as amended;
- (7) Make a direct loan to any qualified buyer for the downpayment required by a private lender to be made by the borrower as a condition of obtaining a loan from the private lender in the purchase of residential property;
- (8) Provide funds for a share, not to exceed fifty per cent, of the principal amount of a loan made to a qualified borrower by a private lender who is unable otherwise to lend the borrower sufficient funds at reasonable rates in the purchase of residential property; and
- (9) Sell or lease completed dwelling units.

For purposes of this section, a limitation is applicable to the extent that it may reasonably be construed to apply to a county.

(b) Each county shall recognize housing units developed by the department of Hawaiian home lands and issue affordable housing credits to the department of Hawaiian home lands. The credits shall be transferable and shall be issued on a one-credit for one-unit basis, unless the housing unit is eligible for additional credits as provided by adopted county ordinances, rules, or any memorandum of agreement between a county and the department of Hawaiian home lands. In the event that credits are transferred by the department of Hawaiian

home lands, twenty-five per cent of any monetary proceeds from the transfer shall be used by the department of Hawaiian home lands to develop units for rental properties. Credits shall be issued for each single-family residence, multi-family unit, other residential unit, whether for purposes of sale or rental, or if allowed under the county's affordable housing programs, vacant lot, developed by the department of Hawaiian home lands. The credits may be applied county-wide within the same county in which the credits were earned to satisfy affordable housing obligations imposed by the county on market-priced residential and non-residential developments. County-wide or project-specific requirements for housing class, use, or type; or construction time for affordable housing units shall not impair, restrict, or condition the county's obligation to apply the credits in full satisfaction of all county requirements, whether by rule, ordinance, or particular zoning conditions of a project. Notwithstanding any provisions ~~herein~~ in this section to the contrary, the department may enter into a memorandum of agreement with any of the [county of Kauai] counties to establish, modify, or clarify the conditions for the issuance, transfer, and redemption of the affordable housing credits in accordance with county affordable housing ordinances or rules. ~~[Notwithstanding any provisions herein to the contrary, the department may enter into a memorandum of agreement with the city and county of Honolulu to establish, modify, or clarify the conditions for the issuance, transfer, and redemption of the affordable housing credits in accordance with county affordable housing ordinances or rules.]~~ At least half of the affordable housing credits issued by the city and county of Honolulu shall be subject to a memorandum of agreement pursuant to this subsection.

[For purposes of this section, "affordable housing obligation" means the requirement imposed by a county, regardless of the date of its imposition, to develop vacant lots, single-family residences, multi-family residences, or any other type of residence for sale or rent to individuals within a specified income range.]

(c) Each county shall recognize housing units developed pursuant to section 201H-38 and issue affordable housing credits to the eligible developer for residences required to be sold or rented to individuals within a specified income range, if a developer chooses to receive affordable housing credits. Credits shall be issued for each single-family residence, multi-family unit, other residential unit, whether for purposes of sale, rental, or if allowed under the county's affordable housing programs, vacant lot, developed pursuant to chapter 201H. Affordable housing credits shall not be issued if low-income housing tax credits are utilized in conjunction with the affordable housing developed pursuant to chapter 201H. The credits shall be transferable and shall be issued on a one-credit for one-unit basis, unless the housing unit is eligible for additional credits as provided by adopted county ordinances, rules, or any memoranda of agreement between a county and the Hawaii housing finance and development corporation. In the event that the affordable housing credits are transferred to the Hawaii housing finance and development corporation, twenty-five per cent of any monetary proceeds from the transfer shall be used by the Hawaii housing finance and development corporation to develop units for rental properties. The credits may be applied county-wide within the same county in which the credits were earned to satisfy affordable housing obligations imposed by the county on market-priced residential and non-residential developments. The credits may be applied to satisfy up to fifty per cent of the affordable housing obligations imposed by the county for each market-priced residential or non-residential development, unless the county allows for more than fifty per cent as provided by county ordinances, rules, or any memoranda of agreement between the county and the Hawaii housing finance and development corporation. County-wide or project-specific requirements for housing class, use, or type, or construction time



for affordable housing units, shall not impair, restrict, or condition the county's obligation to apply the credits in full satisfaction of all county requirements, whether by rule, ordinance, or particular zoning conditions of a project. Notwithstanding any provision of this section to the contrary, the Hawaii housing finance and development corporation may enter into a memorandum of agreement with any of the counties to establish, modify, or clarify the conditions for the issuance, transfer, and redemption of the affordable housing credits in accordance with county affordable housing ordinances or rules.

No affordable housing credit shall be issued under this subsection until a certificate of occupancy has been issued.

Prior to the issuance of an affordable housing credit under this subsection, an agreement, including affordable housing-related agreements between a county or the Hawaii housing finance and development corporation and an eligible developer, shall be executed and include language requiring:

- (1) A new and sequential identification number of at least four digits in length for each affordable housing credit to be issued within each county for tracking purposes;
- (2) An agreement to be recorded on title of at least one parcel or tax map key of the originating housing project, as defined in section 201H-1; and
- (3) The prompt amendment of an agreement when an affordable housing credit originally generated by a housing project is sold, transferred, or utilized to create an easily auditable trail of ownership.

~~[(e)]~~ (d) Notwithstanding any law to the contrary, any county may:

- (1) Authorize and issue bonds under chapter 47 and chapter 49 to provide moneys to carry out the purposes of this section or section 46-15.2, including the satisfaction of any guarantees made by the county pursuant to this section;
- (2) Appropriate moneys of the county to carry out the purposes of this section;
- (3) Obtain insurance and guarantees from the State or the United States, or grants from either;
- (4) Designate, after holding a public hearing on the matter and with the approval of the respective council, any lands owned by it for the purposes of this section;
- (5) Provide interim construction loans to partnerships of which it is a partner and to developers whose projects qualify for federally assisted project mortgage insurance, or other similar programs of federal assistance for persons of low and moderate income; and
- (6) Adopt rules pursuant to chapter 91 as are necessary to carry out the purposes of this section.

~~[(d)]~~ (e) Notwithstanding any law to the contrary, a county may waive its right to repurchase a privately-developed affordable housing unit built pursuant to a unilateral agreement or similar instrument, and may transfer that right of repurchase to a qualified nonprofit housing trust for the purpose of maintaining the unit as affordable for as long as required by the county program.

~~[For the purposes of this subsection, "qualified nonprofit housing trust" means a corporation, association, or other duly chartered organization that is registered and in good standing with the State; that is recognized by the Internal Revenue Service as a charitable or otherwise tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and that has the capacity, resources, and mission to carry out the purposes of this section as determined by the county in which the housing unit is located.]~~

## ACT 31

~~(e)~~ (f) A qualified nonprofit housing trust shall report the status and use of its housing units to its respective county by November 30 of each calendar year.

~~(f)~~ (g) The provisions of this section shall be construed liberally so as to effectuate the purpose of this section in facilitating the development, construction, and provision of low- and moderate-income housing by the various counties.

~~(g)~~ (h) For purposes of this section~~], “low and moderate income housing”~~:

“Affordable housing obligation” means the requirement imposed by a county, regardless of the date of its imposition, to develop vacant lots, single-family residences, multi-family residences, or any other type of residence for sale or rent to individuals within a specified income range.

“Eligible developer” has the same meaning as defined in section 201H-32.

“Low- and moderate-income housing” means any housing project that meets the definition of “low- and moderate-income housing project” in section 39A-281.

“Qualified nonprofit housing trust” means a corporation, association, or other duly chartered organization that:

- (1) Is registered and in good standing with the State;
- (2) Is recognized by the Internal Revenue Service as a charitable or otherwise tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and
- (3) Has the capacity, resources, and mission to carry out the purposes of this section as determined by the county in which the housing unit is located.”

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 46-15.1, Hawaii Revised Statutes, by section 2 of this Act shall not be repealed when that section is repealed and reenacted on July 1, 2030, pursuant to:

- (1) Section 3 of 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, as amended by section 2 of Act 90, Session Laws of Hawaii 2023; and
- (2) Section 3 of 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, as amended by section 3 of Act 90, Session Laws of Hawaii 2023;

provided further that this Act shall be repealed on July 1, 2031, and section 46-15.1, Hawaii Revised Statutes, shall be reenacted pursuant to section 3 of Act 141, Session Laws of Hawaii 2009, and in accordance with section 23 of Act 96, Session Laws of Hawaii 2014, and section 9 of Act 159, Session Laws of Hawaii 2017.

(Approved May 28, 2024.)

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. Section 521-64, Hawaii Revised Statutes, is amended to read as follows:

**“§521-64 Tenant’s remedy of repair and deduction for minor defects.** (a) The landlord, upon written notification by the department of health or other state or county agencies that there exists a condition on the premises ~~[which]~~ that constitutes a health or safety violation, shall commence repairs of the condition within ~~[five-business]~~ seven calendar days of the notification with a good faith requirement that the repairs be completed as soon as possible; provided that if the landlord is unable to commence the repairs within ~~[five-business]~~ seven calendar days for reasons beyond the landlord’s control, the landlord shall inform the tenant of the reason for the delay and set a reasonable tentative date on which repairs will commence. ~~[Health or safety violations for the purpose of this section means any condition on the premises which is in noncompliance with section 521-42(a)(1).]~~

(b) If the landlord fails to perform in the manner specified in subsection (a), the tenant may:

- (1) Immediately do or have done the necessary repairs in a competent manner~~[-]~~ and, upon submission to the landlord of receipts amounting to at least the sum deducted, deduct from the tenant’s rent not more than ~~[\$500]~~ \$1,000 or one month’s rent, whichever is greater, for the tenant’s actual expenditures for work done to correct the health or safety violation; or
- (2) Submit to the landlord, at least ~~[five-business]~~ seven calendar days before having the work done, written signed estimates from each of two qualified workers and proceed to have done the necessary work by the worker who provides the lower estimate; provided that the landlord may require in writing a reasonable substitute worker or substitute materials~~[-]~~ and, upon submission to the landlord of receipts amounting to at least the sum deducted, the tenant may deduct ~~[\$500]~~ \$1,000 or one month’s rent, whichever is greater, for the tenant’s actual expenditures for work done to correct the health or safety violation.

(c) The landlord, upon written notification by the tenant of any defective condition on the premises ~~[which]~~ that is in material noncompliance with section 521-42(a) or with the rental agreement, shall commence repairs of the condition within twelve business days of the notification with a good faith requirement that the repairs be completed as soon as possible; provided that if the landlord is unable to commence repairs within twelve business days for reasons beyond the landlord’s control, the landlord shall inform the tenant of the reason for the delay and set a reasonable tentative date on which repairs will commence. In any case involving repairs, except those required due to misuse by the tenant, to electrical, plumbing, or other facilities, including major appliances provided by the landlord pursuant to the rental agreement, necessary to provide sanitary and habitable living conditions, the landlord shall commence repairs within three business days of receiving oral or written notification, with a good faith requirement that the repairs be completed as soon as possible; provided that if the landlord is unable to commence repairs within three business days for reasons beyond the landlord’s control, the landlord shall inform the tenant of

the reasons for the delay and set a reasonable tentative date on which repairs will commence.

(d) If the landlord fails to perform in the manner specified in subsection (c), the tenant may immediately do or have done the necessary work in a competent manner and, upon submission to the landlord of receipts amounting to at least the sums deducted, deduct from the tenant's rent not more than ~~[\$500]~~ \$1,000 or one month's rent, whichever is greater, for the tenant's actual expenditures for work done to correct the defective condition.

(e) At the time the tenant initially notifies the landlord under subsection (c), the tenant shall list every condition that the tenant knows or should know of noncompliance under subsection (c), in addition to the objectionable condition that the tenant then intends to correct or have corrected at the landlord's expense. Failure by ~~[a]~~ the tenant to list ~~[such]~~ a condition that the tenant knew of or should have known of shall estop the tenant from requiring the landlord to correct it and from having it corrected at the landlord's expense under this section for a period of six months after the initial notification to the landlord. Total correction and repair work costs under this section chargeable to the landlord's expense during each six-month period shall not exceed an amount equal to three months' rent.

(f) In no event may a tenant repair a dwelling unit at the landlord's expense when the condition complained of was caused by the want of due care by the tenant, a member of the tenant's family, or other person on the premises with the tenant's consent.

(g) Before correcting a condition affecting facilities shared by more than one dwelling unit, the tenant shall notify all other tenants sharing ~~[such]~~ the facilities of the tenant's plans, and shall ~~[so]~~ arrange the work ~~[as]~~ to create the least practicable inconvenience to the other tenants.

(h) For the purposes of this section, "health or safety violation" means any condition on the premises that is in noncompliance with section 521-42(a)(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 November 1, 2024.

(Approved May 28, 2024.)

**ACT 33**

S.B. NO. 2834

A Bill for an Act Relating to the 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- Death of a tenant; notice.** (a) As part of the rental agreement or in a separate written instrument, a tenant may designate the name and contact information, including mailing address, of a representative authorized by the tenant to collect or dispose of the tenant's personal property within the dwelling unit if the tenant dies during the tenancy.

(b) Upon the death of the tenant or, in the case of multiple tenants, the death of all tenants, the landlord shall contact the representative by registered mail and any other contact information provided by the tenant to provide notice

pursuant to subsection (c). In the absence of a written designation of a representative by the deceased tenant, the landlord shall send notice to the estate of the deceased tenant at the address of the dwelling unit. If upon delivery of the notice to the estate, an individual comes forward and provides the landlord with a court order evidencing the individual's authority to act as a representative for the deceased tenant, the individual shall be considered the representative for the purposes of this section. In the absence of a written designation of a representative by the deceased tenant or the designated representative or representative of the deceased tenant's estate does not come forward, a family member who comes forward shall be considered the representative for the purposes of this section.

(c) The notice required under this section shall contain the following information:

- (1) The name of the deceased tenant, the address of the dwelling unit, and that the representative, if any, was identified by the tenant to collect or dispose of the tenant's personal property in the event of the tenant's death;
- (2) The approximate date of the deceased tenant's death;
- (3) The monthly rent amount and the date through which rent has been paid;
- (4) A statement that the tenancy will terminate fifteen calendar days from the date the notice is mailed or personally delivered or the date through which the rent has been paid, whichever is later; and
- (5) A statement that upon the termination of the tenancy, the landlord may dispose of any remaining personal property that the landlord, in good faith, determines to be of value, in or around the dwelling unit, by either:
  - (A) Selling the property, in a commercially reasonable manner;
  - (B) Storing the property at the expense of the deceased tenant's estate; or
  - (C) Donating the property to a charitable organization.

(d) If the representative contacts the landlord within fifteen calendar days of the mailing or personal delivery of the written notice pursuant to subsection (c), the landlord shall provide the representative access to the dwelling unit for the sole purpose of allowing the representative to remove the deceased tenant's personal property in a reasonable manner. The representative shall surrender the dwelling unit to the landlord after the removal of the deceased tenant's personal property. This section shall not create a landlord-tenant relationship between the landlord and the representative.

(e) The tenancy shall terminate fifteen calendar days from the date the notice is mailed or personally delivered to the representative or the deceased tenant's estate, or the date through which the rent has been paid, whichever is later. Upon the termination of the tenancy, the landlord may dispose of any remaining personal property in or around the dwelling unit that the landlord, in good faith, determines to be of value by:

- (1) Selling the property, in a commercially reasonable manner;
- (2) Storing the property at the expense of the deceased tenant's estate; or
- (3) Donating the property to a charitable organization.

(f) The method of disposal of the remaining personal property of value shall be at the discretion of the landlord and without liability to the landlord; provided that the landlord is in compliance with this section. If personal property is sold in a commercially reasonable manner, then the proceeds of the sale, after deducting accrued rent and costs of storage, advertising, and sale, shall be

## ACT 34

held in a trust for the representative for thirty calendar days, after which time the proceeds shall be forfeited to the landlord.

(g) The landlord may dispose of any remaining personal property that has no value, including but not limited to trash and perishable food, immediately and without notice to the representative or the deceased tenant's estate without liability.

(h) Within fourteen calendar days of the termination of the tenancy or fourteen calendar days after the representative has removed the tenant's personal property, the landlord shall account for the security deposit as provided by section 521-44; provided that any security deposit balance owed to the tenant shall be paid to the representative or the deceased tenant's estate.

(i) A landlord in compliance with the provisions of this section shall have no further duty or liability to the representative or the deceased tenant's estate after the expiration of the tenancy.

(j) A landlord shall have no obligation to disclose the death of a tenant or the history of deaths of tenants in a rented unit to a prospective tenant.

(k) For purposes of this section, "family member" means a person who is related to the deceased tenant by blood, marriage, reciprocal beneficiary relationship, civil union, adoption, or legal guardianship."

SECTION 2. New statutory material is underscored.<sup>1</sup>

SECTION 3. This Act shall take effect on November 1, 2024.

(Approved May 28, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 34

S.B. NO. 2133

A Bill for an Act Relating to Housing.

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

SECTION 1. Section 201H-71, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (d) and (e) to read:

"(d) The corporation may issue ~~such~~ the types of bonds as it may determine, including without limitation bonds payable from and secured, in whole or in part, by:

- (1) Income and revenues derived from the housing project or projects, or infrastructure for the housing project or projects, financed from the proceeds of bonds;
- (2) Receipts derived from any grant from the federal government made in aid of a housing project or projects, or infrastructure for the housing project or projects, financed from the proceeds of bonds;
- (3) Income and revenues derived from a particular designated housing project or projects, or infrastructure for the housing project or projects, whether or not financed, in whole or in part, from the proceeds of bonds;
- (4) Receipts derived from any payment for "eligible loans", "eligible improvement loans", or "eligible project loans", as the terms are

defined in subpart B, or any other agreement or agreements entered into for a “housing loan program”, as the term is defined in subpart B or D, or any other loan program administered by the corporation and financed from the proceeds of bonds;

- (5) Receipts derived from loans to mortgage lenders or from the payment on account of principal of or interest on loans purchased from mortgage lenders, as provided in subpart B which loans to mortgage lenders or loans purchased are financed from the proceeds of bonds;
- (6) Moneys in any funds or accounts established in connection with the issuance of bonds, and any earnings thereon;
- (7) Proceeds derived from any insurance;
- (8) Income and revenues of the corporation generally; or
- (9) Any combination of paragraphs (1) through (8).

The term “income and revenues” includes income and revenues derived from the sale of land or from both land and improvements thereon serviced from infrastructure financed from the proceeds of bonds as permitted by this subpart. The provisions of this subsection are in addition and supplemental to part III of chapter 39.

(e) Any of the bonds may be additionally secured by a pledge of any revenues or a mortgage of any housing project, infrastructure for any housing project, other property of the corporation, the pledge or assignment of any loans or other agreements, or any note or other undertaking, obligation, or property held by or on behalf of the corporation to secure loans made from the proceeds of bonds for any “housing loan program”, as the term is defined in subpart B or D, or any other loan program administered by the corporation and financed from the proceeds of bonds.”

2. By amending subsection (g) to read:

“(g) Any housing project or projects, or infrastructure for a housing project or projects, authorized by[;] and undertaken pursuant to[;] this chapter shall constitute an “undertaking” within the meaning of that term as defined and used in part III, chapter 39. Any loan program authorized by, and undertaken pursuant to, this chapter, including without limitation “housing loan programs” defined in and authorized by subparts B and D, shall constitute a “loan program” within the meaning of that term as defined and used in part III, chapter 39. The corporation shall constitute a “department” and the board shall constitute a “governing body” within the meaning of those terms as defined and used in part III, chapter 39.”

SECTION 2. Section 201H-72, Hawaii Revised Statutes, is amended to read as follows:

**“§201H-72 Issuance of bonds for the development of infrastructure.**

(a) Without limiting section 201H-71, the corporation, pursuant to and in accordance with this subpart [~~or~~], section 46-80.1(a), [~~is authorized to~~] or section 201H-191.5, may issue bonds for the purpose of financing the development of infrastructure for [~~land~~];

- (1) Land owned by the corporation or [~~for~~] land owned by an eligible developer as defined in section 201H-32, whose housing project approval by a state or county agency requires the construction of affordable housing[;]; and
- (2) Regional state infrastructure projects under section 201H-191.5.

(b) All bonds issued by the corporation for improvements by assessments, and the interest thereon, shall be exempt from all state, county, and municipal taxation, except inheritance, transfer, and estate taxes.”

SECTION 3. Section 201H-191.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) Each regional state infrastructure subaccount shall consist of the following sources of revenue:

- (1) Moneys received by the corporation from counties for the repayment of the loan principal and the payment of simple interest from various assessments or fees from special improvement districts, improvement districts, tax increment financing districts, community facilities districts, and other areas where property value increases are captured over periods of time for the purposes of infrastructure financing;
- (2) Appropriations from the legislature;
- (3) Federal grants and subsidies to the State or counties;
- (4) Proceeds from bonds issued pursuant to section 201H-72(a)(2);
- ~~[(4)]~~ (5) Private investments; and
- ~~[(5)]~~ (6) Voluntary contributions.”

2. By amending subsection (d) to read:

“(d) Whenever the corporation undertakes, or causes to be undertaken, a regional infrastructure improvement project, the cost of providing regional infrastructure improvements may be assessed against housing and mixed-use transit-oriented development projects specially benefiting from the improvements, and the corporation shall take into consideration previous contributions by project owners to infrastructure improvements; provided that:

- (1) The corporation may fix the assessments against real property specially benefited. All assessments made pursuant to this subsection shall be a statutory lien against each lot or parcel of land assessed from the date of the notice declaring the assessment until paid and the lien shall have priority over all other liens except the lien of property taxes. As between liens of assessments, the earlier lien shall be superior to the later lien;
- (2) Notwithstanding any other law to the contrary, in assessing real property specially benefiting from improvements, the corporation may utilize various methods including but not limited to:
  - (A) Assessment on a frontage basis;
  - (B) According to the area of real property for housing and mixed-use transit-oriented development projects;
  - (C) According to the area of real property within an assessment area;
  - (D) Any other assessment method that assesses the real property according to the special benefit conferred; or
  - (E) Any combination thereof;
- (3) The assessments made under this subsection shall not apply to projects within the stadium development district as established pursuant to section 206E-223;
- (4) The corporation shall adopt rules pursuant to chapter 91, providing for the method of assessment of real properties specially benefited; and
- (5) All sums collected under this subsection shall be deposited in the dwelling unit revolving fund established pursuant to section 201H-191.”

3. By amending subsection (g) to read:

“(g) The corporation may also expend revenues in the subaccounts to repay ~~[private]~~;



- (1)  Holders of bonds issued pursuant to section 201H-72(a)(2); and
- (2)  Private investors for their investment plus any interest accrued on their investments made into the subaccounts to finance, in whole or in part, infrastructure improvements that would increase the capacity of the infrastructure facilities, including regional sewer systems, water systems, drainage systems, roads, and telecommunications and broadband.”

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, 2024.

(Approved May 28, 2024.)

## ACT 35

H.B. NO. 1760

A Bill for an Act Relating to State Finances.

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

SECTION 1. The legislature finds that the Housing and Economic Recovery Act of 2008 added section 146(i)(6) to the Internal Revenue Code of 1986, as amended, which authorized the “recycling” of multifamily private activity bond volume cap to finance new affordable rental housing projects. Jurisdictions such as New York City and California have established bond volume cap recycling programs in order to use this existing authority under the Internal Revenue Code to preserve and more efficiently use their tax-exempt private activity bond volume by allowing an authorized private activity bond issuer to secure an instrument of indebtedness with a trustee, fiscal agent, or bank that holds the debt for an affordable housing project. The proceeds of that instrument of indebtedness are then deemed to be used to repay a prior tax-exempt private activity bond issue, the loan pursuant to the prior tax-exempt issue is deemed to have been repaid from an alternative source, and the repayment is deemed to have been transferred to the issuer to make a new loan to another borrower. Under the bond volume cap recycling strategy, the jurisdiction’s volume cap is not spent but can instead be recycled once, with certain requirements and limitations, to finance other affordable rental housing projects and leverage other tax incentives like the low-income housing tax credit.

Given the critical need to create more affordable housing opportunities within the State, the legislature further finds that laying the foundation for a bond volume cap recycling program now is prudent so that the Hawaii housing finance and development corporation and counties can use the bond volume cap recycling strategy when conditions are favorable.

The purpose of this Act is to statutorily establish authorization for the Hawaii housing finance and development corporation and counties to implement a bond volume cap recycling program for affordable rental housing.

SECTION 2. Chapter 201H, Hawaii Revised Statutes, is amended by adding a new section to part III, subpart A, to be appropriately designated and to read as follows:

“**§201H- Authorization to secure lines of credit or other instruments of indebtedness.** The corporation, subject to legislative approval, may secure a line of credit or other instrument of indebtedness to be used to meet the require-

ments of federal tax law for the bond volume cap recycling program; provided that the term of the authorized line of credit or other instrument of indebtedness shall correspond to each fiscal biennium budget period.”

SECTION 3. 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 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;]~~ charter provisions, ordinances and rules of any government agency relating to the award of private activity bonds and low-income housing tax credits.

(f) The Hawaii housing finance and development corporation or a county may establish a bond volume cap recycling program pursuant to section 146(i)(6) of the Internal Revenue Code of 1986, as amended. Under the pro-

gram, if the repayment of a loan financed by an issue of which ninety-five per cent or more of the net proceeds are used to provide projects described in section 142(d) of the Internal Revenue Code of 1986, as amended, and the repayment is used to provide a new loan for any project so described, any bond that is issued to refinance the issue shall be treated as a refunding issue to the extent the principal amount of the refunding issue does not exceed the principal amount of the bonds refunded.

(g) The department and Hawaii housing finance and development corporation may enter into a cooperative agreement with a county to facilitate and coordinate the establishment and implementation of a bond volume cap recycling program. The agreement shall be exempt from all statutes, charter provisions, ordinances, and rules of any government agency relating to the award of private activity bonds except federal law, subsection (f), this subsection, and section 39B-5(2).”

SECTION 4. Section 39B-5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~**§39B-5**~~]]~~ **Semi-annual report status or use of allocation.** In addition to the report required by section 39B-4, within thirty days of the end of each fiscal and calendar year, each county or any issuer shall submit a report to the department and ~~[the]~~ Hawaii housing finance and development corporation on ~~[the]~~:

- (1) The status or use of its portion of the allocation of the annual state ceiling, including any carryforward allocation, that has not been applied to an issuance of a qualified private bond~~[-]; and~~
- (2) The status or use of its portion of the allocation of the annual state ceiling previously applied to an issuance of a qualified private bond and used to provide a new loan under the bond volume cap recycling program pursuant to section 39B-2(f) and section 146(i)(6) of the Internal Revenue Code of 1986, as amended,

as evidenced by a certificate of the issuer or ~~[the]~~ director of finance of a county, as applicable.”

SECTION 5. Section 201H-202, Hawaii Revised Statutes, is amended to read as follows:

“**§201H-202 Rental housing revolving fund.** (a) There is established the rental housing revolving fund to be administered by the corporation.

(b) An amount from the fund, to be set by the corporation and authorized by the legislature, may be used for administrative expenses incurred by the corporation in administering the corporation’s housing finance programs; provided that fund moneys shall not be used to finance day-to-day administrative expenses of projects allotted fund moneys.

(c) The following may be deposited into the fund: appropriations made by the legislature, conveyance taxes pursuant to section 247-7, private contributions, repayment of loans, interest, other returns, and moneys from other sources.

(d) The fund shall be used to provide loans or grants for the development, pre-development, construction, acquisition, preservation, and substantial rehabilitation of rental housing units. Permitted uses of the fund may include but are not limited to planning, design, land acquisition, costs of options, agreements of sale, downpayments, equity financing, capacity building of nonprofit housing developers, or other housing development services or activities as provided in rules adopted by the corporation pursuant to chapter 91. The rules may provide for a means of recapturing loans or grants made from the fund if

a rental housing project financed under the fund is refinanced or sold at a later date. The rules may also provide that moneys from the fund shall be leveraged with other financial resources to the extent possible.

(e) Moneys available in the fund shall be used for the purpose of providing, in whole or in part, loans or grants for rental housing projects in the following order of priority:

- (1) Projects or units in projects that are allocated low-income housing credits pursuant to the state housing credit ceiling under section 42(h) of the Internal Revenue Code of 1986, as amended, or projects or units in projects that are funded by programs of the United States Department of Housing and Urban Development and United States Department of Agriculture Rural Development wherein:
  - (A) At least fifty per cent of the available units are for persons and families with incomes at or below eighty per cent of the median family income of which at least five per cent of the available units are for persons and families with incomes at or below thirty per cent of the median family income; and
  - (B) The remaining units are for persons and families with incomes at or below one hundred per cent of the median family income; provided that the corporation may establish rules to ensure full occupancy of fund projects; and
- (2) Mixed-income rental projects or units in a mixed-income rental project wherein all of the available units are for persons and families with incomes at or below one hundred forty per cent of the median family income.

(f) There is established within the fund a bond volume cap recycling program subaccount. The bond volume cap recycling program subaccount shall be maintained as a reserve for the bond volume cap recycling program established pursuant to section 39B-2(f).

~~[(f)]~~ (g) The corporation shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session describing the projects funded and, with respect to rental housing projects targeted for persons and families with incomes at or below thirty per cent of the median family income, its efforts to develop those rental housing projects, a description of proposals submitted for this target group and action taken on the proposals, and any barriers to developing housing units for this target group.

~~[(g)]~~ (h) For the purposes of this subpart, the applicable median family income shall be the median family income for the county or standard metropolitan statistical area in which the project is located as determined by the United States Department of Housing and Urban Development, as adjusted from time to time.

~~[(h)]~~ (i) The corporation may provide loans and grants under this section; provided that the corporation shall establish loan-to-value ratios to protect the fund from inordinate risk and that under no circumstances shall the rules permit the loan-to-value ratio to exceed one hundred per cent; ~~[and]~~ provided further that the underwriting guidelines include a debt-coverage ratio of ~~[not]~~ no less than 1.0 to 1.

~~[(i)]~~ (j) For the period commencing July 1, 2005, through June 30, 2009, the fund may be used to provide grants for rental units set aside for persons and families with incomes at or below thirty per cent of the median family income in any project financed in whole or in part by the fund in proportion of those units to the total number of units in the project. At the conclusion of the period described in this subsection, the corporation shall report to the legislature

on the number and use of grants provided and whether the grants were an effective use of the funds for purposes of developing rental housing for families at or below thirty per cent of the median family income.”

SECTION 6. Pursuant to section 201H- , Hawaii Revised Statutes, the Hawaii housing finance and development corporation may secure a line of credit or other instrument of indebtedness, in an amount not to exceed \$150,000,000 during the fiscal biennium beginning July 1, 2023, and ending June 30, 2025, to meet the requirements of federal tax law for the bond volume cap recycling program.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 8. This Act shall take effect on July 1, 2024.  
(Approved May 28, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 36**

H.B. NO. 1925

A Bill for an Act Relating to the Hawaii State Planning Act.

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

SECTION 1. The legislature finds that Act 100, Session Laws of Hawaii 1978, established the Hawaii State Planning Act to guide future long-range development of the State. The Hawaii State Planning Act is comprised of thirteen functional plans focusing on a wide range of state objectives such as agriculture, education, housing, energy, tourism, and transportation. As a broad framework, the Hawaii state plan establishes standards and policies to guide activities, programs, and policies made by county and state agencies.

In 1983, the State initiated its first comprehensive review of the Hawaii state plan. The review, completed in 1985, resulted in the enactment of legislation to refine and address goals, policies, and objectives of part I and priority guidelines in part III of the Hawaii State Planning Act. Since 1985, the State has experienced significant economic, physical, social, and technological changes that have enhanced and constrained opportunities for the State. Therefore, some findings and recommendations made to the Hawaii state plan in the initial review may not reflect the State’s current needs, goals, and long-range objectives for the twenty-first century.

In light of these circumstances, in 2018, the office of planning and sustainable development completed phase I of the comprehensive review of the Hawaii State Planning Act. The work completed in phase I yielded findings and recommendations that provide a foundation and scope of a recommended phase II update, including an approach to align current and emerging conditions and issues to enhance the effectiveness of planning, the needs of Hawaii’s people, and the future trajectory of the State. As critical work on the phase I update has been completed, and due to the pressing challenges facing the State and its residents, the State is poised to now conduct phase II to update the Hawaii state plan, consistent with critical data, and to formulate long-term goals and opportunities for

greater community engagement to provide a path toward future economic and sustainable success.

Accordingly, the purpose of this Act is to:

- (1) Establish the Hawaii State Planning Act phase II task force; and
- (2) Appropriate funds.

SECTION 2. (a) There is established the Hawaii State Planning Act phase II task force to be placed within the office of planning and sustainable development for administrative purposes only.

(b) The task force shall:

- (1) Create a two-year plan to examine the issues established in subsection (c), clarify and articulate findings, develop metrics and benchmarks to measure progress, and develop a final report that describes how the State is addressing the findings set forth in the phase I update completed in 2018;
- (2) Incorporate into the plan how it will coordinate with other groups, agencies, and programs within and outside the State to achieve alignment of plans and their implementation;
- (3) Incorporate into the plan how it will coordinate with the counties to achieve alignment of plans and their implementation; and
- (4) Consider and incorporate into the plan equity concerns, including economic and accessibility impacts to low-income communities.

(c) The task force shall examine and report on:

- (1) The findings of the original Hawaii State Planning Act, including any amendments necessary for relevancy;
- (2) Re-establishment and formulation of a list of long-range objectives and focus areas for functional plans that place greater emphasis on plan formulation and program coordination to integrate state and county activities, including but not limited to an evaluation of the latest state and county comprehensive economic development strategies;
- (3) Definitions in section 226-2, Hawaii Revised Statutes, that may require amendments;
- (4) Principles and values considered integral to the State, including tests for current relevancy and necessary amendments;
- (5) Consistency of state goals established pursuant to section 226-4, Hawaii Revised Statutes, in relation to departments, counties, and the general public;
- (6) The ability of the Hawaii state plan to provide a relevant, multi-disciplinary planning system and direction to encourage and facilitate cooperation among various entities, including between the State and the counties; and
- (7) Objectives and policies established pursuant to sections 225-5 through 225-27, Hawaii Revised Statutes, that are out-of-date and require updates to conform with current and long-range goals, which may be achieved by:
  - (A) Convening sub-working groups to reconsider and update the objectives and policies;
  - (B) Simplifying and reducing the number of policies;
  - (C) Ensuring that functional plans have updated policies; and
  - (D) Reorienting functional plans to emphasize coordination between state agencies and the counties to ensure that functional plans focus on depth and specificity.

- (d) The task force shall appoint a coordinator, who shall be exempt from chapter 76, Hawaii Revised Statutes.
- (e) The task force shall be composed of the following members:
- (1) The director of the office of planning and sustainable development, or the director's designee, who shall serve as chairperson;
  - (2) The superintendent of education, or the superintendent's designee;
  - (3) The chairperson of the board of trustees of the office of Hawaiian affairs, or the chairperson's designee;
  - (4) A representative from the university of Hawaii economic research organization;
  - (5) Co-chairs of the Hawaii climate change mitigation and adaptation commission, or their designees;
  - (6) The planning director of each county, or their respective designees;
  - (7) The chairperson of each county economic development board, or their respective designees; and
  - (8) Other relevant stakeholders, to include non-profit, academia, business, and Native Hawaiian representatives, to be invited by the task force and its chairperson.
- (f) The task force shall submit annual reports of the task force's progress, completed actions, and findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular sessions of 2026 and 2027.
- (g) The task force shall cease to exist on June 30, 2027.

**SECTION 3.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$225,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the administration costs of the Hawaii State Planning Act phase II task force established in section 2 of this Act.

The sum appropriated shall be expended by the office of planning and sustainable development for the purposes of this Act.

**SECTION 4.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$75,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the establishment of one full-time equivalent (1.0 FTE) coordinator position, who shall be exempt from chapter 76, Hawaii Revised Statutes, to support the Hawaii State Planning Act phase II task force established in section 2 of this Act.

The sum appropriated shall be expended by the office of planning and sustainable development for the purposes of this Act.

**SECTION 5.** This Act shall take effect on July 1, 2024.

(Approved May 28, 2024.)

## ACT 37

H.B. NO. 2090

A Bill for an Act Relating to Housing.

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

**SECTION 1.** The legislature finds that Hawaii needs to increase its housing supply to meet local demand for housing, mitigate housing cost increases, and prevent displacement of residents and homelessness. Hawaii has the highest housing costs in the nation, and a substantial body of research shows

that high housing costs are the result of regulatory restrictions on the ability to build homes to keep up with demand. Strict separation of land uses, such as allowing only commercial uses in certain areas, is one such regulatory restriction.

The legislature further finds that much-needed housing is particularly appropriate in areas zoned for commercial use. Allowing mixed commercial and residential uses creates vibrant neighborhoods by allowing residents to live near businesses and employers. Furthermore, it reduces the need for long commutes, decreases traffic congestion, and lowers carbon emissions. The legislature believes that adapting commercial buildings to residential use preserves Hawaii's natural beauty and agricultural land by allowing housing in developed commercial areas rather than on undeveloped land. The legislature notes that infrastructure for this type of infill construction is more cost-effective, requiring less upfront infrastructure and reducing costs for the ongoing delivery of services.

Therefore, the purpose of this Act is to:

- (1) Beginning on January 1, 2025, permit residential uses, including multifamily uses, in areas zoned for commercial use, with certain exceptions; and
- (2) Require, no later than January 1, 2025, each county to adopt or amend its ordinances to allow for adaptive reuse of commercial buildings for residential purposes.

SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

**“§46-A Residential development; areas zoned for commercial use; administrative approval.** Notwithstanding any law to the contrary, beginning January 1, 2025, residential uses, including multifamily uses, in any area zoned under this chapter for commercial use shall be considered permitted; provided that:

- (1) Residential uses may be limited by ordinance to floors above the ground floor of a building or structure and conform to prescribed development standards; and
- (2) This section shall not apply to any areas zoned under chapter 206E.

**§46-B Adaptive reuse; commercial buildings.** (a) No later than January 1, 2025, each county shall adopt or amend its ordinances to allow for adaptive reuse of existing commercial buildings in the county's building code; provided that adaptive reuse of existing commercial buildings shall be allowed pursuant to this section until each county adopts or amends its ordinance in accordance with this section.

(b) Notwithstanding any law, ordinance, or code or standard to the contrary, each adaptive reuse ordinance shall:

- (1) Allow for the construction of micro units; provided that no county shall require a micro unit to be larger than minimum standards established in the International Building Code;
- (2) Allow for adaptive reuse to meet the interior environment requirements of the International Building Code; and
- (3) Provide for an exemption to any requirements regarding park dedication or additional off-street parking; provided that:
  - (A) The existing off-street parking satisfies at least fifty per cent of a county's parking requirements; and
  - (B) The building's floor area, height, and setbacks do not change as a result of adaptive reuse;

provided further that this paragraph shall not preclude a county from exempting a project under this section from all off-street parking requirements.



(c) For purposes of this section, “adaptive reuse” means the repurposing of existing buildings or structures in whole or in part for residential purposes. “Adaptive reuse” includes retrofitting and repurposing of existing buildings or structures that create new residential units. “Adaptive reuse” does not include the rehabilitation of any construction affecting existing residential units that are or have been recently occupied.”

SECTION 3. Section 107-26, Hawaii Revised Statutes, is amended to read as follows:

**“§107-26 Hawaii state building codes; prohibitions.** In adopting the Hawaii state building codes, the council shall not adopt provisions that:

- (1) Relate to administrative, permitting, or enforcement and inspection procedures of each county; or
- (2) Conflict with [chapters]:
  - (A) Chapters 444 and 464[-]; or
  - (B) Section 46-B.”

SECTION 4. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

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

(Approved May 28, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 38**

S.B. NO. 2066

A Bill for an Act Relating to Housing.

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

SECTION 1. The legislature finds that Hawaii faces a critical housing shortage, particularly for Hawaii residents who are seeking a permanent home for their families, rather than trying to acquire real estate for investment or speculative purposes. The legislature further finds that the State provides a pathway for housing projects to be exempt from all statutes, charter provisions, ordinances, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units under certain conditions. Among the requirements for these projects, a majority of the units must be priced at levels affordable to Hawaii residents who earn less than one hundred forty per cent of the area median income. With recent interest rate increases, it is no longer possible to finance housing construction under these terms.

Accordingly, the purpose of this Act is to establish a separate, alternative pathway for projects to qualify for the exemptions from certain state laws and rules relating to planning, zoning, and construction, among others. Under this alternative pathway, all units must be set aside exclusively for Hawaii residents

who have no majority ownership in other residential properties, are domiciled in the State, and are owner-occupants, and shall not impose stricter income requirements than those adopted by the State.

SECTION 2. Section 201H-38, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The corporation may develop on behalf of the State or with an eligible developer, or may assist under a government assistance program in the development of, housing projects that shall be exempt from all statutes, ~~[ordinances,]~~ charter provisions, ordinances, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; provided that~~[-]~~ either:

(1) The housing projects meet the following conditions:

~~[(1)]~~ (A) The corporation finds the housing project is consistent with the purpose and intent of this chapter, and meets minimum requirements of health and safety;

~~[(2)]~~ (B) The development of the proposed housing project does not contravene any safety standards, tariffs, or rates and fees approved by the public utilities commission for public utilities or of the various boards of water supply authorized under chapter 54;

~~[(3)]~~ (C) The legislative body of the county in which the housing project is to be situated ~~[shall have]~~ has approved the project with or without modifications:

~~[(A)]~~ (i) The legislative body shall approve, approve with modification, or disapprove the project by resolution within forty-five days after the corporation has submitted the preliminary plans and specifications for the project to the legislative body. If on the forty-sixth day a project is not disapproved, it shall be deemed approved by the legislative body;

~~[(B)]~~ (ii) No action shall be prosecuted or maintained against any county, its officials, or employees on account of actions taken by them in reviewing, approving, modifying, or disapproving the plans and specifications; and

~~[(C)]~~ (iii) The final plans and specifications for the project shall be deemed approved by the legislative body if the final plans and specifications do not substantially deviate from the preliminary plans and specifications. The final plans and specifications for the project shall constitute the zoning, building, construction, and subdivision standards for that project. For purposes of sections 501-85 and 502-17, the executive director of the corporation or the responsible county official may certify maps and plans of lands connected with the project as having complied with applicable laws and ordinances relating to consolidation and subdivision of lands, and the maps and plans shall be accepted for registration or recordation by the land court and registrar; and

~~[(4)]~~ (D) The land use commission ~~[shall approve, approve]~~ has approved, approved with modification, or ~~[disapprove]~~ disapproved a boundary change within forty-five days after the corporation has submitted a petition to the commission as provided in sec-

- tion 205-4. If, on the forty-sixth day, the petition is not disapproved, it shall be deemed approved by the commission[-]; or
- (2) The housing projects:
- (A) Meet the conditions of paragraph (1);
- (B) Do not impose stricter income requirements than those adopted or established by the State; and
- (C) For the lifetime of the project, require one hundred per cent of the units in the project be exclusively for qualified residents.”

SECTION 3. Section 201H-41, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The corporation may accept and approve housing projects independently initiated by private developers that fully comply with subsections (a) and (b). The corporation may review the plans, specifications, districting, and zoning of the project for the purpose of exempting the project from all statutes, ordinances, charter provisions, and rules of any government agency relating to zoning and construction standards for subdivisions, development, and improvement of land and the construction, improvement, and sale of dwelling units thereon; provided that the procedures in section [201H-38(a)(1), (2), and (3)] 201H-38(a)(1)(A), (B), and (C) have been satisfied.”

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 May 28, 2024.)

## ACT 39

S.B. NO. 3202

A Bill for an Act Relating to Urban Development.

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

### PART I

SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**“§46- Accessory dwelling units on residentially zoned lots.** (a) Each county shall adopt or amend accessory dwelling unit ordinances pursuant to this section to help address deficits in their housing inventory based on Hawaii housing planning studies published by the Hawaii housing finance and development corporation.

(b) Except as provided in subsections (c) and (d), each county shall adopt or amend ordinances defining reasonable standards that allow for the construction of at least two accessory dwelling units, or the reasonable equivalent, for residential use on all residentially zoned lots.

(c) A county that does not adopt or amend an ordinance pursuant to subsection (b) shall adopt or amend ordinances pursuant to this subsection and subsection (d), if applicable, defining:

- (1) Districts that authorize at least two accessory dwelling units, or the reasonable equivalent, for residential use per each permitted exist-

ing single-family dwelling on a residentially zoned lot; provided that these districts shall be:

- (A) Consistent with the county’s comprehensive general plan;
  - (B) Reasonably distributed throughout the county’s various regional planning areas; and
  - (C) Estimated to add development potential equivalent to half of the county’s projected five-year demand of needed housing units for ownership or rental as stated in the 2019 Hawaii housing planning study; and
- (2) Districts that authorize at least two accessory dwelling units or the reasonable equivalent for residential use per each permitted existing single-family dwelling on a residentially zoned lot within a reasonable walking distance to and from:
- (A) Stations of a locally preferred alternative for a mass transit project; and
  - (B) Urban principal arterials as classified by the Federal Highway Administration for purposes of federal-aid highways projects and situated within a primary urban area, urban core, or county equivalent identified by a county comprehensive general plan.

(d) In addition to the requirements under subsection (c), a county with a population of five hundred thousand or more shall adopt or amend an ordinance defining reasonable standards to add development potential in existing apartment districts or apartment mixed-use districts equivalent to the county’s projected five-year demand of needed housing units for ownership or rental in the 2019 Hawaii housing planning study.

(e) Accessory dwelling units developed pursuant to this section shall be subject to all development standards adopted by the respective county, including but not limited to those adopted pursuant to this chapter.

(f) Nothing in this section shall preclude a county from denying applications for permits if there is insufficient utility infrastructure to service the additional demand caused by the development of accessory dwelling units pursuant to this section.

(g) If a county does not adopt or amend zoning ordinances pursuant to this section by December 31, 2026, the county shall not deny any permit application on the basis of exceeding the maximum number of housing units allowed if any owner, or their designated representative, of a single-family dwelling in a residentially zoned lot applies for construction of up to two accessory dwelling units, or the reasonable equivalent, until the county adopts or amends an ordinance pursuant to this section; provided that a county may deny a permit application on the basis of infrastructure, design, or development standards.

(h) No county shall adopt prohibitions on using any dwelling unit on a residentially zoned lot as separately leased long-term rentals, as defined by each county.

- (i) This section shall not apply to:
  - (1) Any area outside of the urban district established by chapter 205;
  - (2) County powers within special management areas delineated pursuant to chapter 205A; and
  - (3) Any area within an urban district that a county deems to be at high risk of a natural hazard such as flooding, lava, or fire, as determined by the most current data and maps issued by a federal or state department or agency.
- (j) Neither this section, any permit issued in accordance with this section, or structures developed pursuant to this section shall create any vested

rights for any applicant, permit holder, or land owner. This section shall not preempt a county's ability to accept, review, approve, and deny permit applications.

(k) For purposes of this section, "residentially zoned lot" means a zoning lot in a county zoning district that is principally reserved for single-family and two-family detached dwellings. "Residentially zoned lot" does not include a lot in a county zoning district that is intended for rural, low density residential development, and open space preservation."

SECTION 2. Chapter 205, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**"§205- Private covenants; residentially zoned lots; urban district.** (a) No private covenant for a residentially zoned lot within an urban district recorded after the effective date of this Act shall limit the:

- (1) Number of accessory dwelling units on that residentially zoned lot below the amount allowed pursuant to section 46- ; or
  - (2) Long-term rental of residential units on that residentially zoned lot.
- (b) This section shall not apply to any private covenants recorded before the effective date of this Act.

(c) For purposes of this section, "residentially zoned lot" means a zoning lot in a county zoning district that is principally reserved for single-family and two-family detached dwellings. "Residentially zoned lot" does not include a lot in a county zoning district that is intended for rural, low density residential development, and open space preservation."

## PART II

SECTION 3. Section 46-4, Hawaii Revised Statutes, is amended to read as follows:

**"§46-4 County zoning.** (a) This section and any ordinance, rule, or regulation adopted in accordance with this section shall apply to lands not contained within the forest reserve boundaries as established on January 31, 1957, or as subsequently amended.

Zoning in all counties shall be accomplished within the framework of a long-range, comprehensive general plan prepared or being prepared to guide the overall future development of the county. Zoning shall be one of the tools available to the county to put the general plan into effect in an orderly manner. Zoning in the counties of Hawaii, Maui, and Kauai means the establishment of districts of such number, shape, and area, and the adoption of regulations for each district to carry out the purposes of this section. In establishing or regulating the districts, full consideration shall be given to all available data as to soil classification and physical use capabilities of the land to allow and encourage the most beneficial use of the land consonant with good zoning practices. The zoning power granted [~~herein~~] in this section shall be exercised by ordinance, which may relate to:

- (1) The areas within which agriculture, forestry, industry, trade, and business may be conducted;
- (2) The areas in which residential uses may be regulated or prohibited;
- (3) The areas bordering natural watercourses, channels, and streams, in which trades or industries, filling or dumping, erection of structures, and the location of buildings may be prohibited or restricted;
- (4) The areas in which particular uses may be subjected to special restrictions;

- (5) The location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered;
- (6) The location, height, bulk, number of stories, and size of buildings and other structures;
- (7) The location of roads, schools, and recreation areas;
- (8) Building setback lines and future street lines;
- (9) The density and distribution of population;
- (10) The percentage of a lot that may be occupied, size of yards, courts, and other open spaces;
- (11) Minimum and maximum lot sizes; and
- (12) Other regulations the boards or city council find necessary and proper to permit and encourage the orderly development of land resources within their jurisdictions.

The council of any county shall prescribe rules, regulations, and administrative procedures and provide personnel it finds necessary to enforce this section and any ordinance enacted in accordance with this section. The ordinances may be enforced by appropriate fines and penalties, civil or criminal, or by court order at the suit of the county or the owner or owners of real estate directly affected by the ordinances.

Any civil fine or penalty provided by ordinance under this section may be imposed by the district court, or by the zoning agency after an opportunity for a hearing pursuant to chapter 91. The proceeding shall not be a prerequisite for any injunctive relief ordered by the circuit court.

Nothing in this section shall invalidate any zoning ordinance or regulation adopted by any county or other agency of government pursuant to the statutes in effect ~~prior to~~ before July 1, 1957.

The powers granted ~~herein~~ in this section shall be liberally construed in favor of the county exercising them, and in ~~such~~ a manner ~~as to promote~~ that promotes the orderly development of each county or city and county in accordance with a long-range, comprehensive general plan to ensure the greatest benefit for the State as a whole. This section shall not be construed to limit or repeal any powers of any county to achieve these ends through zoning and building regulations, except insofar as forest and water reserve zones are concerned and as provided in subsections (c) ~~and~~, (d) ~~and~~, (g), and section 46- .

Neither this section nor any ordinance enacted pursuant to this section shall prohibit the continued lawful use of any building or premises for any trade, industrial, residential, agricultural, or other purpose for which the building or premises is used at the time this section or the ordinance takes effect; provided that a zoning ordinance may provide for elimination of nonconforming uses as the uses are discontinued, or for the amortization or phasing out of nonconforming uses or signs over a reasonable period of time in commercial, industrial, resort, and apartment zoned areas only. In no event shall ~~such~~ the amortization or phasing out of nonconforming uses apply to any existing building or premises used for residential (single-family or duplex) or agricultural uses. Nothing in this section shall affect or impair the powers and duties of the director of transportation as set forth in chapter 262.

(b) Any final order of a zoning agency established under this section may be appealed to the circuit court of the circuit in which the land in question is found. The appeal shall be in accordance with the Hawaii rules of civil procedure.

(c) ~~Each~~ Except as provided in section 46- . each county may adopt reasonable standards to allow the construction of two single-family dwelling units on any lot where a residential dwelling unit is permitted.

(d) Neither this section nor any other law, county ordinance, or rule shall prohibit group living in facilities with eight or fewer residents for purposes or functions that are licensed, certified, registered, or monitored by the State; provided that a resident manager or a resident supervisor and the resident manager's or resident supervisor's family shall not be included in this resident count. These group living facilities shall meet all applicable county requirements not inconsistent with the intent of this subsection, including but not limited to building height, setback, maximum lot coverage, parking, and floor area requirements.

(e) Neither this section nor any other law, county ordinance, or rule shall prohibit the use of land for employee housing and community buildings in plantation community subdivisions as defined in section 205-4.5(a)(12); in addition, no zoning ordinance shall provide for the elimination, amortization, or phasing out of plantation community subdivisions as a nonconforming use.

(f) Neither this section nor any other law, county ordinance, or rule shall prohibit the use of land for medical cannabis production centers or medical cannabis dispensaries established and licensed pursuant to chapter 329D; provided that the land is otherwise zoned for agriculture, manufacturing, or retail purposes.

(g) Notwithstanding any other law, county charter, county ordinance, or rule, any administrative authority to accept, reject, and approve or deny any application for subdivision, consolidation, or resubdivision of a parcel of land that has been fully zoned for residential use within the state urban district designated pursuant to section 205-2 shall be vested with the director of the county agency responsible for land use or a single county officer designated by ordinance; provided that:

- (1) The parcel of land being subdivided is not located on a site that is:
  - (A) Designated as important agricultural land pursuant to part III of chapter 205;
  - (B) On wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW2;
  - (C) Within a floodplain as determined by maps adopted by the Federal Emergency Management Agency;
  - (D) A habitat for protected or endangered species;
  - (E) Within a state historic district:
    - (i) Listed on the Hawaii register of historic places or national register of historic places;
    - (ii) Listed as a historic property on the Hawaii register of historic places or the national register of historic places;  
or
    - (iii) During the period after a nomination for listing on the Hawaii register of historic places or national register of historic places is submitted to the department of land and natural resource's state historic preservation division and before the Hawaii historic places review board has rendered a decision; or
  - (F) Within lava zone 1 or lava zone 2, as designated by the United States Geological Survey;
- (2) Any approval under this subsection shall be consistent with all county zoning, development standards, and requirements pursuant to part II of chapter 205A; and
- (3) This subsection shall not apply to county powers within special management areas delineated pursuant to part II of chapter 205A.

Neither this subsection, any permit issued in accordance with this subsection, or structures developed pursuant to this subsection shall create any vested rights for any applicant, permit holder, or land owner.”

PART III

SECTION 4. Section 46-143, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) An impact fee shall be substantially related to the needs arising from the development and shall not exceed a proportionate share of the costs incurred or to be incurred in accommodating the development. The following ~~seven~~ factors shall be considered in determining a proportionate share of public facility capital improvement costs:

- (1) The level of public facility capital improvements required to appropriately serve a development, based on a needs assessment study that identifies:
  - (A) Deficiencies in existing public facilities;
  - (B) The means, other than impact fees, by which existing deficiencies will be eliminated within a reasonable period of time; and
  - (C) Additional demands anticipated to be placed on specified public facilities by a development;
- (2) The availability of other funding for public facility capital improvements, including but not limited to user charges, taxes, bonds, inter-governmental transfers, and special taxation or assessments;
- (3) The cost of existing public facility capital improvements;
- (4) The methods by which existing public facility capital improvements were financed;
- (5) The extent to which a developer required to pay impact fees has contributed in the previous five years to the cost of existing public facility capital improvements and received no reasonable benefit therefrom, and any credits that may be due to a development because of ~~such~~ the contributions;
- (6) The extent to which a developer required to pay impact fees over the next twenty years may reasonably be anticipated to contribute to the cost of existing public facility capital improvements through user fees, debt service payments, or other payments, and any credits that may accrue to a development because of future payments; ~~and~~
- (7) The extent to which a developer is required to pay impact fees as a condition precedent to the development of non-site related public facility capital improvements, and any offsets payable to a developer because of this provision~~[-]; and~~
- (8) The square footage of the development; provided that:
  - (A) In cases where the developer is converting an existing structure, the square footage of the existing structure shall be deducted from the total square footage of the development when calculating impact fees; and
  - (B) In cases where the public facility impacted is a water or sewage facility, the appropriate board of water supply may choose to calculate impact fees based on the total number of fixtures in the development, rather than by square footage.”



## PART IV

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

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

(Approved May 28, 2024.)

## Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 40

H.B. NO. 2685

A Bill for an Act Relating to Energy.

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

SECTION 1. Chapter 196, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . SOLAR HUI PROGRAM**

**§196-A Definitions.** As used in this part, unless the context otherwise requires:

“Authority” means the Hawaii green infrastructure authority as established under section 196-63.

“Energy services agreement” means the Green Energy Money Saver Energy Services Participant Agreement, which is similar to a solar lease or solar power purchase agreement.

“Low- and moderate-income household” means a household with income equal to or less than one hundred forty per cent of the area median income as determined by the United States Department of Housing and Urban Development.

“Solar energy system” or “energy project” means any identifiable facility, equipment, apparatus, or the like, which may include an energy storage system, that converts solar energy to useful thermal or electrical energy for heating, cooling, or reducing the use of other types of energy that are dependent on fossil fuel for their generation.

**§196-B Solar hui program; fund manager.** (a) There is established the solar hui program to be administered by the authority. The solar hui program shall provide a multi-family residential property owner the opportunity to invest in the solar hui investment fund established pursuant to section 196-C. Multi-family residential property owners who invest in the solar hui investment fund under the solar hui program may be eligible to receive:

- (1) Any tax credit associated with the installation of a solar energy system, subject to the requirements of the tax credit; and
- (2) Any income derived from:
  - (A) Repayment of an energy services agreement with the low- and moderate-income household ratepayer provided by the solar hui investment fund; or
  - (B) Generation of energy from an energy project entered into by the fund manager.

## ACT 41

(b) There is established within the authority the position of the solar hui program fund manager, which shall be a full-time equivalent position exempt from chapter 76. The solar hui program fund manager shall:

- (1) Manage the solar hui investment fund established pursuant to section 196-C;
- (2) Market the solar hui program to multi-family residential property owners; and
- (3) Select solar contractors for energy projects.

(c) The authority shall adopt rules pursuant to chapter 91 to carry out the purposes of this part.

**§196-C Solar hui investment fund.** (a) There is established the solar hui investment fund into which shall be deposited the following:

- (1) Appropriations by the legislature;
  - (2) Investments received from multi-family residential property owners;
  - (3) All other money received for the fund from any other source; and
  - (4) All income and interest earned or accrued on moneys deposited into the fund.
- (b) The solar hui investment fund may be used to:
- (1) Enter into energy services agreements with low- and moderate-income households to install a solar energy system;
  - (2) Invest in energy projects;
  - (3) Pay administrative costs of the solar hui program; or
  - (4) Pay any other costs related to the solar hui program.”

SECTION 2. There is appropriated out of the Hawaii green infrastructure special fund the sum of \$203,750 or so much thereof as may be necessary for fiscal year 2024-2025 for the implementation of the solar hui program, including one full-time equivalent (1.0 FTE) solar hui program fund manager position.

The sum appropriated shall be expended by the Hawaii green infrastructure authority for the purposes of this Act.

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 this Act.

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved May 30, 2024.)

## ACT 41

H.B. NO. 2801

A Bill for an Act Relating to Commercial Property Assessed Financing.

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

SECTION 1. The legislature finds that Act 183, Session Laws of Hawaii 2022, authorized commercial property assessed financing, also known as commercial property assessed clean energy and resiliency, or C-PACER financing, in Hawaii. C-PACER is an alternative financing option that finances one hundred per cent of qualified capital improvement costs, with terms matching the useful life of the equipment installed, thereby making payments more affordable than a typical equipment loan. The legislature further finds that C-PACER financing can help condominium associations finance the installation of fire safety and other energy efficiency, renewable energy, water conservation, and resiliency

measures at more attractive rates and terms than may be currently available with conventional financing.

The purpose of this Act is to:

- (1) Consolidate the authority to administer a C-PACER financing program under the Hawaii green infrastructure authority by repealing the authority of counties to administer such programs and delegating all existing administrative responsibilities of the counties under the commercial property assessed financing program to the Hawaii green infrastructure authority;
- (2) Enable condominium associations to participate in C-PACER financing; and
- (3) Provide clarity to the definition of a commercial property for purposes of green infrastructure loans.

SECTION 2. Section 46-80, Hawaii Revised Statutes, is amended to read as follows:

**~~§46-80 Improvement by assessment; financing;—commercial property assessed financing program~~**. [(a)] Any county having a charter may enact an ordinance, and may amend the same from time to time, providing for the making and financing of improvement districts in the county, and the improvements may be made and financed under the ordinance. The county may issue and sell bonds to provide funds for the improvements. Bonds issued to provide funds for the improvements may be either bonds when the only security therefor is the properties benefited or improved or the assessments thereon or bonds payable from taxes or secured by the taxing power of the county. If the bonds are secured only by the properties benefited or improved or the assessments thereon, the bonds shall be issued according and subject to the provisions of the ordinance. If the bonds are payable from taxes or secured by the taxing power, the bonds shall be issued according and subject to chapter 47. Except as is otherwise provided in section 46-80.1, in assessing land for improvements a county shall assess the land within an improvement district according to the special benefits conferred upon the land by the special improvement; these methods include assessment on a frontage basis or according to the area of land within an improvement district, or any other assessment method that assesses the land according to the special benefit conferred, or any combination thereof.

[(b)] ~~There is established a special improvement program to be known as a commercial property assessed financing program, which shall be administered by the Hawaii green infrastructure authority. A commercial property owner may apply to a commercial property assessed financing lender, approved by the authority, for property assessed financing to pay the cost of qualifying improvements and enter into a commercial property assessed financing contract with a commercial property assessed financing lender and the authority. Costs incurred for qualifying improvements shall be levied and collected by each county, as provided in section 196-64.5, as a non-ad valorem special tax assessment on the benefitted commercial property. The authority, on behalf of the State, shall authorize commercial property assessed financing assessment contracts as instruments of indebtedness in the form as may be prescribed by the authority. Commercial property assessed financing assessment contracts authorized to finance qualifying improvements, when the only security is the non-ad valorem special tax assessment levied against benefitted or improved commercial property, shall be excluded from any determination of the power of the State to issue general obligation bonds or funded debt for purposes of section 13 of article VII of the state constitution.~~

~~(c) Any county having a charter may enact an ordinance, and may amend the same from time to time, to establish a special improvement program containing the same elements as the commercial property assessed financing program authorized under chapter 196 and subsection (b), except that any program that is established shall be administered by the county in lieu of administration by the authority. The county shall assume all of the responsibilities of the authority provided in chapter 196 and subsection (b), including determining qualifying improvements eligible for property assessed financing. A commercial property owner may apply to the county for property assessed financing to pay the costs of qualifying improvements and enter into a commercial property assessed financing assessment contract with an approved commercial property assessed financing lender and the county. Costs incurred for qualifying improvements shall be levied and collected by each county, as provided in section 196-64.5, as a non-ad valorem special tax assessment on the benefitted commercial property. The county may issue revenue bonds to finance or refinance the improvements, and the form of any revenue bond may be a commercial property assessed financing assessment contract or other instrument prescribed by the county. Bonds issued to finance qualifying improvements, when the only security is the non-ad valorem special tax assessment levied against benefitted or improved commercial property, shall be excluded from any determination of the power of the county to issue general obligation bonds or funded debt for purposes of article VII, section 13, of the state constitution.]”~~

SECTION 3. Section 196-61, Hawaii Revised Statutes, is amended as follows:

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

“Assessment” means a financing assessment imposed by the authority on a benefitted commercial property pursuant to section 196-64.5.

“Property owner” or “owner” means the owner or owners of record of commercial property, except that in the case of a condominium, “owner” shall mean the condominium association and not the owner or owners of individual residential condominium units.”

2. By amending the definitions of “commercial property” and “commercial property assessed financing assessment” to read:

“Commercial property” means [any];

(1) Any existing or new non-residential real property [not defined as a residential property, and shall include], including any property where there is a leasehold or possessory interest in the property [and any];

(2) Any multi-family dwelling or townhouse consisting of five or more units [as well as agricultural];

(3) Any condominium organized under chapter 514B consisting of six or more units; provided that individual residential condominium units shall not be considered commercial property and shall be ineligible to apply for commercial property assessed financing under this part; or

(4) Agricultural property.

“Commercial property assessed financing assessment” or “financing assessment” means the [non-ad valorem special tax] annual assessment [that secures], secured by a lien on a property, for the repayment of financing obtained by an owner of commercial property for a qualifying improvement [and that appears on a property tax bill.] that is billed and collected by the authority.”

3. By amending the definitions of “commercial property assessed financing lender” and “commercial property assessed financing program” to read:  
 ““Commercial property assessed financing lender” means a financial institution as defined pursuant to section 412:1-109, or a private or public lender approved by the authority, as the administrator of the commercial property assessed financing program, to originate commercial property assessed financing assessment contracts, and ~~[which]~~ that may include any successor or assignee of the lender as provided in the commercial property assessed financing assessment contract.

“Commercial property assessed financing program” means a program to finance qualifying improvements on commercial properties that are repaid through ~~[a non-ad valorem special tax]~~ an assessment imposed by the authority on the commercial property owner’s property [tax bill].”

4. By amending the definition of “option to purchase” to read:  
 ““Option to purchase” means a legally binding agreement between a buyer and a seller~~[-, which]~~ that gives the buyer the option, but not the obligation, to purchase the solar energy system or other installed equipment at an agreed upon price, prior to the maturity date of the power purchase agreement or energy performance contract.”

5. By deleting the definition of “county director of finance” or “county director of budget and fiscal services”.

~~[““County director of finance” or “county director of budget and fiscal services” means the officer or officers of the county charged with the responsibility of administering the real property taxation function of the county.”]~~

6. By deleting the definition of “non-ad valorem special tax assessment”.

~~[““Non-ad valorem special tax assessment” means a special tax assessment or governmental charge levied by the county as provided in section 196-64.5 on a benefitted commercial property that appears on a property tax bill.”]~~

SECTION 4. Section 196-64.5, Hawaii Revised Statutes, is amended to read as follows:

~~“[§196-64.5] Commercial property assessed financing program. (a) [Any county having a charter may authorize the authority, pursuant to this section, to offer a commercial property assessed financing program within its jurisdiction and may contract with the authority for that purpose, and any county having a charter may enact its own commercial property assessed financing program pursuant to this section and section 46-80(b) and (c).] There is established a commercial property assessed financing program to be administered by the authority to enable owners of qualifying property to access non-traditional financing for qualifying improvements. Program financing shall be secured by a voluntary assessment imposed on the benefitted property that is secured by a statutory lien; provided that the statutory lien shall have priority over all other liens except the liens for property taxes and other assessments lawfully imposed by a governmental authority against the property.~~

~~(b) [The] In administering the commercial property assessed financing program, the authority~~[-, as the administrator of the commercial property assessed financing program,~~ shall coordinate with each county to bill and collect a non-ad valorem special tax assessment on a benefitted commercial property as a repayment mechanism on the real property tax bill or stand-alone bill. The non-ad valorem special tax] may impose a governmental lien to secure commercial property assessed financing against real property specially benefitted pursuant to the program established by this section. Commercial property assessed financing shall be secured by the voluntary governmental lien and repaid in assessment~~

installments in accordance with the commercial property assessed financing assessment contract and billed and collected by the authority. The principal amount of financing made pursuant to this section shall be a governmental lien against each lot or parcel of the property, or in the case of a condominium, a governmental lien against the condominium association, assessed for a period beginning on the date of the notice of the assessment and ending once payment is made in full or otherwise satisfied in accordance with the commercial property assessed financing assessment contract; provided that the lien shall have priority over all other liens except the liens for property taxes and other assessments lawfully imposed by governmental authority against the property; provided further that for multiple liens of assessments, the earlier lien shall have priority over the later lien. Neither the governmental lien nor the assessment for repayment on a benefitted commercial property pursuant to this section shall [not be] constitute a [generally applicable] tax upon the real property [but shall be collected in the same manner as real property taxes as a result of a benefit to the commercial property owners for qualifying improvements.] within the meaning of any constitutional or statutory provision. The requirement of lender consent pursuant to subsection (c)(7) shall be satisfied for the priority of the lien to be valid.

(c) The authority shall design [a] the commercial property assessed financing program authorized under this section [and section 46-80(b) that addresses] to address market needs while attracting private capital [and that shall]; provided that the program, at [a] minimum, shall include the following elements:

- (1) A commercial property owner of qualifying property in the State may apply to the authority for approval to use commercial property assessed financing to pay the cost of qualifying improvements and enter into a commercial property assessed financing contract with an approved commercial property assessed financing lender and the authority;
- (+)(2) A commercial property assessed financing lender may enter into a commercial property assessed financing assessment contract to finance or refinance a qualifying improvement only with the [~~re-~~recorded] owner of the [~~affected~~] commercial property and the authority. Each commercial property assessed financing assessment contract shall be executed by the authority as the administrator of the commercial property assessed financing program. A commercial property assessed financing assessment contract shall require the authority to assign, pledge, and transfer revenues to be derived from commercial property assessed financing assessments to one or more commercial property assessed financing lenders as security for their direct financing of qualifying improvements. The obligation of the authority to transfer the revenues to one or more commercial property assessed financing lenders shall be evidenced by the commercial property assessed financing assessment contract as an instrument of indebtedness in a form as may be prescribed by the authority. No other bonds shall be required to be issued by the State, the authority, any county, or any other public entity in order to cause qualifying improvements to be funded through a commercial property assessed financing assessment contract;
- (-)(3) Qualifying improvements shall be affixed to a building or facility or affixed to real property, subject to the commercial property assessed financing assessments;
- (-)(3) (4) Before entering into a commercial property assessed financing assessment contract, the commercial property assessed financing lender shall reasonably determine that:

- (A) The commercial property owner is able to borrow the amount of the property assessed financing using reasonable commercial underwriting practices;
- (B) All property taxes applicable to the commercial property, and any other assessments levied on the same bill as property taxes, are paid; and
- (C) There are no involuntary liens applicable to the commercial property, including but not limited to construction liens, that will not be paid or satisfied upon the closing of the financing;
- [(4)] (5) The commercial property assessed financing assessment contract shall include the amount of an annual assessment, including interest, over a fixed term that ~~[will appear as a non-ad valorem special tax assessment on the commercial property owner's tax bill or stand-alone bill annually;]~~ shall be billed annually or as otherwise specified by the authority and collected by the authority in accordance with the commercial property assessed financing lender's amortization schedule;
- [(5)] (6) The commercial property assessed financing assessment contract, or summary memorandum of the contract, shall be recorded by the commercial property assessed financing lender in the public records of the State ~~[or of the county within which the commercial property is located]~~ within five days after execution by the parties to the contract. The recorded contract shall provide constructive notice of the ~~[levy of;]~~ lien and obligation of the commercial property owner to pay~~[-]~~ the commercial property assessed financing assessment. ~~The entire principal amount of the commercial property assessed financing assessment [to be levied on the commercial property]~~ contract shall be a [non-ad valorem special tax assessment and a] governmental statutory lien against the commercial property [on a parity with the lien of general real property taxes and the lien of any other assessments levied under section 46-80, from] that shall be assessed for a period beginning on the date of recordation entered into pursuant to this section [until] and ending once paid or satisfied in accordance with the commercial property assessed financing assessment contract; provided that the lien shall have priority over all other liens except the liens for property taxes and other assessments lawfully imposed by a governmental authority against the property;
- [(6)] (7) Before entering into a commercial property assessed financing assessment contract for any commercial property, the commercial property owner shall ~~[provide]~~:
- (A) (i) Provide the authority and the commercial property assessed financing lender with evidence of the written consent of each holder or loan servicer of any mortgage that encumbers or otherwise secures the commercial property, where the consent is in the sole and absolute discretion of each holder or loan servicer of a mortgage on the commercial property, at the time of the execution of the commercial property assessed financing assessment contract by the parties; provided that the consents shall be in a form prescribed by the authority; and
- (ii) For a commercial property that is a condominium organized under chapter 514B, or preceding state law governing condominium property regimes, as an alternative to clause (i), the condominium association shall provide

- the authority and the commercial property assessed financing lender with evidence of the written consent of each creditor with a valid Uniform Commercial Code financing statement or mortgage recorded with the bureau of conveyances that encumbers or otherwise secures the condominium, where the consent is in the sole and absolute discretion of each creditor, at the time of the execution of the commercial property assessed financing assessment contract by the parties; provided that the consents shall be in a form prescribed by the authority; or
- (B) Agree to the commercial property assessed financing lender's remedies if a default occurs, including foreclosure, in accordance with the terms and conditions of the commercial property assessed financing contract;
- (7) (8) At or before the time a purchaser executes a contract for the sale and purchase of any commercial property for which a ~~[non-ad valorem special tax assessment has been levied]~~ statutory lien has been recorded under this part and has an unpaid balance due, the seller shall give the prospective purchaser a written disclosure statement notifying the prospective purchaser of the commercial property assessed financing assessment;
- (8) (9) The term of the commercial property assessed financing assessment contract shall not exceed the useful life of the qualifying improvement being installed or the weighted average useful life of all qualifying improvements being financed if multiple qualifying improvements are being financed, as determined by the authority;  
[and
- (9) (10) [Before the execution by the authority of the first commercial property assessed financing assessment contract in a county, the authority shall enter into a contract with the county director of finance or county director of budget and fiscal services to cause the county director to levy and collect any commercial property assessed financing assessment approved and certified by the authority to the director for collection. The county director shall levy] Except as otherwise provided for commercial property assessed financing assessments under chapter 514B, the authority shall bill and collect any approved commercial property assessed financing assessment [approved by the authority]. Each commercial property assessed financing assessment that is approved for collection shall be ~~[a non-ad valorem special tax assessment and shall be]~~ billed and collected in [the same manner as general real property taxes are collected and be subject to the same] accordance with the commercial property assessed financing lender's amortization schedule. The authority may charge interest or other fees on assessment amounts not paid on a timely basis. The authority shall develop guidelines and procedures providing for the method of undertaking and financing qualifying improvements as well as penalties ~~[and same procedure], collection processes, sale, and lien priority, [subject to this section,]~~ in the case of delinquency as is provided ~~[by general law for the default of the payment of real property taxes, unless another procedure, including stand-alone billing and collection, is agreed upon by the authority and the county director. The county director may add to any commercial property assessed financing assessment reasonable administrative costs as agreed upon by the authority and the county~~



~~director.] in this section. The [county director] authority shall remit any commercial property assessed financing assessments collected, less any reasonable administrative costs [added by the county director, to or on the direction of the authority, for further application by the authority] to pay each commercial property assessed financing lender [and to pay the reasonable administrative costs of the authority] in accordance with each commercial property assessed financing assessment contract. [The county director shall covenant in a contract or instrument, for] For the benefit of any commercial property assessed financing lender [or bondholder, to], the authority shall commence and diligently pursue to completion the foreclosure of delinquent commercial property assessed financing assessments and any penalty, interest, and costs by advertisement and sale and with the same effect as provided by general law for sales of real property pursuant to [default in payment of property taxes. The covenant] chapter 667 and in accordance with the terms of the commercial property assessed financing contract. Any guidelines and procedures developed pursuant to this paragraph shall specify a deadline for commencement of the foreclosure sale and any other terms and conditions the [county director of finance or county director of budget and fiscal services] authority determines reasonable regarding the foreclosure sale. For commercial property assessed financing assessments levied but not paid when due pursuant to a commercial property assessed financing assessment contract, the foreclosure of the lien of the commercial property assessed financing assessment, lien of general real property taxes or any other assessments levied under section 46-80, or any other lien foreclosed, shall not accelerate or extinguish the remaining term of the commercial property assessed financing assessment as approved in the commercial property assessed financing assessment contract[-]; and~~

- (11) All moneys collected for assessments for the commercial property assessed financing program, including any interest accrued and fee revenues collected, shall be deposited in a separate subaccount in the clean energy and energy efficiency revolving loan fund established pursuant to section 196-65.5 and expended only for the administration of the commercial property assessed financing program; provided that any surplus moneys remaining at the end of each fiscal year after the payment of expenses of the commercial property assessed financing program shall be transferred and credited to the Hawaii green infrastructure special fund established pursuant to section 196-65 and may be expended for the administration of the commercial property assessed financing program.”

SECTION 5. Section 196-65.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The authority may establish subaccounts within the fund as necessary[-]; provided that in accordance with section 196-64.5(c)(11), the authority shall establish a subaccount within the fund into which shall be deposited all moneys, including any interest accrued and fee revenues, collected as assessments under the commercial property assessed financing program established pursuant to section 196-64.5.”

SECTION 6. Section 514B-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) If there is any unit owner other than a developer, each unit shall be separately taxed and assessed, and no separate tax or assessment [may] shall be rendered against any common elements. The laws relating to home exemptions from state property taxes are applicable to individual units, which shall have the benefit of home exemption in those cases where the owner of a single-family dwelling would qualify. Property taxes assessed by the State or any county shall be assessed and collected on the individual units and not on the property as a whole. Commercial property assessed financing program assessments pursuant to section 196-64.5 may be imposed upon the project, as described by the project’s master deed, declaration, and map pursuant to part III of this chapter; provided that a commercial property assessed financing contract is entered into by a condominium association with an approved commercial property assessed financing lender and the Hawaii green infrastructure authority. Without limitation of the foregoing, each unit and its appurtenant common interest shall be deemed to be a “parcel” and shall be subject to separate assessment and taxation for all types of taxes authorized by law, including[-] but not limited to[-] other non-commercial property assessed financing program special assessments.”

SECTION 7. Section 514B-41, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The common profits of the property shall be distributed among, and the common expenses shall be charged to, the unit owners, including the developer, in proportion to the common interest appurtenant to their respective units, except as otherwise provided in the declaration or bylaws. In a mixed-use project containing units for both residential and nonresidential use, the charges and distributions may be apportioned in a fair and equitable manner as set forth in the declaration. Except as otherwise provided in subsection (c) or the declaration or bylaws, all limited common element costs and expenses, including but not limited to maintenance, repair, replacement, additions, and improvements, including capital improvements financed by commercial property assessed financing pursuant to section 196-64.5, shall be charged to the owner or owners of the unit or units to which the limited common element is appurtenant in an equitable manner as set forth in the declaration.”

SECTION 8. Section 514B-105, Hawaii Revised Statutes, is amended to read as follows:

“**§514B-105 Association; limitations on powers.** (a) The declaration and bylaws [may] shall not impose limitations on the power of the association to deal with the developer [~~which~~] that are more restrictive than the limitations imposed on the power of the association to deal with other persons.

(b) Unless otherwise permitted by the declaration, bylaws, or this chapter, an association may adopt rules and regulations that affect the use of or behavior in units that may be used for residential purposes only to:

- (1) Prevent any use of a unit [~~which~~] that violates the declaration or bylaws;
- (2) Regulate any behavior in or occupancy of a unit [~~which~~] that violates the declaration or bylaws or unreasonably interferes with the use and enjoyment of other units or the common elements by other unit owners; or
- (3) Restrict the leasing of residential units to the extent those rules are reasonably designed to meet underwriting requirements of institutional lenders who regularly lend money secured by first mortgages on units in condominiums or regularly purchase those mortgages.

Otherwise, the association [~~may~~] shall not regulate any use of or behavior in units by means of the rules and regulations.

(c) Any payments made by or on behalf of a unit owner shall first be applied to outstanding common expenses that are assessed to all unit owners in proportion to the common interest appurtenant to their respective units[-], including commercial property assessed financing assessment expenses incurred for improvements financed pursuant to section 196-64.5. Only after [~~said~~] the outstanding common expenses have been paid in full may the payments be applied to other charges owed to the association, including assessed charges to the unit such as ground lease rent, utility sub-metering, storage lockers, parking stalls, boat slips, insurance deductibles, and cable. After these charges are paid, other charges, including unpaid late fees, legal fees, fines, and interest, may be assessed in accordance with an application of payment policy adopted by the board; provided that if a unit owner has designated that any payment is for a specific charge that is not a common expense as described in this subsection, the payment may be applied in accordance with the unit owner's designation even if common expenses remain outstanding.

(d) No unit owner who requests legal or other information from the association, the board, the managing agent, or their employees or agents, shall be charged for the reasonable cost of providing the information unless the association notifies the unit owner that it intends to charge the unit owner for the reasonable cost. The association shall notify the unit owner in writing at least ten days prior to incurring the reasonable cost of providing the information, except that no prior notice shall be required to assess the reasonable cost of providing information on delinquent assessments or in connection with proceedings to enforce the law or the association's governing documents.

After being notified of the reasonable cost of providing the information, the unit owner may withdraw the request, in writing. A unit owner who withdraws a request for information shall not be charged for the reasonable cost of providing the information.

(e) Subject to any approval requirements and spending limits contained in the declaration or bylaws, the association may authorize the board to borrow money for the repair, replacement, maintenance, operation, or administration of the common elements and personal property of the project, or the making of any additions, alterations, and improvements thereto; provided that written notice of the purpose and use of the funds is first sent to all unit owners and owners representing fifty per cent of the common interest vote or give written consent to the borrowing. In connection with the borrowing, including non-commercial property assessed financing, the board may grant to the lender the right to assess and collect monthly or special assessments from the unit owners and to enforce the payment of the assessments or other sums by statutory lien and foreclosure proceedings. The cost of the borrowing, including, without limitation, all principal, interest, commitment fees, and other expenses payable with respect to the borrowing or the enforcement of the obligations under the borrowing, shall be a common expense of the project. For purposes of this section, the financing of insurance premiums by the association within the policy period shall not be deemed a loan and no lease shall be deemed a loan if it provides that at the end of the lease the association may purchase the leased equipment for its fair market value.

(f) For financing assessments imposed upon the project under a commercial property assessed financing program pursuant to section 196-64.5 and due from the association, the cost of the commercial property assessed financing, including all principal, interest, commitment fees, servicing fees, and other expenses payable with respect to this borrowing or the enforcement of the obli-

gations under the borrowing, shall be a common expense of the project and the unit owners' proportionate share of the financing assessment shall be collected in the same manner as common expenses. The written consent of at least fifty per cent of all unit owners to finance qualifying improvements with commercial property assessed financing shall include an acknowledgment that the annual financing assessment required to fund debt service on the commercial property assessed financing shall be included as part of the association's adopted revised budget."

SECTION 9. Section 514B-146, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) All sums assessed by the association but unpaid for the share of the common expenses chargeable to any unit shall constitute a lien on the unit with priority over all other liens, except:

- (1) Liens for real property taxes and assessments lawfully imposed by governmental authority against the unit; and
- (2) Except as provided in subsection (j), all sums unpaid on any mortgage of record that was recorded ~~[prior to]~~ before the recordation of a notice of a lien by the association, and costs and expenses including attorneys' fees provided in ~~[such]~~ the mortgages;

provided that a lien recorded by an association for unpaid assessments shall expire six years from the date of recordation unless proceedings to enforce the lien are instituted ~~[prior to]~~ before the expiration of the lien; provided further that the expiration of a recorded lien shall in no way affect the association's automatic lien that arises pursuant to this subsection or the declaration or bylaws. Any proceedings to enforce an association's lien for any assessment shall be instituted within six years after the assessment became due; provided that if the owner of a unit subject to a lien of the association files a petition for relief under the United States Bankruptcy Code (11 U.S.C. §101 et seq.), the period of time for instituting proceedings to enforce the association's lien shall be tolled until thirty days after the automatic stay of proceedings under section 362 of the United States Bankruptcy Code (11 U.S.C. §362) is lifted.

The lien of the association may be foreclosed by action or by nonjudicial or power of sale foreclosure, regardless of the presence or absence of power of sale language in an association's governing documents, by the managing agent or board, acting on behalf of the association and in the name of the association; provided that no association may exercise the nonjudicial or power of sale remedies provided in chapter 667 to foreclose a lien against any unit that arises solely from fines, penalties, legal fees, or late fees, and the foreclosure of ~~[any such]~~ the lien shall be filed in court pursuant to part IA of chapter 667.

In any ~~[such]~~ foreclosure~~[,]~~ described in this section, the unit owner shall be required to pay a reasonable ~~[rental]~~ rent for the unit, if so provided in the bylaws or the law, and the plaintiff in the foreclosure shall be entitled to the appointment of a receiver to collect the ~~[rental]~~ rent owed by the unit owner or any tenant of the unit. If the association is the plaintiff, it may request that its managing agent be appointed as receiver to collect the rent from the tenant. The managing agent or board, acting on behalf of the association and in the name of the association, unless prohibited by the declaration, may bid on the unit at foreclosure sale, and acquire and hold, lease, mortgage, and convey the unit. Action to recover a money judgment for unpaid common expenses shall be maintainable without foreclosing or waiving the lien securing the unpaid common expenses owed."

2. By amending subsection (l) to read:

“(l) For purposes of subsections (j) and (k), the following definitions shall apply, unless the context requires otherwise:

“Completion” means:

- (1) In a nonjudicial power of sale foreclosure, when the affidavit after public sale is recorded pursuant to section 667-33; and
- (2) In a judicial foreclosure, when a purchaser is deemed to acquire title pursuant to subsection (b).

“Regular monthly common assessments” does not include:

- (1) Any other special assessment, except for a special assessment imposed on all units as part of a budget adopted pursuant to section 514B-148[;], including commercial property assessed financing assessments imposed pursuant to section 196-64.5;
- (2) Late charges, fines, or penalties;
- (3) Interest assessed by the association;
- (4) Any lien arising out of the assessment; or
- (5) Any fees or costs related to the collection or enforcement of the assessment, including attorneys’ fees and court costs.”

SECTION 10. Section 514B-157, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) All costs and expenses, including reasonable attorneys’ fees, incurred by or on behalf of the association for:

- (1) Collecting any delinquent assessments, including commercial property assessed financing assessments imposed pursuant to section 196-64.5, against any owner’s unit;
- (2) Foreclosing any lien thereon; or
- (3) Enforcing any provision of the declaration, bylaws, house rules, and this chapter, or the rules of the real estate commission;

against an owner, occupant, tenant, employee of an owner, or any other person who may in any manner use the property, shall be promptly paid on demand to the association by [~~such~~] the person or persons; provided that if the claims upon which the association takes any action are not substantiated, all costs and expenses, including reasonable attorneys’ fees, incurred by any [~~such~~] applicable person or persons as a result of the action of the association, shall be promptly paid on demand to [~~such~~] the person or persons by the association.”

SECTION 11. Section 667-40, Hawaii Revised Statutes, is amended to read as follows:

**“~~§667-40~~ Use of power of sale foreclosure in certain non-mortgage situations.** A power of sale foreclosure under this part may be used in certain non-mortgage situations where a law or a written document contains, authorizes, permits, or provides for a power of sale, a power of sale foreclosure, a power of sale remedy, or a nonjudicial foreclosure. These laws or written documents are limited to those involving time share plans, condominium property regimes, and agreements of sale[-], and commercial property assessed financing assessments imposed pursuant to section 196-64.5.”

SECTION 12. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 13. This Act shall take effect on July 1, 2024.

(Approved May 30, 2024.)

A Bill for an Act Relating to Condominiums.

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

SECTION 1. Section 514B-121, Hawaii Revised Statutes, is amended to read as follows:

**“§514B-121 Association meetings.** (a) A meeting of the association shall be held at least once each year.

~~[(b) Notwithstanding any other provision of this chapter, except as provided in subsection (e), or the declaration or bylaws of a condominium to the contrary, at any association meeting the board may direct the use of an electronic voting device regardless of whether a secret ballot is used or required. Except as provided in subsection (e), the use shall be subject to the following:~~

- ~~(1) The electronic voting device and all associated equipment shall be isolated from any connection to an external network, including the Internet, or shall use a form of encryption comparable to that used for secured internet web browsers;~~
- ~~(2) The board shall establish reasonable procedures to provide for the secrecy and integrity of the unit owners' votes, including but not limited to procedures that ensure the availability of a printed audit trail containing:
 
  - ~~(A) The reference number or internet address of the electronic voting device;~~
  - ~~(B) Each common interest voted; and~~
  - ~~(C) The vote that was tabulated;~~~~
- ~~(3) A copy of the printed audit trail shall be available to owners after the meeting in the same manner provided by sections 514B-154 and 514B-154.5; and~~
- ~~(4) A copy of the procedures established pursuant to paragraph (2) shall be available at no charge to any owner and a copy shall be available at any meeting at which the association uses an electronic voting device.~~

~~If any conflict arises between this subsection and subsection (e), subsection (e) shall control.]~~

(b) All association meetings shall be conducted in accordance with the most recent edition of Robert's Rules of Order Newly Revised.

(c) Special meetings of the association may be called by the president, a majority of the board, or by a petition to the secretary or managing agent signed and dated by ~~[not]~~ no less than twenty-five per cent of the unit owners as shown in the association's record of ownership; provided that if the secretary or managing agent fails to send out the notices for the special meeting within fourteen days of receipt of the petition, the petitioners shall have the authority to set the time, date, and place for the special meeting and to send out the notices and proxies for the special meeting at the association's expense in accordance with the requirements of the bylaws and of this part; provided further that a special meeting based upon a petition to the secretary or managing agent shall be set no later than sixty days from receipt of the petition. The petition shall be valid only if submitted within one hundred twenty days of the earliest signature.

(d) ~~[Not]~~ No less than fourteen days in advance of any meeting, the secretary or other officer specified in the bylaws shall cause notice to be:

- (1) Hand-delivered;

- (2) Sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit owner; or
- (3) At the option of the unit owner, expressed in writing, by electronic mail to the electronic mailing address designated in writing by the unit owner.

The notice of any meeting ~~[must]~~ shall state the date, time, and place of the meeting and the items on the agenda, including the general nature and rationale of any proposed amendment to the declaration or bylaws, and any proposal to remove a member of the board; provided that this subsection shall not preclude any unit owner from proposing an amendment to the declaration or bylaws or to remove a member of the board at any annual association meeting.

~~[(e) All association meetings shall be conducted in accordance with the most recent edition of Robert's Rules of Order Newly Revised.]~~

~~(e)~~ Notwithstanding any provision to the contrary in the association's declaration or bylaws ~~[or in subsection (b)],~~ electronic meetings [and electronic, machine, or], electronic voting, and mail voting may be authorized by the board in its sole discretion:

- (1) During any period in which a state of emergency or local state of emergency, declared pursuant to chapter 127A, is in effect in the county in which the condominium is located;
- (2) For any association meeting for which notice was given while a state of emergency or local state of emergency, declared pursuant to chapter 127A, was in effect for the county in which the condominium is located but is no longer in effect as of the date of the meeting; provided that the meeting is held within sixty days of the date the notice was first given;
- ~~[(3) For any electronic, machine, or mail voting for which notice of voting has been sent; provided that the electronic, machine, or mail voting deadline is within sixty days of the date the notice was first sent;~~
- ~~(4) Whenever approved in advance by:]~~
- ~~(3) When approved by adoption of a special meeting rule at an association meeting that permits the board to authorize electronic meetings, electronic voting, and mail voting;~~
- ~~(4) When approved no less than three months and no more than eighteen months before the electronic meeting, electronic voting, and mail voting by:~~
  - (A) Written consent of a majority of unit owners; or
  - (B) Majority vote at an association meeting; or
- (5) Whenever otherwise authorized in an association's declaration or bylaws.

For any electronic meetings, electronic voting, and mail voting, the voting deadline shall be within sixty days of the date the notice was first sent. The association shall implement reasonable measures to verify that each person permitted to vote is a member of the association or proxy of a member.

As used in this subsection, "mail voting" includes sending or receiving written ballots via mail, courier, or electronic transmission; provided that the transmission is a complete reproduction of the original.

~~(f)~~ All association meetings, except those where all persons attend by electronic means, shall be held at the address of the condominium or elsewhere within the State as determined by the board; provided that in the event of a natural disaster, ~~[such as a hurricane,]~~ an association meeting may be held outside the State."

## ACT 43

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, 2024.

(Approved May 30, 2024.)

## ACT 43

S.B. NO. 2726

A Bill for an Act Relating to Condominiums.

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

SECTION 1. The legislature finds that Act 189, Session Laws of Hawaii 2023, established the condominium property regime task force, which met on September 11, 2023; October 27, 2023; November 30, 2023; and December 14, 2023, to develop recommendations as part of its interim report to the legislature before the start of the regular session of 2024. Task force members sought and received information from the department of commerce and consumer affairs and several members of the public submitted written testimony and presented oral comments during hybrid remote and in-person meetings held by the task force. Links to the task force meetings and written materials are posted on the department of commerce and consumer affairs' website and are linked to the legislature's website.

The purpose of this Act is to:

- (1) Implement the request by the condominium property regime task force to require the legislative reference bureau to conduct a study on certain condominium subjects; and
- (2) Extend the deadline for the final report and the cease date for the condominium property regime task force to June 30, 2026.

SECTION 2. (a) The legislative reference bureau shall study and submit a report on the approaches employed by certain other states regarding the following condominium subjects:

- (1) A condominium ombudsman or similar position to specifically oversee condominiums;
  - (2) Required licenses for individuals involved in the management of condominiums;
  - (3) The availability of dedicated alternative dispute resolution or similar programs that are specifically for the prevention or resolution of condominium-related disputes and are separate from alternative dispute resolution programs available for other disputes;
  - (4) Governmental regulation and enforcement of condominium operations and governance that are separate from an ombudsman referenced in paragraph (1);
  - (5) Requirements for owner education at the point of sale of a unit; and
  - (6) Requirements for owner access to condominium documents.
- (b) To the extent feasible, each subject shall include:
- (1) Descriptive information detailing the approach of each jurisdiction;
  - (2) Identified strengths and weaknesses of each particular approach; and
  - (3) Identified best practices in the jurisdiction.
- (c) The jurisdictions to be studied shall be:
- (1) California;
  - (2) Delaware;



- (3) Florida;
- (4) Massachusetts;
- (5) Nevada; and
- (6) Any other jurisdiction deemed relevant by the legislative reference bureau.

(d) The legislative reference bureau shall submit the report to the legislature and the condominium property regime task force no later than twenty days prior to the convening of the regular session of 2026.

SECTION 3. Act 189, Session Laws of Hawaii 2023, section 3, is amended by amending subsections (e) and (f) to read as follows:

“(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.]~~ June 30, 2026.

(f) The task force shall cease to exist on June 30, ~~[2025.]~~ 2026.”

SECTION 4. 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 2024-2025 for the legislative reference bureau to conduct a study of condominium subjects in other states as specified in section 2 of this Act.

The sum appropriated shall be expended by the legislative reference bureau for the purposes of this Act.

SECTION 5. There is appropriated out of the condominium education trust fund established pursuant to section 514B-71, Hawaii Revised Statutes, the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the legislative reference bureau to conduct a study of condominium subjects in other states as specified in section 2 of this Act; provided that the director of commerce and consumer affairs may substitute the means of financing of some or all of this appropriation from the condominium education trust fund to any other source of funding available to the director of commerce and consumer affairs that may be used to fund some or all of the study required under this Act.

The sum appropriated shall be transferred by the real estate commission to the legislative reference bureau to expend on the study required under this Act; provided that:

- (1) The legislative reference bureau shall not commence or execute any aspect of the study until the moneys appropriated under this section have been transferred from the real estate commission to the legislative reference bureau; and
- (2) Any moneys from this appropriation not encumbered or expended by the legislative reference bureau for the purposes of this Act that remain on balance on June 30, 2026, shall lapse to the credit of the condominium education trust fund established pursuant to section 514B-71, Hawaii Revised Statutes.

SECTION 6. The legislative reference bureau may contract the services of a consultant with the funds appropriated in this Act. The contracting of services under this Act shall be exempt from chapter 103D, Hawaii Revised Statutes.

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, 2024.

(Approved May 30, 2024.)

A Bill for an Act Relating to Condominiums.

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

SECTION 1. Section 514B-88, Hawaii Revised Statutes, is amended to read as follows:

~~“§514B-88~~ **Delivery.** In this part, delivery shall be made by:

- (1) Personal delivery;
- (2) Registered or certified mail with adequate postage~~[-]~~ to the recipient's address; provided that delivery shall be considered made three days after deposit in the mail or on any earlier date upon which the return receipt is signed;
- (3) Facsimile transmission, if the recipient has provided a fax number to the sender; provided that delivery shall be considered made upon the sender's receipt of automatic confirmation of transmission; ~~[or]~~
- (4) Electronic mail; or
- ~~[(4)]~~ (5) Any other way prescribed by the commission.”

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

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

(Approved May 30, 2024.)

A Bill for an Act Relating to Housing.

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

SECTION 1. The legislature finds that while the Hawaii housing finance and development corporation may facilitate the development, construction, financing, refinancing, or other provision of mixed-use developments, including low- and moderate-income housing projects, the counties are not allowed to facilitate mixed-use developments. This is despite existing law giving the counties similar powers regarding the development of housing, and the counties sharing a burden in promoting transit oriented development, urban revitalization, and the conversion of office and commercial space to residential space.

The purpose of this Act is to allow the counties to share in the burden of facilitating the development, construction, financing, refinancing, or other provision of mixed-use developments, including low- and moderate-income housing projects, and issue county bonds for this purpose.

SECTION 2. Section 46-15.1, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Notwithstanding any law to the contrary, any county shall have and may exercise the same powers, subject to applicable limitations, as those granted the Hawaii housing finance and development corporation pursuant to chapter 201H insofar as those powers may be reasonably construed to be exercisable by a county for the purpose of developing, constructing, ~~[and]~~ financing, refinancing,

or otherwise providing low- and moderate-income housing[;] projects and mixed-use developments; provided that no county shall be empowered to cause the State to issue general obligation bonds to finance a project pursuant to this section; provided further that county projects shall be granted an exemption from general excise or receipts taxes in the same manner as projects of the Hawaii housing finance and development corporation pursuant to section 201H-36; ~~[and] provided further that county projects shall prioritize walkability to the extent practicable;~~ provided further that section 201H-16 shall not apply to this section unless federal guidelines specifically provide local governments with that authorization and the authorization does not conflict with any state laws. The powers shall include the power, subject to applicable limitations, to:

- (1) Develop and construct dwelling units, alone or in partnership with developers;
- (2) Acquire necessary land by lease, purchase, exchange, or eminent domain;
- (3) Provide assistance and aid to a public agency or other person in developing and constructing new housing and rehabilitating existing housing for elders of low- and moderate-income, other persons of low- and moderate-income, and persons displaced by any governmental action, by making long-term mortgage or interim construction loans available;
- (4) Contract with any eligible bidders to provide for construction of urgently needed housing for persons of low- and moderate-income;
- (5) Guarantee the top twenty-five per cent of the principal balance of real property mortgage loans, plus interest thereon, made to qualified borrowers by qualified lenders;
- (6) Enter into mortgage guarantee agreements with appropriate officials of any agency or instrumentality of the United States to induce those officials to commit to insure or to insure mortgages under the National Housing Act, as amended;
- (7) Make a direct loan to any qualified buyer for the downpayment required by a private lender to be made by the borrower as a condition of obtaining a loan from the private lender in the purchase of residential property;
- (8) Provide funds for a share, not to exceed fifty per cent, of the principal amount of a loan made to a qualified borrower by a private lender who is unable otherwise to lend the borrower sufficient funds at reasonable rates in the purchase of residential property; and
- (9) Sell or lease completed dwelling units.

For purposes of this section, a limitation is applicable to the extent that it may reasonably be construed to apply to a county.”

2. By amending subsections (f) and (g) to read:

“(f) The provisions of this section shall be construed liberally so as to effectuate the purpose of this section in facilitating the development, construction, ~~[and] financing, refinancing, or other~~ provision of low- and moderate-income housing projects and mixed-use developments by the various counties.

(g) For purposes of this section[; ~~“low and moderate income housing”~~]; “Low- and moderate-income housing project” means any housing project that meets the definition of “low- and moderate-income housing project” in section 39A-281.

“Mixed-use development” has the same meaning as defined in section 201H-12(a).”

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

SECTION 4. This Act shall take effect upon its approval, and shall apply to bond proceeds expended by a county after December 31, 2023, and shall be repealed on June 30, 2028; provided that section 46-15.1, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act.

(Approved May 30, 2024.)

ACT 46

H.B. NO. 2404

A Bill for an Act Relating to Income Tax.

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

PART I

SECTION 1. Section 235-2.4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Section 63 (with respect to taxable income defined) of the Internal Revenue Code shall be operative for the purposes of this chapter, subject to the following:

- (1) Section 63(c)(1)(B) (relating to the additional standard deduction), 63(c)(1)(C) (relating to the real property tax deduction), 63(c)(1)(D) (relating to the disaster loss deduction), 63(c)(1)(E) (relating to the motor vehicle sales tax deduction), 63(c)(4) (relating to inflation adjustments), 63(c)(7) (defining the real property tax deduction), 63(c)(8) (defining the disaster loss deduction), 63(c)(9) (defining the motor vehicle sales tax deduction), and 63(f) (relating to additional amounts for the aged or blind) of the Internal Revenue Code shall not be operative for purposes of this chapter;
- (2) Section 63(c)(2) (relating to the basic standard deduction) of the Internal Revenue Code shall be operative, except that the standard deduction amounts provided therein shall instead mean:
  - (A) \$4,400 in the case of:
    - (i) A joint return as provided by section 235-93; or
    - (ii) A surviving spouse (as defined in section 2(a) of the Internal Revenue Code);
  - (B) \$3,212 in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code);
  - (C) \$2,200 in the case of an individual who is not married and who is not a surviving spouse or head of household; [ø]
  - (D) \$2,200 in the case of a married individual filing a separate return;
  - (E) For taxable years beginning after December 31, 2023:
    - (i) \$8,800 in the case of a joint return as provided by section 235-93 or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code);
    - (ii) \$6,424 in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code);

- (iii) \$4,400 in the case of an individual who is not married and who is not a surviving spouse or head of household;  
or
  - (iv) \$4,400 in the case of a married individual filing a separate return;
  - (F) For taxable years beginning after December 31, 2025:
    - (i) \$16,000 in the case of a joint return as provided by section 235-93 or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code);
    - (ii) \$12,000 in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code);
    - (iii) \$8,000 in the case of an individual who is not married and who is not a surviving spouse or head of household;  
or
    - (iv) \$8,000 in the case of a married individual filing a separate return;
  - (G) For taxable years beginning after December 31, 2027:
    - (i) \$18,000 in the case of a joint return as provided by section 235-93 or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code);
    - (ii) \$13,500 in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code);
    - (iii) \$9,000 in the case of an individual who is not married and who is not a surviving spouse or head of household;  
or
    - (iv) \$9,000 in the case of a married individual filing a separate return;
  - (H) For taxable years beginning after December 31, 2029:
    - (i) \$20,000 in the case of a joint return as provided by section 235-93 or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code);
    - (ii) \$15,000 in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code);
    - (iii) \$10,000 in the case of an individual who is not married and who is not a surviving spouse or head of household;  
or
    - (iv) \$10,000 in the case of a married individual filing a separate return; and
  - (I) For taxable years beginning after December 31, 2030:
    - (i) \$24,000 in the case of a joint return as provided by section 235-93 or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code);
    - (ii) \$18,000 in the case of a head of household (as defined in section 2(b) of the Internal Revenue Code);
    - (iii) \$12,000 in the case of an individual who is not married and who is not a surviving spouse or head of household;  
or
    - (iv) \$12,000 in the case of a married individual filing a separate return;
- (3) Section 63(c)(5) (limiting the basic standard deduction in the case of certain dependents) of the Internal Revenue Code shall be operative, except that the limitation shall be the greater of \$500 or the individual's earned income; and

- (4) The standard deduction amount for nonresidents shall be calculated pursuant to section 235-5.”

PART II

SECTION 2. Section 235-51, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows:

- “(a) There is hereby imposed on the taxable income of every:  
 (1) Taxpayer who files a joint return under section 235-93; and  
 (2) Surviving spouse,

a tax determined in accordance with the following table:

In the case of any taxable year beginning after December 31, 2017:

If the taxable income is:	The tax shall be:
Not over \$4,800	1.40% of taxable income
Over \$4,800 but not over \$9,600	\$67.00 plus 3.20% of excess over \$4,800
Over \$9,600 but not over \$19,200	\$221.00 plus 5.50% of excess over \$9,600
Over \$19,200 but not over \$28,800	\$749.00 plus 6.40% of excess over \$19,200
Over \$28,800 but not over \$38,400	\$1,363.00 plus 6.80% of excess over \$28,800
Over \$38,400 but not over \$48,000	\$2,016.00 plus 7.20% of excess over \$38,400
Over \$48,000 but not over \$72,000	\$2,707.00 plus 7.60% of excess over \$48,000
Over \$72,000 but not over \$96,000	\$4,531.00 plus 7.90% of excess over \$72,000
Over \$96,000 but not over \$300,000	\$6,427.00 plus 8.25% of excess over \$96,000
Over \$300,000 but not over \$350,000	\$23,257.00 plus 9.00% of excess over \$300,000
Over \$350,000 but not over \$400,000	\$27,757.00 plus 10.00% of excess over \$350,000
Over \$400,000	\$32,757.00 plus 11.00% of excess over \$400,000.

In the case of any taxable year beginning after December 31, 2024:

<u>If the taxable income is:</u>	<u>The tax shall be:</u>
<u>Not over \$19,200</u>	<u>1.40% of taxable income</u>
<u>Over \$19,200 but not over \$28,800</u>	<u>\$269.00 plus 3.20% of excess over \$19,200</u>
<u>Over \$28,800 but not over \$38,400</u>	<u>\$576.00 plus 5.50% of excess over \$28,800</u>
<u>Over \$38,400 but not over \$48,000</u>	<u>\$1,104.00 plus 6.40% of excess over \$38,400</u>
<u>Over \$48,000 but not over \$72,000</u>	<u>\$1,718.00 plus 6.80% of excess over \$48,000</u>
<u>Over \$72,000 but not over \$96,000</u>	<u>\$3,350.00 plus 7.20% of excess over \$72,000</u>
<u>Over \$96,000 but not over \$250,000</u>	<u>\$5,078.00 plus 7.60% of excess over \$96,000</u>
<u>Over \$250,000 but not over \$350,000</u>	<u>\$16,782.00 plus 7.90% of excess over \$250,000</u>
<u>Over \$350,000 but not over \$450,000</u>	<u>\$24,682.00 plus 8.25% of excess over \$350,000</u>

<u>Over \$450,000 but not over \$550,000</u>	<u>\$32,932.00 plus 9.00% of excess over \$450,000</u>
<u>Over \$550,000 but not over \$650,000</u>	<u>\$41,932.00 plus 10.00% of excess over \$550,000</u>
<u>Over \$650,000</u>	<u>\$51,932.00 plus 11.00% of excess over \$650,000.</u>

In the case of any taxable year beginning after December 31, 2026:

<u>If the taxable income is:</u>	<u>The tax shall be:</u>
<u>Not over \$28,800</u>	<u>1.40% of taxable income</u>
<u>Over \$28,800 but not over \$38,400</u>	<u>\$403.00 plus 3.20% of excess over \$28,800</u>
<u>Over \$38,400 but not over \$48,000</u>	<u>\$710.00 plus 5.50% of excess over \$38,400</u>
<u>Over \$48,000 but not over \$72,000</u>	<u>\$1,238.00 plus 6.40% of excess over \$48,000</u>
<u>Over \$72,000 but not over \$96,000</u>	<u>\$2,774.00 plus 6.80% of excess over \$72,000</u>
<u>Over \$96,000 but not over \$250,000</u>	<u>\$4,406.00 plus 7.20% of excess over \$96,000</u>
<u>Over \$250,000 but not over \$350,000</u>	<u>\$15,494.00 plus 7.60% of excess over \$250,000</u>
<u>Over \$350,000 but not over \$450,000</u>	<u>\$23,094.00 plus 7.90% of excess over \$350,000</u>
<u>Over \$450,000 but not over \$550,000</u>	<u>\$30,994.00 plus 8.25% of excess over \$450,000</u>
<u>Over \$550,000 but not over \$650,000</u>	<u>\$39,244.00 plus 9.00% of excess over \$550,000</u>
<u>Over \$650,000 but not over \$800,000</u>	<u>\$48,244.00 plus 10.00% of excess over \$650,000</u>
<u>Over \$800,000</u>	<u>\$63,244.00 plus 11.00% of excess over \$800,000.</u>

In the case of any taxable year beginning after December 31, 2028:

<u>If the taxable income is:</u>	<u>The tax shall be:</u>
<u>Not over \$38,400</u>	<u>1.40% of taxable income</u>
<u>Over \$38,400 but not over \$48,000</u>	<u>\$538.00 plus 3.20% of excess over \$38,400</u>
<u>Over \$48,000 but not over \$72,000</u>	<u>\$845.00 plus 5.50% of excess over \$48,000</u>
<u>Over \$72,000 but not over \$96,000</u>	<u>\$2,165.00 plus 6.40% of excess over \$72,000</u>
<u>Over \$96,000 but not over \$250,000</u>	<u>\$3,701.00 plus 6.80% of excess over \$96,000</u>
<u>Over \$250,000 but not over \$350,000</u>	<u>\$14,173.00 plus 7.20% of excess over \$250,000</u>
<u>Over \$350,000 but not over \$450,000</u>	<u>\$21,373.00 plus 7.60% of excess over \$350,000</u>
<u>Over \$450,000 but not over \$550,000</u>	<u>\$28,973.00 plus 7.90% of excess over \$450,000</u>
<u>Over \$550,000 but not over \$650,000</u>	<u>\$36,873.00 plus 8.25% of excess over \$550,000</u>
<u>Over \$650,000 but not over \$800,000</u>	<u>\$45,123.00 plus 9.00% of excess over \$650,000</u>
<u>Over \$800,000 but not over \$950,000</u>	<u>\$58,623.00 plus 10.00% of excess over \$800,000</u>

Over \$950,000 \$73,623.00 plus 11.00% of excess over \$950,000.

(b) There is hereby imposed on the taxable income of every head of a household a tax determined in accordance with the following table:

In the case of any taxable year beginning after December 31, 2017:

If the taxable income is:	The tax shall be:
Not over \$3,600	1.40% of taxable income
Over \$3,600 but not over \$7,200	\$50.00 plus 3.20% of excess over \$3,600
Over \$7,200 but not over \$14,400	\$166.00 plus 5.50% of excess over \$7,200
Over \$14,400 but not over \$21,600	\$562.00 plus 6.40% of excess over \$14,400
Over \$21,600 but not over \$28,800	\$1,022.00 plus 6.80% of excess over \$21,600
Over \$28,800 but not over \$36,000	\$1,512.00 plus 7.20% of excess over \$28,800
Over \$36,000 but not over \$54,000	\$2,030.00 plus 7.60% of excess over \$36,000
Over \$54,000 but not over \$72,000	\$3,398.00 plus 7.90% of excess over \$54,000
Over \$72,000 but not over \$225,000	\$4,820.00 plus 8.25% of excess over \$72,000
Over \$225,000 but not over \$262,500	\$17,443.00 plus 9.00% of excess over \$225,000
Over \$262,500 but not over \$300,000	\$20,818.00 plus 10.00% of excess over \$262,500
Over \$300,000	\$24,568.00 plus 11.00% of excess over \$300,000.

In the case of any taxable year beginning after December 31, 2024:

<u>If the taxable income is:</u>	<u>The tax shall be:</u>
<u>Not over \$14,400</u>	<u>1.40% of taxable income</u>
<u>Over \$14,400 but not over \$21,600</u>	<u>\$202.00 plus 3.20% of excess over \$14,400</u>
<u>Over \$21,600 but not over \$28,800</u>	<u>\$432.00 plus 5.50% of excess over \$21,600</u>
<u>Over \$28,800 but not over \$36,000</u>	<u>\$828.00 plus 6.40% of excess over \$28,800</u>
<u>Over \$36,000 but not over \$54,000</u>	<u>\$1,289.00 plus 6.80% of excess over \$36,000</u>
<u>Over \$54,000 but not over \$72,000</u>	<u>\$2,513.00 plus 7.20% of excess over \$54,000</u>
<u>Over \$72,000 but not over \$187,500</u>	<u>\$3,809.00 plus 7.60% of excess over \$72,000</u>
<u>Over \$187,500 but not over \$262,500</u>	<u>\$12,587.00 plus 7.90% of excess over \$187,500</u>
<u>Over \$262,500 but not over \$337,500</u>	<u>\$18,512.00 plus 8.25% of excess over \$262,500</u>
<u>Over \$337,500 but not over \$412,500</u>	<u>\$24,699.00 plus 9.00% of excess over \$337,500</u>
<u>Over \$412,500 but not over \$487,500</u>	<u>\$31,449.00 plus 10.00% of excess over \$412,500</u>
<u>Over \$487,500</u>	<u>\$38,949.00 plus 11.00% of excess over \$487,500.</u>



In the case of any taxable year beginning after December 31, 2026:

<u>If the taxable income is:</u>	<u>The tax shall be:</u>
<u>Not over \$21,600</u>	<u>1.40% of taxable income</u>
<u>Over \$21,600 but not over \$28,800</u>	<u>\$302.00 plus 3.20% of excess over \$21,600</u>
<u>Over \$28,800 but not over \$36,000</u>	<u>\$533.00 plus 5.50% of excess over \$28,800</u>
<u>Over \$36,000 but not over \$54,000</u>	<u>\$929.00 plus 6.40% of excess over \$36,000</u>
<u>Over \$54,000 but not over \$72,000</u>	<u>\$2,081.00 plus 6.80% of excess over \$54,000</u>
<u>Over \$72,000 but not over \$187,500</u>	<u>\$3,305.00 plus 7.20% of excess over \$72,000</u>
<u>Over \$187,500 but not over \$262,500</u>	<u>\$11,621.00 plus 7.60% of excess over \$187,500</u>
<u>Over \$262,500 but not over \$337,500</u>	<u>\$17,321.00 plus 7.90% of excess over \$262,500</u>
<u>Over \$337,500 but not over \$412,500</u>	<u>\$23,246.00 plus 8.25% of excess over \$337,500</u>
<u>Over \$412,500 but not over \$487,500</u>	<u>\$29,433.00 plus 9.00% of excess over \$412,500</u>
<u>Over \$487,500 but not over \$600,000</u>	<u>\$36,183.00 plus 10.00% of excess over \$487,500</u>
<u>Over \$600,000</u>	<u>\$47,433.00 plus 11.00% of excess over \$600,000.</u>

In the case of any taxable year beginning after December 31, 2028:

<u>If the taxable income is:</u>	<u>The tax shall be:</u>
<u>Not over \$28,800</u>	<u>1.40% of taxable income</u>
<u>Over \$28,800 but not over \$36,000</u>	<u>\$403.00 plus 3.20% of excess over \$28,800</u>
<u>Over \$36,000 but not over \$54,000</u>	<u>\$634.00 plus 5.50% of excess over \$36,000</u>
<u>Over \$54,000 but not over \$72,000</u>	<u>\$1,624.00 plus 6.40% of excess over \$54,000</u>
<u>Over \$72,000 but not over \$187,500</u>	<u>\$2,776.00 plus 6.80% of excess over \$72,000</u>
<u>Over \$187,500 but not over \$262,500</u>	<u>\$10,630.00 plus 7.20% of excess over \$187,500</u>
<u>Over \$262,500 but not over \$337,500</u>	<u>\$16,030.00 plus 7.60% of excess over \$262,500</u>
<u>Over \$337,500 but not over \$412,500</u>	<u>\$21,730.00 plus 7.90% of excess over \$337,500</u>
<u>Over \$412,500 but not over \$487,500</u>	<u>\$27,655.00 plus 8.25% of excess over \$412,500</u>
<u>Over \$487,500 but not over \$600,000</u>	<u>\$33,842.00 plus 9.00% of excess over \$487,500</u>
<u>Over \$600,000 but not over \$712,500</u>	<u>\$43,967.00 plus 10.00% of excess over \$600,000</u>
<u>Over \$712,500</u>	<u>\$55,217.00 plus 11.00% of excess over \$712,500.</u>

(c) There is hereby imposed on the taxable income of (1) every unmarried individual (other than a surviving spouse, or the head of a household) and (2) on the taxable income of every married individual who does not make a single

return jointly with the individual's spouse under section 235-93 a tax determined in accordance with the following table:

In the case of any taxable year beginning after December 31, 2017:

If the taxable income is:	The tax shall be:
Not over \$2,400	1.40% of taxable income
Over \$2,400 but not over \$4,800	\$34.00 plus 3.20% of excess over \$2,400
Over \$4,800 but not over \$9,600	\$110.00 plus 5.50% of excess over \$4,800
Over \$9,600 but not over \$14,400	\$374.00 plus 6.40% of excess over \$9,600
Over \$14,400 but not over \$19,200	\$682.00 plus 6.80% of excess over \$14,400
Over \$19,200 but not over \$24,000	\$1,008.00 plus 7.20% of excess over \$19,200
Over \$24,000 but not over \$36,000	\$1,354.00 plus 7.60% of excess over \$24,000
Over \$36,000 but not over \$48,000	\$2,266.00 plus 7.90% of excess over \$36,000
Over \$48,000 but not over \$150,000	\$3,214.00 plus 8.25% of excess over \$48,000
Over \$150,000 but not over \$175,000	\$11,629.00 plus 9.00% of excess over \$150,000
Over \$175,000 but not over \$200,000	\$13,879.00 plus 10.00% of excess over \$175,000
Over \$200,000	\$16,379.00 plus 11.00% of excess over \$200,000.

In the case of any taxable year beginning after December 31, 2024:

<u>If the taxable income is:</u>	<u>The tax shall be:</u>
<u>Not over \$9,600</u>	<u>1.40% of taxable income</u>
<u>Over \$9,600 but not over \$14,400</u>	<u>\$134.00 plus 3.20% of excess over \$9,600</u>
<u>Over \$14,400 but not over \$19,200</u>	<u>\$288.00 plus 5.50% of excess over \$14,400</u>
<u>Over \$19,200 but not over \$24,000</u>	<u>\$552.00 plus 6.40% of excess over \$19,200</u>
<u>Over \$24,000 but not over \$36,000</u>	<u>\$859.00 plus 6.80% of excess over \$24,000</u>
<u>Over \$36,000 but not over \$48,000</u>	<u>\$1,675.00 plus 7.20% of excess over \$36,000</u>
<u>Over \$48,000 but not over \$125,000</u>	<u>\$2,539.00 plus 7.60% of excess over \$48,000</u>
<u>Over \$125,000 but not over \$175,000</u>	<u>\$8,391.00 plus 7.90% of excess over \$125,000</u>
<u>Over \$175,000 but not over \$225,000</u>	<u>\$12,341.00 plus 8.25% of excess over \$175,000</u>
<u>Over \$225,000 but not over \$275,000</u>	<u>\$16,466.00 plus 9.00% of excess over \$225,000</u>
<u>Over \$275,000 but not over \$325,000</u>	<u>\$20,966.00 plus 10.00% of excess over \$275,000</u>
<u>Over \$325,000</u>	<u>\$25,966.00 plus 11.00% of excess over \$325,000.</u>

In the case of any taxable year beginning after December 31, 2026:

<u>If the taxable income is:</u>	<u>The tax shall be:</u>
<u>Not over \$14,400</u>	<u>1.40% of taxable income</u>
<u>Over \$14,400 but</u> <u>not over \$19,200</u>	<u>\$202.00 plus 3.20% of</u> <u>excess over \$14,400</u>
<u>Over \$19,200 but</u> <u>not over \$24,000</u>	<u>\$355.00 plus 5.50% of</u> <u>excess over \$19,200</u>
<u>Over \$24,000 but</u> <u>not over \$36,000</u>	<u>\$619.00 plus 6.40% of</u> <u>excess over \$24,000</u>
<u>Over \$36,000 but</u> <u>not over \$48,000</u>	<u>\$1,387.00 plus 6.80% of</u> <u>excess over \$36,000</u>
<u>Over \$48,000 but</u> <u>not over \$125,000</u>	<u>\$2,203.00 plus 7.20% of</u> <u>excess over \$48,000</u>
<u>Over \$125,000 but</u> <u>not over \$175,000</u>	<u>\$7,747.00 plus 7.60% of</u> <u>excess over \$125,000</u>
<u>Over \$175,000 but</u> <u>not over \$225,000</u>	<u>\$11,547.00 plus 7.90% of</u> <u>excess over \$175,000</u>
<u>Over \$225,000 but</u> <u>not over \$275,000</u>	<u>\$15,497.00 plus 8.25% of</u> <u>excess over \$225,000</u>
<u>Over \$275,000 but</u> <u>not over \$325,000</u>	<u>\$19,622.00 plus 9.00% of</u> <u>excess over \$275,000</u>
<u>Over \$325,000 but</u> <u>not over \$400,000</u>	<u>\$24,122.00 plus 10.00% of</u> <u>excess over \$325,000</u>
<u>Over \$400,000</u>	<u>\$31,622.00 plus 11.00% of</u> <u>excess over \$400,000.</u>

In the case of any taxable year beginning after December 31, 2028:

<u>If the taxable income is:</u>	<u>The tax shall be:</u>
<u>Not over \$19,200</u>	<u>1.40% of taxable income</u>
<u>Over \$19,200 but</u> <u>not over \$24,000</u>	<u>\$269.00 plus 3.20% of</u> <u>excess over \$19,200</u>
<u>Over \$24,000 but</u> <u>not over \$36,000</u>	<u>\$422.00 plus 5.50% of</u> <u>excess over \$24,000</u>
<u>Over \$36,000 but</u> <u>not over \$48,000</u>	<u>\$1,082.00 plus 6.40% of</u> <u>excess over \$36,000</u>
<u>Over \$48,000 but</u> <u>not over \$125,000</u>	<u>\$1,850.00 plus 6.80% of</u> <u>excess over \$48,000</u>
<u>Over \$125,000 but</u> <u>not over \$175,000</u>	<u>\$7,086.00 plus 7.20% of</u> <u>excess over \$125,000</u>
<u>Over \$175,000 but</u> <u>not over \$225,000</u>	<u>\$10,686.00 plus 7.60% of</u> <u>excess over \$175,000</u>
<u>Over \$225,000 but</u> <u>not over \$275,000</u>	<u>\$14,486.00 plus 7.90% of</u> <u>excess over \$225,000</u>
<u>Over \$275,000 but</u> <u>not over \$325,000</u>	<u>\$18,436.00 plus 8.25% of</u> <u>excess over \$275,000</u>
<u>Over \$325,000 but</u> <u>not over \$400,000</u>	<u>\$22,561.00 plus 9.00% of</u> <u>excess over \$325,000</u>
<u>Over \$400,000 but</u> <u>not over \$475,000</u>	<u>\$29,311.00 plus 10.00% of</u> <u>excess over \$400,000</u>
<u>Over \$475,000</u>	<u>\$36,811.00 plus 11.00% of</u> <u>excess over \$475,000.”</u>

PART III

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

SECTION 4. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2023.

(Approved June 3, 2024.)

ACT 47

S.B. NO. 1035

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

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

SECTION 1. The legislature finds that under the current general excise tax, there is an incongruity in the way medical service providers are treated. Medical services rendered at a nonprofit hospital, infirmary, or sanitarium are exempt from the general excise tax, while the same services rendered by individual or group practices or clinics are fully taxable. Presently, government programs such as medicare, medicaid, and TRICARE do not compensate for the difference created by the general excise tax, leading to some inconsistency in the economic impact to health care providers.

Accordingly, the purpose of this Act is to exempt medical and dental service providers who receive medicare, medicaid, and TRICARE payments from the general excise tax to encourage cost-effective patient outcomes.

SECTION 2. Section 237-24.3, Hawaii Revised Statutes, is amended to read as follows:

**“§237-24.3 Additional amounts not taxable.** In addition to the amounts not taxable under section 237-24, this chapter shall not apply to:

- (1) Amounts received from the loading, transportation, and unloading of agricultural commodities shipped for a producer or produce dealer on one island of this State to a person, firm, or organization on another island of this State. The terms “agricultural commodity”, “producer”, and “produce dealer” shall be defined in the same manner as they are defined in section 147-1; provided that agricultural commodities need not have been produced in the State;
- (2) Amounts received by the manager, submanager, or board of directors of:
  - (A) An association of a condominium property regime established in accordance with chapter 514B or any predecessor thereto; or
  - (B) A nonprofit homeowners or community association incorporated in accordance with chapter 414D or any predecessor thereto and existing pursuant to covenants running with the land,in reimbursement of sums paid for common expenses;
- (3) Amounts received or accrued from:
  - (A) The loading or unloading of cargo from ships, barges, vessels, or aircraft, including stevedoring services as defined in section 382-1, whether or not the ships, barges, vessels, or aircraft travel between the State and other states or countries or between the islands of the State;
  - (B) Tugboat services including pilotage fees performed within the State, and the towage of ships, barges, or vessels in and out of state harbors, or from one pier to another;

- (C) The transportation of pilots or governmental officials to ships, barges, or vessels offshore; rigging gear; checking freight and similar services; standby charges; and use of moorings and running mooring lines; and
  - (D) Wharfage and demurrage imposed under chapter 266 that is paid to the department of transportation;
- (4) Amounts received by an employee benefit plan by way of contributions, dividends, interest, and other income; and amounts received by a nonprofit organization or office, as payments for costs and expenses incurred for the administration of an employee benefit plan; provided that this exemption shall not apply to any gross rental income or gross rental proceeds received after June 30, 1994, as income from investments in real property in this State; and provided further that gross rental income or gross rental proceeds from investments in real property received by an employee benefit plan after June 30, 1994, under written contracts executed prior to July 1, 1994, shall not be taxed until the contracts are renegotiated, renewed, or extended, or until after December 31, 1998, whichever is earlier. For the purposes of this paragraph, "employee benefit plan" means any plan as defined in title 29 United States Code section 1002(3), as amended;
  - (5) Amounts received for purchases made with United States Department of Agriculture food coupons under the federal food stamp program, and amounts received for purchases made with United States Department of Agriculture food vouchers under the Special Supplemental Foods Program for Women, Infants and Children;
  - (6) Amounts received by a hospital, infirmary, medical clinic, health care facility, pharmacy, or a practitioner licensed to administer the drug to an individual for selling prescription drugs or prosthetic devices to an individual; provided that this paragraph shall not apply to any amounts received for services provided in selling prescription drugs or prosthetic devices. As used in this paragraph:
    - "Prescription drugs" are those drugs defined under section 328-1 and dispensed by filling or refilling a written or oral prescription by a practitioner licensed under law to administer the drug and sold by a licensed pharmacist under section 328-16 or practitioners licensed to administer drugs; provided that "prescription drugs" shall not include cannabis or manufactured cannabis products authorized pursuant to chapters 329 and 329D; and
    - "Prosthetic device" means any artificial device or appliance, instrument, apparatus, or contrivance, including their components, parts, accessories, and replacements thereof, used to replace a missing or surgically removed part of the human body, which is prescribed by a licensed practitioner of medicine, osteopathy, or podiatry and that is sold by the practitioner or that is dispensed and sold by a dealer of prosthetic devices; provided that "prosthetic device" shall not mean any auditory, ophthalmic, dental, or ocular device or appliance, instrument, apparatus, or contrivance;
  - (7) Taxes on transient accommodations imposed by chapter 237D and passed on and collected by operators holding certificates of registration under that chapter;
  - (8) Amounts received as dues by an unincorporated merchants association from its membership for advertising media, promotional, and advertising costs for the promotion of the association for the benefit

- of its members as a whole and not for the benefit of an individual member or group of members less than the entire membership;
- (9) Amounts received by a labor organization for real property leased to:
- (A) A labor organization; or
  - (B) A trust fund established by a labor organization for the benefit of its members, families, and dependents for medical or hospital care, pensions on retirement or death of employees, apprenticeship and training, and other membership service programs.
- As used in this paragraph, “labor organization” means a labor organization exempt from federal income tax under section 501(c)(5) of the Internal Revenue Code, as amended;
- (10) Amounts received from foreign diplomats and consular officials who are holding cards issued or authorized by the United States Department of State granting them an exemption from state taxes; ~~and~~
- (11) Amounts received as rent for the rental or leasing of aircraft or aircraft engines used by the lessees or renters for interstate air transportation of passengers and goods. For purposes of this paragraph, payments made pursuant to a lease shall be considered rent regardless of whether the lease is an operating lease or a financing lease. The definition of “interstate air transportation” is the same as in 49 U.S.C. section 40102[-]; and
- (12) Amounts received by a hospital, infirmary, medical clinic, health care facility, or pharmacy, or a medical or dental practitioner, for healthcare-related goods or services purchased under the medicare, medicaid, or TRICARE programs. For the purposes of this paragraph, the healthcare-related services need not be performed by a medical or dental practitioner but may be performed by a physician’s assistant, nurse, or other employee under the medical or dental practitioner’s direction. As used in this paragraph:
- “Medicaid” means the program established under Title XIX of the Social Security Act of 1935, as amended;
  - “Medical or dental practitioner” means a physician or osteopathic physician licensed pursuant to chapter 453; a dentist licensed under chapter 448; an advanced practice registered nurse licensed pursuant to chapter 457; or a pharmacist licensed pursuant to chapter 461;
  - “Medicare” means the program established under Title XVIII of the Social Security Act of 1935, as amended; and
  - “TRICARE” means the program of the Department of Defense military health system managed by the Defense Health Agency, or any successor program.”

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, 2026.

(Approved June 3, 2024.)

ACT 48

H.B. NO. 2340

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 Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2023-2024 has already been exceeded by \$1,033,914,854.42 or 10 per cent. The appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$10,652,567.37 or 0.5 per cent. This declaration takes into account the additional general fund appropriation(s) 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.

PART II

SECTION 2. The following sums or so much thereof as may be necessary for fiscal year 2023-2024 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**

1. MISCELLANEOUS CLAIMS:

Sedring Bulda and Katherine Bulda	\$ 1,236.00
Amy Chang	\$ 27.00
County of Hawaii, Hawaii Fire Department	\$ 360,000.00
Employers Insurance Company of Wausau	\$ 147,657.77
The Estate of Morris A. Inasaki	\$ 550.00
James X He and Yue-Chuen C. Lin	\$ 559.00
Laura Ishii	\$ 120.00
Jessie J. McMorrow and Kevin B. McMorrow	\$ 265.00
Merrill Lynch Pierce Fenner & Smith	\$ 13,824.40
Lien T. Nguyen	\$ 110.00
Matthew W. Payne	\$ 445.00
Chaniel Ramo	\$ 167.00
Shirokiya Cosmetics Inc.	\$ 7,259.00
Two Spirits, Inc.	\$ 358,413.97
Wallace K. Yashima	\$ 3,916.04
Wallace Yashima and Hyang-Suk Yashima	\$ 746.00
SUBTOTAL:	\$ 895,296.18

## ACT 48

### 2. AGRIBUSINESS DEVELOPMENT CORP:

Ohana Best LLC v. State of Hawaii, et al. Civil No. 1CC-19-1001640, First Circuit	\$ 1,250,000.00 (Settlement)
SUBTOTAL:	<u>\$ 1,250,000.00</u>

### 3. DEPARTMENT OF THE ATTORNEY GENERAL:

Rodney Pagba v. Anne E. Lopez, et al. Civil No. 22-cv-00521 JMS-KJM, USDC	\$ 5,707.00 (Settlement)
Michael Santucci v. City and County of Honolulu, et al. Civil No. 22-cv-00142 DKW-KJM, USDC	\$ 28,000.00 (Judgment)
Smith and Wesson v. Hawaii State Department of the Attorney General Civil No. 1CCV-22-000353, First Circuit	\$ 70,468.07 (Judgment)
Todd Yukutake, et al. v. Anne E. Lopez Civil No. 22-cv-00323 JAO-WRP, USDC	\$ 50,000.00 (Judgment)
SUBTOTAL:	<u>\$ 154,175.07</u>

### 4. DEPARTMENT OF CORRECTIONS AND REHABILITATION (fka DEPARTMENT OF PUBLIC SAFETY):

Civil Beat Law Center for the Public Interest v. Department of Public Safety Civil No. 1CCV-23-0000943, First Circuit	\$ 401.00 (Settlement)
Ralph Fukumoto v. State of Hawaii, Department of Public Safety Civil No. 1CCV-19-0002153, First Circuit	\$ 35,000.00 (Settlement)
Kevin A. Lifofoi v. State of Hawaii, Department of Public Safety Civil No. 2CCV-21-0000067(2), Second Circuit	\$ 60,000.00 (Settlement)
Leinette Reyes, et al. v. Eric Tanaka Civil No. 17-cv-00143 JAO-KJM, USDC	\$ 2,000,000.00 (Settlement)
SUBTOTAL:	<u>\$ 2,095,401.00</u>

### 5. DEPARTMENT OF EDUCATION:

A.B. v. Department of Education Civil No. 18-00477 LEK-RT, USDC	\$ 1,000,000.00 (Settlement)
Ralphielyn L.M. Gaston-Lovell v. State of Hawaii, Department of Education Civil No. 3CCV-22-0000163, Third Circuit	\$ 550,000.00 (Settlement)
Amanda Kelly v. Debra Farmer, et al. Civil No. 1CCV-20-0000825, First Circuit	\$ 50,000.00 (Settlement)
John Roe No. 122 v. State of Hawaii, et al. Civil No. 1CCV-19-0002046, First Circuit	\$ 450,000.00 (Settlement)
SUBTOTAL:	<u>\$ 2,050,000.00</u>

### 6. DEPARTMENT OF HUMAN SERVICES:

C.K., J.M., and T.M. v. Department of Human Services Civil No. 1ccv-20-0000641, First Circuit	\$ 1,800,000.00 (Settlement)
Sherri-Ann Garrett v. State of Hawaii, Department of Human Services Civil No. 19-1-008K, Third Circuit	\$ 750,000.00 (Settlement)
SUBTOTAL:	<u>\$ 2,550,000.00</u>



7. DEPARTMENT OF LAND AND NATURAL RESOURCES:

Courtney Ledford v. Ethan Ferguson, et al. Civil No. 17-1-0416, Third Circuit	\$ 1,250,000.00 (Settlement)
Pamela Ann Flanagan (Personal Representative) v. State of Hawaii Civil No. 1CC191000173, First Circuit	\$ 300,000.00 (Settlement)
<b>SUBTOTAL:</b>	<b>\$ 1,550,000.00</b>

8. HAWAII PUBLIC HOUSING AUTHORITY:

Edwin Kalamau, Sr. v. State of Hawaii, et al. Civil No. 1CCV-22-0000701, First Circuit	\$ 107,695.12 (Judgment)
<b>SUBTOTAL:</b>	<b>\$ 107,695.12</b>
<b>TOTAL (SECTION 2):</b>	<b>\$10,652,567.37</b>

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

PART III

SECTION 3. The following sums or so much thereof as may be necessary for fiscal year 2023-2024 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:

Allstate Insurance Company v. State of Hawaii Department of Transportation Civil No. 1CCV-23-0000397, First Circuit	\$ 35,961.64 (Settlement)
Michelle Banks, et al. v. State of Hawaii, et al. Civil No. 1CCV-22-0000089, First Circuit	\$ 3,900,000.00 (Settlement)
Bianca Chavez v. Department of Transportation, et al. Civil No. 1CC191001542, First Circuit	\$ 125,000.00 (Settlement)
Violet Fontes-Ringor v. State of Hawaii Department of Transportation, et al. Civil No. 1CCV-23-0000768, First Circuit	\$ 150,000.00 (Settlement)
David Lawrence, et al. v. State of Hawaii Civil No. 2CCV-22-0000273, Second Circuit	\$ 2,950,000.00 (Settlement)
Patrick Mitchell, et al. v. State of Hawaii, et al. Civil No. 3CCV-20-0000024, Third Circuit	\$ 125,000.00 (Settlement)
Charles David Yandell, et al. v. State of Hawaii, Department of Transportation, et al. Civil No. 5CCV-21-0000100, Fifth Circuit	\$ 100,000.00 (Settlement)
<b>SUBTOTAL:</b>	<b>\$ 7,385,961.64</b>
<b>TOTAL (SECTION 3):</b>	<b>\$ 7,385,961.64</b>

**ACT 48**

The sums appropriated shall be expended by the department of transportation, highways division, 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 ATTORNEY GENERAL:**

State of Hawaii v. The Honorable Jeffrey P. Crabtree and the Sierra Club Civil No. SCPW-23-0000471, Hawaii Supreme Court	\$ 36,536.06 (Settlement)
<b>SUBTOTAL:</b>	<b>\$ 36,536.06</b>
<b>TOTAL (SECTION 4):</b>	<b>\$ 36,536.06</b>

Provided that of legislative appropriation for the department of the attorney general for fiscal year 2023-2024 in section 3 of Act 164, Session Laws of Hawaii 2023, the general fund sum of \$36,536.06 shall be expended from the fiscal year 2023-2024 budget (ATG100, general funds) by the department of the attorney general for the purposes of this Act.

**PART V**

**SECTION 5.** The sums hereinabove may be paid to the respective persons, firms, corporations, or entities for the satisfaction or settlement of the respectively identified cases, and in several amounts hereinabove set forth or in lesser amounts deemed appropriate, upon checks issued by the comptroller; provided that departments shall obtain the approval of the attorney general before payment of any claim may be made.

**SECTION 6.** 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 7.** All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2025, shall lapse.

**SECTION 8.** If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**SECTION 9.** This Act shall take effect upon its approval.

(Approved June 19, 2024.)

ACT 49

H.B. NO. 2374

A Bill for an Act Making Emergency Appropriations for 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 units (2), (3), (4), (8), (9), (13), and (14) and their excluded counterparts. The amounts are for a negotiated settlement for the executive branch and the university of Hawaii, and an arbitration award for the department of education:

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	-0-	290,365,821
Special funds	-0-	41,865,982
Federal funds	-0-	26,862,136
Other federal funds	-0-	6,322,959
American Rescue Plan funds	-0-	443,756
Trust funds	-0-	1,747,078
Interdepartmental transfers	-0-	3,438,128
Revolving funds	-0-	4,872,242
Other funds	-0-	1,827,308
Special fund CIP	-0-	341,055

Of the above amounts, the following amounts are for the department of education:

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	-0-	102,052,500
Special funds	-0-	96,885
Federal funds	-0-	1,227,210
Trust funds	-0-	161,475
Revolving funds	-0-	258,360

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 administration (JUD 601) 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), (9), and (13):

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	-0-	29,640,000
Special funds	-0-	850,792

SECTION 4. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. There are appropriated from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining units (1) and (10) and their excluded counterparts:

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	-0-	1,709,922

SECTION 6. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There is appropriated from the source of funding indicated below to Hawaii health systems corporation – corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining units (2), (3), (4), (9), and (13) and their excluded counterparts:

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
General funds	-0-	35,660,000
Special funds	-0-	4,779,660

SECTION 8. Funds appropriated by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. There is appropriated from the general revenues of the State of Hawaii to the senate, house of representatives, and legislative agencies indicated below, the following sums or so much thereof as may be necessary for fiscal biennium 2023-2025, to fund Hawaii employer-union health benefits trust fund costs and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for legislative officers and employees who are excluded from collective bargaining:

	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>
State ethics commission	-0-	220,000
Office of the auditor	-0-	460,000
Legislative reference bureau	-0-	780,000
Office of the ombudsman	-0-	380,000
Senate	-0-	2,800,000
House of representatives	-0-	3,380,000

SECTION 10. Funds appropriated by this part shall be allotted to the heads of the respective chamber or legislative agency for expenditure for the purposes of this part.

## PART VI

SECTION 11. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 12. Notwithstanding any provision of this Act, with the approval of the governor, the director of finance may transfer unrequired balances from the appropriated funds as may be available between parts I, II, and III of this Act as necessary.

SECTION 13. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2025, shall lapse as of those dates.

SECTION 14. (a) In accordance with section 9 of article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 40, S.D. 1, C.D. 1,<sup>1</sup> will cause the state general fund expenditure ceiling for fiscal year 2024-2025 to be exceeded by \$323,323,869 or 3.1 per cent. In addition, the appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2024-2025 to be further exceeded by \$365,395,743 or 3.3 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 2024-2025 to be exceeded by \$688,719,612 or 6.4 per cent.

(b) In accordance with section 9 of article VII of the Constitution of the State of Hawaii 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 \$365,395,743 or 3.3 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 15. This Act shall take effect on July 1, 2024.

(Approved June 19, 2024.)

**Note**

1. Act 229.

**ACT 50**

S.B. NO. 2725

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 legislature finds that pass-through entities, such as S corporations, partnerships, and limited liability companies, are a vital part of Hawaii's economy and comprise a significant portion of the State's business sec-

## ACT 50

tor. These entities play a critical role in job creation, innovation, and economic growth, and are, in many cases, Hawaii's small businesses and startups.

The legislature further finds that Act 50, Session Laws of Hawaii 2023 (Act 50), allowed certain pass-through entities to elect to pay Hawaii income tax at the entity level. Act 50 was enacted to 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 had been eliminated by changes to the federal tax code in 2017, which deprived Hawaii taxpayers of significant federal tax benefits.

Under Act 50, the entity level tax is calculated by applying the highest individual income tax rate to the taxable income to be distributed, entitling members to receive a nonrefundable income tax credit that cannot be carried forward to a subsequent year if the credit exceeds the member's income tax liability. The legislature finds that, due to the inability to carryforward the tax credit, many pass-through entity members remain unable to benefit from Act 50 as intended.

Accordingly, the purpose of this Act is to, for taxable years beginning after December 31, 2023:

- (1) Add a definition for "qualified member" and repeal the definitions for "direct member" and "indirect member" as used in the State's pass-through entity taxation election law;
- (2) Amend the pass-through entity level tax rate to be the sum of all qualified member's distributive shares and guaranteed payments of Hawaii taxable income, as calculated under chapter 235, Hawaii Revised Statutes, multiplied by nine per cent; and
- (3) Allow certain qualified members entitled to a tax credit to use the credit against the member's net income tax liability in subsequent years until exhausted.

SECTION 2. Section 235-51.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (b) through (f) to read:

"(b) Notwithstanding any provision of law to the contrary, the following tax is imposed on each electing pass-through entity: the sum of all qualified 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.~~] nine per cent. 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 qualified 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 qualified members, for each tax year, the member's pro rata share of the tax imposed pursuant to this section.

(e) Each qualified 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 qualified member's

share of the tax paid pursuant to this section. If the amount of the credit authorized by this subsection exceeds the qualified member's tax liability imposed pursuant to this chapter, the excess ~~[amount shall not be refundable to the member.]~~ of the credit over liability may be used as a credit against the member's net income tax liability in subsequent years until exhausted. Any qualified 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 qualified member's distributive share or guaranteed payment of income from the electing pass-through entity.

(f) Each qualified 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]~~ qualified 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 qualified member's tax liability for the tax imposed pursuant to this chapter, the excess amount shall not be refundable and shall not carry forward."

2. By amending subsection (h) to read:

"(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.

"Qualified member" means a member of an electing pass-through entity that is an individual, trust, or estate.

"S corporation" means a corporation for which a valid election under section 1362(a) of the Internal Revenue Code is in effect."

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

SECTION 4. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2023.

(Approved June 19, 2024.)

A Bill for an Act Making an Emergency Appropriation to the Department of Education for Food Services.

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

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

SECTION 2. The legislature finds that the department of education is required to provide meal service for its students and staff. The department provides approximately twenty thousand school breakfasts and eighty thousand school lunches on a daily basis to students and staff across the State. However, the department of education has accumulated a deficit of more than \$20,000,000 for its food service operations, which is largely due to inflationary cost increases. In the 2022-2023 school year, more than eighty per cent of the department's food costs increased by forty-two per cent, resulting in the need for additional funds.

The legislature further finds that for many students, a school meal is their only regular source of food for their growing bodies and minds. School meals are required to follow strict federal food safety and nutrition guidelines, which ensure quality meals. The department of education plays a vital role in the health and well-being of youth in the State's communities.

The legislature also finds that while students and staff are required to pay for their meals, Title I students are provided meals free of charge. However, because school meals are critical for student development, students are not denied meals due to a lack of payment.

Therefore, the purpose of this Act is to make an emergency appropriation to the department of education for its food service fiscal deficit and to continue to provide public school students with high-quality, nutritious meals.

SECTION 3. In accordance with section 9 of article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2023-2024 has already been exceeded by \$1,033,839,854 or ten per cent. The appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$20,000,000 or one per cent. This declaration takes into account the additional general fund appropriation(s) 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.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$20,000,000 or so much thereof as may be necessary for fiscal year 2023-2024 to provide funding for the department of education to cover its food service operations.

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



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

(Approved June 19, 2024.)

## ACT 52

S.B. NO. 3092

A Bill for an Act Making an Emergency Appropriation to the Department of Education for Charter Schools.

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

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

SECTION 2. The legislature finds that the department of education is required pursuant to chapter 302D, Hawaii Revised Statutes, to provide proportional funding to charter schools based on their student enrollment. While the overall enrollment for the department of education has increased for the 2023-2024 school year, the growth rate for public charter schools has grown even faster, at four per cent higher than projected. One factor that explains the sudden increased public charter school enrollment is the growing need for temporary school options in Lahaina as a result of the destruction caused by the devastating August 2023 Maui wildfire. As a result of the increased charter school enrollment, the amount of funding for charter schools is less than what is required.

Therefore, the purpose of this Act is to make an emergency appropriation to the department of education to cover its funding requirements for charter schools.

SECTION 3. In accordance with section 9 of article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the general fund expenditure ceiling for fiscal year 2023-2024 has already been exceeded by \$1,033,839,854 or ten per cent. The appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be further exceeded by \$6,600,000 or one per cent. This declaration takes into account the additional general fund appropriation(s) 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.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$6,600,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the department of education to provide funding for charter schools.

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

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

(Approved June 19, 2024.)

A Bill for an Act Relating to Renewable Energy.

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

SECTION 1. The legislature finds that it has established goals for the State to achieve a one hundred per cent renewable energy portfolio standard by 2045, reduce greenhouse gas emissions to at least fifty per cent below 2005 levels by 2030, and uphold the State's zero emissions clean economy target to sequester more atmospheric carbon and greenhouse gases than emitted within the State by no later than 2045.

The legislature further finds that section 171-95, Hawaii Revised Statutes, provides opportunities for the board of land and natural resources to assist in reaching the State's renewable energy goals by authorizing the board to lease, without public auction, certain public lands to public utilities and renewable energy producers. However, the legislature finds that the operative definition of "renewable energy producers" within that law should be broadened to allow more public lands to be leased for the generation of more types of renewable energy.

Accordingly, the purpose of this Act is to broaden the definition of "renewable energy producer" that is used to determine the board of land and natural resources' disposition of public lands to renewable energy producers.

SECTION 2. Section 171-95, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) For the purposes of this section, "renewable energy producer" means:

- (1) Any producer or developer of [electrical or thermal] renewable energy [produced by wind, solar energy, hydropower, geothermal resources, landfill gas, waste-to-energy, ocean thermal energy conversion, cold seawater, wave energy, biomass, including municipal solid waste, biofuels or fuels derived from organic sources, hydrogen fuels derived primarily from renewable energy, or fuel cells where the fuel is derived primarily from renewable sources that sell all of the net power produced from the demised premises to an electric utility company regulated under chapter 269 or that sells all of the thermal energy it produces to customers of district cooling systems; provided that up to twenty-five per cent of the power produced by a renewable energy producer and sold to the utility or to district cooling system customers may be derived from fossil fuels; or], as defined in section 269-91;
- (2) Any grower or producer of plant or animal materials used primarily for the production of biofuels or other fuels; provided that nothing herein is intended to prevent the waste product or byproduct of the plant or animal material grown or produced for the production of biofuel, biogas, hydrogen, or other fuels[, electrical energy, or thermal energy,] from being used for other useful purposes[-]; or
- (3) Any producer of renewable energy, as defined in section 269-91, that uses the renewable energy to provide district heating or cooling services;

provided that nothing in this definition shall be construed to allow wheeling of electricity over electric public utility lines or infrastructure that is not otherwise authorized by law or rule or order of the public utilities commission."

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 June 20, 2024.)

## ACT 54

H.B. NO. 2390

A Bill for an Act Relating to Renewable Energy.

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

SECTION 1. The legislature finds that Hawaii is an isolated island chain that is uniquely vulnerable to climate change. As evidenced by the August 2023 Maui wildfires that devastated Lahaina and impacted areas of west Maui and other communities, climate disasters increasingly threaten the State's well-being.

Act 109, Session Laws of Hawaii 2011 (Act 109), amended section 269-6, Hawaii Revised Statutes, to require the public utilities commission to explicitly consider the effect of the State's reliance on fossil fuels in various areas, including greenhouse gas emissions, in its determinations of the reasonableness of various costs. When Act 109 was being considered, the legislature found that "Hawaii is dangerously reliant on imported fossil fuel, which subjects the State and residents to greater oil and gas price volatility, increased air pollution, and potentially harmful climate change due to the release of harmful greenhouse gases". The committee also found that requiring the commission to factor in the hidden and long-term costs of the State's detrimental reliance on fossil fuels when exercising its statutory authority would assist in reducing the State's reliance on fossil fuels.

The purpose of this Act is to require the public utilities commission to explicitly consider the effect of the State's reliance on fossil fuels on lifecycle greenhouse gas emissions and give the commission the discretion to waive a lifecycle greenhouse gas emissions assessment for energy projects that do not involve combustion.

SECTION 2. Section 269-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Lifecycle greenhouse gas emissions assessment" means the evaluation of potential greenhouse gas emissions over the course of a product, program, or project's lifetime or stages of production, construction, operations, and decommissioning, which includes but is not limited to, as applicable, upstream stages such as extraction and processing of raw materials, manufacturing and processing of materials, and transportation; operations stages such as the use of any fuels or feedstocks and the production of any materials; and downstream stages such as transportation, decommissioning, recycling, and the final disposal."

SECTION 3. Section 269-6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) and (b) to read:

"(a) The public utilities commission shall have the general supervision hereinafter set forth over all public utilities, and shall perform the duties and exercise the powers imposed or conferred upon it by this chapter. Included among the general powers of the public utilities commission is the authority to adopt rules pursuant to chapter 91 necessary for the purposes of this chapter.

(b) The public utilities commission shall consider the need to reduce the State's reliance on fossil fuels through energy efficiency and increased renewable energy generation in exercising its authority and duties under this chapter. In making determinations of the reasonableness of the costs pertaining to electric or gas utility system capital improvements and operations, the public utilities commission shall explicitly consider, quantitatively or qualitatively, the effect of the State's reliance on fossil fuels on:

- (1) Price volatility;
- (2) Export of funds for fuel imports;
- (3) Fuel supply reliability risk; and
- (4) [~~Greenhouse~~] Lifecycle greenhouse gas emissions[-]; provided that the public utilities commission may waive the requirement for a lifecycle greenhouse gas emissions assessment for energy projects that do not involve combustion.

The public utilities commission may determine that short-term costs or direct costs of renewable energy generation that are higher than alternatives relying more heavily on fossil fuels are reasonable, considering the impacts resulting from the use of fossil fuels. The public utilities commission shall determine whether such analysis is necessary for proceedings involving water, wastewater, or telecommunications providers on an individual basis.”

2. By amending subsections (d) through (f) to read:

“(d) In exercising its authority and duties under this chapter, the public utilities commission shall consider the costs and benefits of a diverse [~~fossil fuel~~] portfolio of energy resources and of maximizing the efficiency of all electric utility assets to lower and stabilize the cost of electricity. Nothing in this section shall subvert the obligation of electric utilities to meet the renewable portfolio standards set forth in section 269-92.

(e) The public utilities commission, in carrying out its responsibilities under this chapter, shall consider whether the implementation of one or more of the following economic incentives or cost recovery mechanisms would be in the public interest:

- (1) The establishment of a shared cost savings incentive mechanism designed to induce a public utility to reduce energy costs and operating costs and accelerate the implementation of energy cost reduction practices;
- (2) The establishment of a renewable energy curtailment mitigation incentive mechanism to encourage public utilities to implement curtailment mitigation practices when lower cost renewable energy is available but not utilized through the sharing of energy cost savings between the public utility, ratepayer, and affected renewable energy projects;
- (3) The establishment of a stranded cost recovery mechanism to encourage the accelerated retirement of an electric utility fossil fuel electric generation plant by allowing an electric utility to recover the stranded costs created by early retirement of a fossil fuel generation plant; and
- (4) The establishment of differentiated authorized rates of return on common equity to encourage increased utility investments in transmission and distribution infrastructure, discourage [~~an~~] electric utility investment in fossil fuel electric generation plants to incentivize grid modernization, and disincentivize fossil fuel generation, respectively.

(f) The chairperson of the public utilities commission may appoint a hearings officer, who shall not be subject to chapter 76, to hear and recom-

mend decisions in any proceeding before it other than a proceeding involving the rates or any other matters covered in the tariffs filed by the public utilities. The hearings officer shall have the power to take testimony, make findings of fact and conclusions of law, and recommend a decision; provided that the findings of fact, the conclusions of law, and the recommended decision shall be reviewed and may be approved by the public utilities commission after notice to the parties and an opportunity to be heard. The hearings officer shall have all of the above powers conferred upon the public utilities commission under section 269-10.”

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 20, 2024.)

## ACT 55

S.B. NO. 2537

A Bill for an Act Relating to Energy.

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

SECTION 1. The legislature finds that the purpose of Act 122, Session Laws of Hawaii 2019 (Act 122), was to transfer the duties and responsibilities of the state energy resources coordinator, the functions of the renewable energy facilitator, and the then existing state energy office to a newly created Hawaii state energy office and chief energy officer. However, Act 122 did not amend certain sections of the Hawaii Revised Statutes pertaining to the reporting of certain energy matters to the legislature.

Accordingly, the purpose of this Act is to amend those sections to clarify that the chief energy officer of the Hawaii state energy office is responsible for supporting the renewable portfolio standards and reporting on certain energy matters.

SECTION 2. Section 196-10.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The [~~department of business, economic development, and tourism~~] chief energy officer shall submit a report to the legislature no later than twenty days prior to the convening of each regular session on the status and progress of new and existing clean energy initiatives. The report shall also include:

- (1) The spending plan of the Hawaii clean energy initiative program;
- (2) All expenditures of energy security special fund moneys; and
- (3) The targeted markets of the expenditures, including reasons for selecting those markets, the persons to be served, specific objectives of the program, and program expenditures, including measurable outcomes.”

SECTION 3. Section 196-41, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The [~~department of business, economic development, and tourism~~] chief energy officer shall:

- (1) Develop a program to maximize the use of renewable energy and cost-effective conservation measures by state government agencies;

- (2) Work with federal agencies to develop as much research, development and demonstration funding, and technical assistance as possible to support Hawaii in its efforts to achieve its renewable portfolio standards; and
- (3) Biennially, beginning in January 2006, issue a progress report to the governor and legislature.”

SECTION 4. Section 201-12.8, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The [~~department of business, economic development, and tourism~~] chief energy officer shall submit a report to the legislature, no later than twenty days prior to the convening of each regular session, on the status and progress of existing programs and activities and the status of new programs and activities funded by the energy security special fund. The report shall also include:

- (1) The spending plan of the energy security special fund;
- (2) All expenditures of energy security special fund moneys; and
- (3) The targeted markets of the expenditures, including the reason for selecting those markets; the persons to be served; and the specific objectives of the expenditures, including measurable outcomes.”

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 20, 2024.)

**ACT 56**

S.B. NO. 2504

A Bill for an Act Relating to State Programs.

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

SECTION 1. Act 66, Session Laws of Hawaii 2023, is amended by amending part II to read as follows:

“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 vehicles 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.] Repealed.~~

~~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.] Repealed.~~

~~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.] Repealed.”~~

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 20, 2024.)

## ACT 57

S.B. NO. 2753

A Bill for an Act Relating to Building Codes.

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

SECTION 1. The legislature finds that certain refrigerants, including hydrofluorocarbons, are potent greenhouse gases that can have an immense impact on global warming. The legislature further finds that the United States Congress passed the American Innovation and Manufacturing Act of 2020 that mandates an eighty-five per cent phasedown in hydrofluorocarbon refrigerants. The legislature further finds that the phasedown of hydrofluorocarbons includes restricting the use of hydrofluorocarbons in certain applications and directing the transition to hydrofluorocarbon substitutes. This phasedown of hydrofluorocarbons is expected to reduce hydrofluorocarbon emissions by approximately 2.4 billion metric tons of carbon dioxide by 2035 and avoid up to a one-half degree Celsius global temperature increase by 2100.

The legislature further finds that building codes across the country must be updated to comply with the American Innovation and Manufacturing Act of 2020 and the United States Environmental Protection Agency's rules and regulations concerning the transition to hydrofluorocarbon refrigerant alternatives. The building code updates will provide the certainty that the manufacturing in-

## ACT 58

dustry needs to comply with federal regulations and ensure that the transition to alternate refrigerants is safe and efficient.

The purpose of this Act is to clarify that no state or county building code shall prohibit the use of a substitute refrigerant allowed by the United States Environmental Protection Agency if the applicable equipment is listed and installed in compliance with any applicable safety standards and use conditions.

SECTION 2. Chapter 107, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

**“§107- Refrigerant use.** No provision of the Hawaii state building codes or any county building code shall prohibit or otherwise limit the use of a refrigerant designated as acceptable for use pursuant to title 42 United States Code section 7671k; provided that any equipment containing the refrigerant shall be listed and installed in accordance with any applicable safety standards and use conditions imposed for that equipment or refrigerant.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved June 20, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 58

H.B. NO. 159

A Bill for an Act Relating to Liquor Licenses.

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

SECTION 1. Section 281-53, Hawaii Revised Statutes, is amended to read as follows:

**“§281-53 Application; penalty for false statements.** Every application for a license ~~or for~~, the renewal of a license, or ~~for~~ the transfer of a license shall be in writing, signed, and, except for the renewal of a license, notarized by the applicant, or in the case of a corporation or unincorporated association by the proper officer or officers thereof, or if a partnership by a general partner thereof, or if a limited liability partnership by a partner thereof, or if a member-managed limited liability company by a member thereof, or if a manager-managed limited liability company by a manager thereof, and shall be addressed to the liquor commission, and set forth:

- (1) The full name, age, and place of residence of the applicant; if a copartnership, the names, ages, and respective places of residence of all the partners; if a limited liability company, its full name and the names of all its members; if a corporation or joint-stock company, its full name and the names of its officers and directors, and the names of all stockholders owning twenty-five per cent or more of the outstanding capital stock; if a publicly-traded company, or an entity ultimately solely owned by a publicly-traded company, the names of the officers designated as the primary decision-makers regarding the purchase and sale of liquor; and if any other association



of individuals, the names, ages, and respective places of residence of its officers and the number of its members;

- (2) A particular description of the place or premises where the proposed license is to be exercised, so that the exact location and extent thereof may be clearly and definitely determined therefrom;
- (3) The class and kind of license applied for; and
- (4) Any other matter or information pertinent to the subject matter, which may be required by the rules of the commission.

If any false statement is knowingly made in any application that is not verified by oath, the person or persons signing the application shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 281-102.”

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 21, 2024.)

**ACT 59**

H.B. NO. 982

A Bill for an Act Relating to Funding for the Department of the Attorney General Tobacco Enforcement Unit.

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

SECTION 1. The legislature finds that the tobacco enforcement special fund supports the tobacco enforcement unit within the department of the attorney general to administer, monitor, and enforce the master settlement agreement and related Hawaii laws, including chapters 486P and 675, Hawaii Revised Statutes. Section 28-15(c), Hawaii Revised Statutes, currently mandates that moneys in excess of \$500,000 remaining in the tobacco enforcement special fund at the close of each fiscal year lapse to the credit of the state general fund. Section 328L-2, Hawaii Revised Statutes, mandates that of all tobacco settlement moneys received by the State in each fiscal year, the first \$350,000 be deposited in the state treasury to the credit of the tobacco enforcement special fund.

The legislature further finds that to maintain the tobacco enforcement unit’s diligent enforcement efforts and to minimize the risk of losing the master settlement agreement annual payments, it is critical that the unit receive adequate and continuous funding.

The purpose of this Act is to stabilize and increase funding for the tobacco enforcement unit within the department of the attorney general by amending:

- (1) The amount of funds that the tobacco enforcement special fund can carry over at the end of each fiscal year; and
- (2) The sum of moneys received from the tobacco master settlement agreement that are deposited to the credit of the tobacco enforcement special fund.

SECTION 2. Section 28-15, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) All unencumbered and unexpended moneys in excess of ~~[\$500,000]~~ \$750,000 remaining on balance in the tobacco enforcement special fund at the close of June 30 of each year shall lapse to the credit of the state general fund.”

## ACT 60

SECTION 3. Section 328L-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established in the state treasury the Hawaii tobacco settlement special fund into which shall be deposited:

- (1) All tobacco settlement moneys; and
- (2) All interest and earnings accruing from the investment of moneys in the fund;

provided that of all tobacco settlement moneys received by the State each fiscal year, the sum representing the first [~~\$350,000~~] \$750,000 of those moneys shall first be deposited in the state treasury in each fiscal year to the credit of the tobacco enforcement special fund. The Hawaii tobacco settlement special fund shall be administered 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, 2024.

(Approved June 21, 2024.)

## ACT 60

H.B. NO. 1577

A Bill for an Act Relating to Motor Vehicle Towing Fees.

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

SECTION 1. Section 290-11, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Towing companies engaged by the owner, occupant, or person in charge of the property shall:

- (1) Charge not more than [~~\$65~~] \$75 for a tow, or [~~\$75~~] \$85 for a tow using a dolly, plus a mileage charge of \$7.50 per mile towed and \$25 per day or fraction thereof for storage for the first seven days and \$20 per day thereafter. In the case of a difficult hookup, a towing surcharge of \$30 shall apply. When the tow occurs between the hours of six o'clock p.m. and six o'clock a.m., from Monday through Thursday and from six o'clock p.m. Friday to six o'clock a.m. Monday, the towing company shall be entitled to an overtime charge of \$15. The charges listed in this paragraph shall be the only charges tow companies are authorized to charge vehicle owners[-]; provided that if the tow involves an overturned vehicle, the towing company shall be entitled to an additional charge of no more than \$35. For purposes of this paragraph, “difficult hookup” shall mean an above or below ground hookup in a multilevel facility;
- (2) If the vehicle is in the process of being hooked up, meaning up to the point when the tow truck is driving away, and the vehicle owner appears on the scene, the tow company shall release the vehicle to the vehicle owner at a location that ensures the safety of all persons and property involved, regardless of whether the release occurs on the scene or if the vehicle must be removed from the scene to be safely released; provided that no fee will be charged to the vehicle owner under this paragraph;
- (3) Determine the name of the legal owner and the last registered owner of the vehicle from the department of transportation or the county

department of finance. The legal owner and the last registered owner shall be notified in writing at the address on record with the department of transportation or with the county department of finance by registered or certified mail of the location of the vehicle, together with a description of the vehicle, within a reasonable period not to exceed fifteen days following the tow. The notice shall state:

- (A) The maximum towing charges and fees allowed by law;
- (B) The telephone number of the consumer information service of the department of commerce and consumer affairs; and
- (C) That if the vehicle is not recovered within thirty days after the mailing of the notice, the vehicle shall be deemed abandoned and will be sold or disposed of as junk.

Where the legal owner and the last registered owner have not been notified pursuant to this paragraph, the vehicle may be recovered by the vehicle owner from the towing company without paying tow or storage fees. The notice need not be sent to a legal owner or last registered owner or any person with an unrecorded interest in the vehicle whose name or address cannot be determined. Absent evidence to the contrary, a notice shall be deemed received by the legal owner or last registered owner five days after the mailing;

- (4) Provide, when a vehicle is recovered by the vehicle owner the vehicle owner with a receipt stating:
  - (A) The maximum towing charges and fees allowed by law; and
  - (B) The telephone number of the consumer information service of the department of commerce and consumer affairs; and
- (5) [Accommodate] Accept payment by the vehicle owner for charges under paragraph (1) by cash, credit card, ~~or~~ and debit card[-]; provided that no towing company shall direct an individual to use an on-site automated teller machine in lieu of accepting payment by credit card and debit card.

SECTION 2. Section 291C-165.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The towing company shall determine the name of the lien holder and the last registered owner of the vehicle from the department of transportation or the county department of finance. The lien holder and the registered owner shall be notified by the towing company in writing at the address on record with the department of transportation or with the county department of finance by registered or certified mail of the location of the vehicle, together with a description of the vehicle, within a reasonable period not to exceed twenty days following the tow. The notice shall state:

- (1) The maximum towing charges and fees allowed by law;
- (2) The telephone number of the county finance department that arranged for or authorized the tow; and
- (3) That if the vehicle is not recovered within thirty days after the mailing of the notice, the vehicle shall be deemed abandoned and will be sold or disposed of as junk.

Any towing company engaged in towing pursuant to this section shall comply with the requirements of section 291C-135. When the vehicle is recovered after the tow by the last registered owner or lien holder, the party recovering the vehicle shall pay the tow and storage charges which shall not exceed the charges as provided by section 290-11(b) or the rates agreed upon with the respective counties, whichever is lower, except that tow operators may charge additional reasonable amounts for excavating vehicles from off-road locations[;] and any

## ACT 61

additional amount allowed by section 290-11(b) for overturned vehicles; provided that if the notice required by this section was not sent within twenty days after the tow, neither the last registered owner nor the lien holder shall be required to pay the tow and storage charges. No notice shall be sent to a legal or last registered owner or any person with any unrecorded interest in the vehicle whose name or address cannot be determined. Any person who violates any provision of this section shall be deemed to have:

- (1) Engaged in an unfair or deceptive act or practice in the conduct of any trade or commerce within the meaning of section 480-2 and subject to the penalties and remedies of chapter 480; and
- (2) Furnished services without a license within the meaning of section 487-13 and subject to penalties and remedies under chapter 487.”

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 June 21, 2024.)

## ACT 61

H.B. NO. 1578

A Bill for an Act Relating to Transportation.

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

SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§286- Shipping container chassis; out-of-state registration; safety inspection; validity.** (a) Notwithstanding any law to the contrary, a shipping container chassis that holds a valid certificate of vehicle registration from another state and is used for transporting shipping containers shall be eligible to obtain a certificate of safety inspection and a safety inspection decal pursuant to section 286-209.

(b) Notwithstanding any law to the contrary, a valid certificate of registration issued for a shipping container chassis from another state shall be valid in the State until the certificate of registration expires in the issuing state; provided that the shipping container chassis is used for transporting shipping containers; provided further that if the shipping container chassis is issued a certificate of vehicle safety inspection pursuant to subsection (a), the out-of-state registration shall be valid in the State for one year from the date of the vehicle safety inspection.”

SECTION 2. New statutory material is underscored.<sup>1</sup>

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

(Approved June 21, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 62

H.B. NO. 1595

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 approximately seventy-seven million persons in the United States have a criminal record. In some instances, the person was arrested but ultimately not convicted of a crime. The legislature recognizes that arrest records can adversely affect a person's financial security and limit their ability to obtain housing, employment, or a professional license.

The legislature also finds that in 2019, the legislature passed Act 273, Session Laws of Hawaii 2019, which decriminalized the possession of three grams or less of marijuana. Despite the decriminalization, some persons still have prior arrest records for related charges that affect their employment and housing options. The legislature further recognizes that many states, including Hawai'i, allow arrest records to be expunged under certain circumstances. However, these processes generally require an eligible person to navigate the court system and pay court fees. According to the National Conference of State Legislatures, at least twenty states have developed state-initiated processes to expunge certain criminal records at no cost to the record holder to ease the logistical and financial barriers to receiving an expungement.

The legislature further finds that the Hawai'i criminal justice data center is a division of the department of the attorney general and is responsible for the statewide criminal history record information system and for processing expungement orders pursuant to section 831-3.2, Hawaii Revised Statutes. To expunge records relating to any offense, manual examination of those records is required. As of March 10, 2024, there are over fifty-thousand records with a charge code of section 712-1249, Hawaii Revised Statutes, for promoting a detrimental drug in a third degree, which involves possession of less than one ounce of marijuana or less than one-eighth ounce (or less than fifty tablets or capsules, as applicable) of any Schedule V substance.

Recognizing the limited resources of the Hawai'i criminal justice data center, the purpose of this Act is to establish a pilot project, to be administered by the department of the attorney general, to expunge certain arrest records and other records pertaining to prior arrests made under section 712-1249, Hawaii Revised Statutes, concerning the possession of less than one ounce of marijuana. For purposes of this pilot project, the Hawai'i criminal justice data center will use existing resources, without any additional appropriations, and will report to the legislature on progress and lessons learned, which can better inform future legislation concerning state-initiated expungement.

SECTION 2. (a) The department of the attorney general shall establish and administer a pilot project beginning on the effective date of this Act and ending on October 1, 2025, for a state-initiated project to expunge certain arrest records relating to the offense under section 712-1249, Hawaii Revised Statutes, for possessing marijuana. For purposes of this pilot project, the department of the attorney general shall utilize the existing funding and resources of the Hawai'i criminal justice data center.

(b) Notwithstanding section 831-3.2, Hawaii Revised Statutes, or any other law to the contrary, the department of the attorney general shall issue, without any written application by the holder of an arrest record and on the department's own initiative, an expungement order annulling, cancelling, and rescinding the arrest record where:

(1) The arrest occurred before January 11, 2020;

## ACT 62

- (2) The arrest resulted in a single charge of violating section 712-1249, Hawaii Revised Statutes, for possessing marijuana;
- (3) The arrest occurred in a county having a population greater than two hundred thousand and less than five hundred thousand persons;
- (4) The criminal case terminated with a final disposition other than a conviction; and
- (5) An expungement order is not otherwise prohibited from being issued by law, including section 831-3.2(a), Hawaii Revised Statutes.

The department shall not charge the holder of the arrest record any fee for the issuance of an expungement order pursuant to the pilot project established by this section.

(c) Upon the issuance of the expungement order, a person whose arrest record has been expunged shall be treated as not having been arrested in all respects not otherwise provided for in section 831-3.2, Hawaii Revised Statutes.

(d) Upon the issuance of the expungement order, all records pertaining to the arrest that are in the custody or control of any law enforcement agency of the State or any county government, and that are capable of being forwarded to the attorney general without affecting other records not pertaining to the arrest, shall be so forwarded for placement of the arrest records in a confidential file.

(e) An arrest record expunged under subsection (c) shall not be divulged except upon inquiry by:

- (1) A court of law or an agency thereof that is preparing a presentence investigation for the court;
- (2) An agency of the federal or state government that is considering the subject person for a position immediately and directly affecting the national or state security; or
- (3) A law enforcement agency acting within the scope of its duties.

Response to any other inquiry shall not be different from responses made about persons who have no arrest records.

(f) Any person who is eligible for expungement pursuant to this section may request in writing a copy of the person's criminal history to verify whether the record has been updated, upon payment of a reasonable fee to be set by the department of the attorney general.

(g) Any person for whom an expungement order has been entered pursuant to this section may request in writing and obtain from the department of the attorney general, for a reasonable fee, an expungement certificate stating that the order has been issued and that its effect is to annul the record of a specific arrest. The certificate shall authorize the person to state, in response to any question or inquiry, whether or not under oath, that the person has no record regarding the specific arrest. The statement shall not make the person subject to any action for perjury, civil suit, discharge from employment, or any other adverse action.

(h) Nothing in this section shall be construed to restrict or modify a person's rights to have a record expunged pursuant to section 831-3.2, Hawaii Revised Statutes, or to diminish or abrogate any other rights or remedies available to the person.

(i) The department of the attorney general may adopt interim rules necessary for the purpose of this section, which shall be exempt from chapters 91 and 201M, Hawaii Revised Statutes, to effectuate the purposes of this section; provided that the interim rules shall remain in effect until October 1, 2025.

(j) The department of the attorney general and its employees and agents shall be immune from any civil liability for any act of commission or omission, taken in good faith, arising out of and in the course of participation in, or assistance with the expungement procedures set forth in this section. The

immunity afforded pursuant to this section shall be in addition to and not in limitation of any other immunity provided by law.

(k) For purposes of this section:

“Arrest record” has the same meaning as defined in section 831-3.2(g), Hawaii Revised Statutes.

“Conviction” has the same meaning as defined in section 831-3.2(g), Hawaii Revised Statutes.

SECTION 3. The Hawai‘i criminal justice data center shall submit a report to the legislature regarding the progress of the pilot project, no later than twenty days prior to the convening of the regular sessions of 2025 and 2026, that shall include the following:

- (1) The total number of records identified to date as potentially eligible for expungement;
- (2) The total number of expungement orders granted to date by the department of the attorney general;
- (3) The total time and resources expended by the Hawai‘i criminal justice data center to date on the pilot project; and
- (4) With respect to the report due to the legislature twenty days prior to the convening of the regular session of 2026, any future recommendations, including a statement of required resources and appropriations concerning state-initiated expungements.

SECTION 4. The department of the attorney general may seek assistance from the university of Hawai‘i at Mānoa William S. Richardson school of law or the Hawai‘i Innocence Project’s Beyond Guilt Hawai‘i Clinic to carry out the purpose of this Act.

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

(Approved June 21, 2024.)

## ACT 63

H.B. NO. 1642

A Bill for an Act Relating to General Employee Orientation.

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

SECTION 1. Section 78-64, Hawaii Revised Statutes, is amended to read as follows:

**“~~§78-64~~ New employees; orientation on benefits and rights.** (a) Each newly hired employee shall be provided a general orientation on the employee’s benefits and rights within twenty calendar days of being hired. The orientation shall be conducted by the employee’s respective jurisdiction.

(b) The exclusive representative who represents the employee, if any, may attend the employee’s general orientation and present information on the employee’s benefits and rights.

(c) Should the employer violate any provision of this section, the employee or the exclusive representative, if applicable, may file a complaint with the Hawaii labor relations board pursuant to chapter 89.

~~(e)~~ (d) As used in this section, “exclusive representative” has the same meaning as in section 76-11.”

## ACT 64

SECTION 2. Section 89-13, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) It shall be a prohibited practice for a public employer or its designated representative wilfully to:

- (1) Interfere, restrain, or coerce any employee in the exercise of any right guaranteed under this chapter;
- (2) Dominate, interfere, or assist in the formation, existence, or administration of any employee organization;
- (3) Discriminate in regard to hiring, tenure, or any term or condition of employment to encourage or discourage membership in any employee organization;
- (4) Discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition, or complaint or given any information or testimony under this chapter, or because the employee has informed, joined, or chosen to be represented by any employee organization;
- (5) Refuse to bargain collectively in good faith with the exclusive representative as required in section 89-9;
- (6) Refuse to participate in good faith in the mediation and arbitration procedures set forth in section 89-11;
- (7) Refuse or fail to comply with any provision of this chapter;
- (8) Violate the terms of a collective bargaining agreement;
- (9) Replace any nonessential employee for participating in a labor dispute; ~~[or]~~
- (10) Give employment preference to an individual employed during a labor dispute and whose employment termination date occurs after the end of the dispute, over an employee who exercised the right to join, assist, or engage in lawful collective bargaining or mutual aid or protection through the labor organization involved in the dispute~~[-]; or~~
- (11) Fail to comply with the general orientation requirements set forth in section 78-64.”

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 June 21, 2024.)

## ACT 64

H.B. NO. 1861

A Bill for an Act Relating to Number Plates.

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

SECTION 1. Section 249-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The number plates hereinabove referred to shall be used upon all vehicles for which a tax has been paid pursuant to sections 249-1 to 249-13. All ~~[such]~~ number plates shall:

- (1) ~~[Bear]~~ If issued before January 1, 2025, bear the word “Hawaii” along the upper portion of the plate and the words “Aloha State” along the lower portion of the plate;



- (2) If issued on or after January 1, 2025, bear the word “Hawai’i” along the upper portion of the plate and the words “Aloha State” along the lower portion of the plate; provided that both “Hawai’i” and “Aloha State” may either contain all uppercase or lowercase letters or have the first letter of each word be uppercase;
- [(2)] (3) Have a distinct contrast between the color of the plate and the numerals and letters thereon; and
- [(3)] (4) Be of [~~such~~] any shape, size, and color, and with [~~such~~] any arrangements of letters and numbers as may, subject to sections 249-1 to 249-13, be determined by the directors of finance of each county through majority consent.

The numerals on all [~~such~~] number plates shall be [~~not~~] no less than three inches in height and the strokes thereof [~~not~~] no less than three-eighths inch in width, except in the case of motorcycles, in which case the numerals shall [~~not~~] be no less than one inch in height and the strokes thereof [~~not~~] no less than one-eighth inch in width.

The director of finance of the city and county of Honolulu shall contract annually on behalf of the counties for the purchase of all number plates, tags, or emblems required. The council of each county shall appropriate and cause to be paid over to the party with whom the director of finance of the city and county of Honolulu shall contract, or to the director of finance of the city and county of Honolulu as the director may direct, [~~such~~] the sum or sums as the director of finance of the city and county of Honolulu shall determine to be the county’s proportionate share of the expense of [~~such~~] the contract and the charges connected therewith. The contract shall be made by the director of finance of the city and county of Honolulu as agent of the several counties, and the proportionate liability of each county shall be stated in the contract. Notwithstanding any other provision of the law, the contract shall constitute a valid obligation of each county for its proportionate share.”

SECTION 2. Section 249-9.7, Hawaii Revised Statutes, is amended as follows:

1. By amending its title and subsections (a) and (b) to read:

“~~[[§249-9.7]]~~ **Special number plates for environmental conservation; authorized.** (a) Notwithstanding any law to the contrary, the director of finance shall issue to any registered owner of [~~a motor~~] an electric vehicle, who is a resident of the State and has completed the application and paid the required fees, special number plates that commemorate the importance of environmental conservation, for the registered owner’s motor vehicle. The special number plates shall be granted the same benefits and restrictions granted to any other electric vehicle special number plates.

(b) The director of finance of the city and county of Honolulu shall establish special number plate designs that commemorate the importance of environmental conservation. The design [~~shall~~]:

- (1) [~~Contain~~] Shall contain words or images, or both, that indicate that the special number plate is being issued to commemorate the importance of environmental conservation;
- (2) [~~Be~~] Shall be similar in shape and size to the uniform state number plate prescribed by law; [~~and~~]
- (3) [~~Be~~] Shall be readily identifiable and distinguishable under actual traffic conditions[-]; and
- (4) May, but shall not be required to, bear the words “Aloha State” along the lower portion of the plate.

The director of finance of the city and county of Honolulu shall consult with the directors of finance of the counties of Kauai, Maui, and Hawaii; the chiefs of police of the city and county of Honolulu and the counties of Kauai, Maui, and Hawaii; and the chairperson of the board of land and natural resources in establishing the special number plate design, which shall be visually attractive and highlight Hawaii’s environment, native species, or both.”

2. By amending subsection (d) to read:

“(d) Each special number plate shall be securely fastened to the ~~motor~~ electric vehicle in lieu of the uniform state number plate.”

3. By amending subsection (g) to read:

“(g) The director of finance may revoke all special number plates issued pursuant to this section if the total number of registered owners of ~~motor~~ electric vehicles that obtain the special number plates is less than one hundred fifty within three years of issuance of the first special number plate.”

4. By amending subsection (i) to read:

“(i) For the purposes of this section ~~unless a different meaning appears from the context,~~ “special”:

“Special number plate” means a license plate that is not a uniform state number plate, unless a different meaning appears from the context.

“Electric vehicle” shall have the same meaning as the term is defined in section 196-2 and produce zero emissions.”

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, 2024.)

**ACT 65**

H.B. NO. 2295

A Bill for an Act Relating to the Traffic Code.

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

SECTION 1. Section 291C-111, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) With respect to highways and property under their respective jurisdictions, the director of transportation ~~is~~ shall be authorized to and the counties by ordinance may prohibit or restrict the stopping, standing, or parking of vehicles where the stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere ~~unduly~~ with the free movement of traffic; provided that the violation of any law or any ordinance, regardless of whether established under this or any other section, prohibiting or restricting the stopping, standing, or parking of vehicles shall constitute a traffic infraction. The counties may issue traffic infractions for violations of any law prohibiting or restricting the stopping, standing, or parking of vehicles on all highways and county property. The counties shall not provide any other penalty, civil or criminal, or any other charge, in the form of rental or otherwise, in place of or in addition to the fine to be imposed by the district court for any violation of any ordinance prohibiting or restricting the stopping, standing, or parking of vehicles.

This section shall not be construed as prohibiting the authority of the director of transportation or the counties to allow the stopping, standing, or parking of motor vehicles at a “T-shaped” intersection on highways under their

respective jurisdictions; provided that ~~such~~ the stopping, standing, or parking of motor vehicles is not dangerous to those using the highway or where the stopping, standing, or parking of motor vehicles would not unduly interfere with the free movement of traffic.

The appropriate police department or their designee, and county or prosecuting attorney of the various counties shall enforce any law or ordinance prohibiting or restricting the stopping, standing, or parking of vehicles, including but not limited to the issuance of parking tickets. Any person committing a violation of any law or ordinance, regardless of whether established under this or any other section, prohibiting or restricting the stopping, standing, or parking of vehicles shall be subject to a fine to be enforced and collected by the district courts of this State and to be deposited into the state general fund for state use.”

SECTION 2. Section 291C-165, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There shall be provided for use by authorized police officers, or ~~county employees designated by~~ designees of the county chiefs of police, a form of summons or citation for use in citing violators of those traffic laws that do not mandate the physical arrest of violators. The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the district courts and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State.”

SECTION 3. Section 291C-167, Hawaii Revised Statutes, is amended to read as follows:

“**§291C-167 Summons or citation on illegally parked vehicle.** Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions contained in the state traffic laws, the officer or ~~designated county employee~~ designee finding the vehicle shall take its registration number and may take any other information displayed on the vehicle that may identify its registered owner and ~~conspicuously~~ shall conspicuously affix to the vehicle a citation, as described in section 291C-165, for the registered owner of record to answer as provided in chapter 291D.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

(Approved June 21, 2024.)

ACT 66

H.B. NO. 2339

A Bill for an Act Relating to 911 Services.

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

SECTION 1. The legislature finds that the technology for 911 services is continually evolving, resulting in changing terminology to describe the technology. Twenty years ago, the term “enhanced” for 911 services referred to the

new technology at that time, which allowed identification of the caller's telephone number as well as the location of the caller. Across the nation, states are now in the process of implementing "next generation" 911 technology containing significant advances to the "enhanced" 911 technology. However, chapter 138, Hawaii Revised Statutes, identifies 911 services in the State as "enhanced" 911 services and restricts funding solely for "enhanced" 911 services, preventing the State from using funding for future 911 technologies. Deletion of the term "enhanced" will allow continued funding for the most up-to-date 911 services, which is critical for the safety and well-being of all people residing in or visiting the State.

The legislature also finds that under existing law, the 911 board may employ an executive director who is exempt from chapters 76 and 89, Hawaii Revised Statutes, to carry out the responsibilities under chapter 138, Hawaii Revised Statutes, however, the 911 board is not allowed to employ staff exempt from these chapters.

The purpose of this Act is to:

- (1) Delete the term "enhanced" in reference to 911 services to allow funding of all 911 technologies; and
- (2) Allow the 911 board to employ staff, in addition to the executive director, who are exempt from chapters 76 and 89, Hawaii Revised Statutes, the State's civil service and collective bargaining laws.

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, and 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, and 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; 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; 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~~ 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~~ no 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 Hawaii 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, 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;
- (35) In the office of homeland security of the department of law enforcement, the statewide interoperable communications coordinator; ~~and~~
- (36) In the social services division of the department of human services, the business technology analyst~~[-]; and~~
- (37) The executive director and staff of the 911 board.

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. Chapter 138, Hawaii Revised Statutes, is amended by amending its title to read as follows:

**“CHAPTER 138  
[Enhanced] 911 SERVICES”**

SECTION 4. Section 138-1, Hawaii Revised Statutes, is amended as follows:

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

“911 fund” or “fund” means the special fund established by section 138-3.  
“911 service costs” means all capital, nonrecurring, and recurring costs directly related to the implementation, operation, and administration of 911 services.”

2. By amending the definitions of “automatic location identification”, “automatic number identification”, and “board” to read:

“Automatic location identification” means ~~[an enhanced]~~ a 911 service capability that enables the automatic display of information indicating the address or approximate geographic location of the communication device used to place a 911 call.

“Automatic number identification” means ~~[an enhanced]~~ a 911 service capability that enables the automatic display of the ten-digit telephone number or some other unique identifier of the device from which a 911 call is placed.

“Board” means the ~~[enhanced]~~ 911 board established under this chapter.”

3. By amending the definition of “911 system” to read:

“911 system” means an emergency communications system that:

- (1) Enables the user of a voice communications service connection such as telephone, computer, or commercial mobile radio service, Interconnected Voice over Internet Protocol service or a data communications service connection that transmits data exclusively, such as text messaging, to reach a public safety answering point by accessing 911, or via a service/relay bureau or accessing a 911 system through some other means; and
- (2) Provides ~~[enhanced]~~ for public safety answering point dispatch and response 911 ~~[service.] services.”~~

4. By amending the definition of “proprietary information” to read:

“Proprietary information” means customer lists and other related information (including the number of customers), technology descriptions, technical information, or trade secrets, and the actual or developmental costs of ~~[enhanced]~~ 911 service that are developed, produced, or received internally by a communications service provider or by a provider’s employees, directors, officers, or agents.”

5. By repealing the definitions of “enhanced 911 fund” and “enhanced 911 service costs”.

[~~“Enhanced 911 fund” or “fund” means the special fund established by section 138-3.~~

~~“Enhanced 911 service costs” means all capital, nonrecurring, and recurring costs directly related to the implementation, operation, and administration of enhanced 911 services.”]~~

SECTION 5. Section 138-2, Hawaii Revised Statutes, is amended as follows:

1. By amending its title and subsection (a) to read:



“§138-2 [Enhanced] 911 board. (a) There [is] shall be created within the department of accounting and general services, for administrative purposes, [an enhanced] a 911 board consisting of thirteen voting members; provided that the membership shall consist of:

- (1) The chief information officer or the chief information officer’s designee;
- (2) Three representatives from wireless communications service providers, who shall be appointed by the governor as provided in section 26-34;
- (3) One representative each from the public safety answering points for Oahu, Hawaii, Kauai, Maui, and Molokai and one representative, chosen by the mayor of the city and county of Honolulu, who shall be appointed by the governor as provided in section 26-34;
- (4) The consumer advocate or the consumer advocate’s designee;
- (5) One representative from a communications service company that offers Interconnected Voice over Internet Protocol services, who shall be appointed by the governor as provided in section 26-34; and
- (6) One representative of the public utility providing telecommunications services and land line [enhanced] 911 services through section 269-16.95.”

2. By amending subsection (e) to read:

“(e) The members representing wireless providers, the public utility providing telecommunications services and land line [enhanced] 911 services through section 269-16.95, and Interconnected Voice over Internet Protocol service providers shall be appointed by the governor for terms of two years.”

3. By amending subsections (h) and (i) to read:

“(h) The members shall serve without compensation. Members shall be entitled to reimbursements from the [enhanced] 911 fund for reasonable traveling expenses incurred in connection with the performance of board duties.

(i) The board, or its chairperson[;] with the approval of the board, may employ an executive director and other staff exempt from chapters 76 and 89, [~~and other staff;~~] and may retain independent, third-party accounting firms, consultants, or other third [~~party~~] parties to:

- (1) Create reports, make payments into the fund, process checks, and make distributions from the fund, as directed by the board and as allowed by this chapter; and
- (2) Perform administrative duties necessary to administer the fund or oversee operations of the board, including providing technical advisory support; provided that no employee, third-party accounting firm, consultant, or other third party hired to perform these administrative duties may be retained if the employee, accounting firm, consultant, or other third party, either directly or indirectly, has a conflict of interest or is affiliated with the management of or owns a pecuniary interest in any entity subject to the provisions of this chapter.”

SECTION 6. Section 138-5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Every public safety answering point shall be eligible to seek disbursements from the fund to pay for the reasonable costs to lease, purchase, or maintain all necessary equipment, including computer hardware, software, and database provisioning, required by the public safety answering point to provide technical functionality for the [enhanced] 911 service. Reasonable costs may

include expenses directly associated with the planning phases and training of personnel in any new and emerging technologies involving [enhanced] 911[-] services. All other expenses necessary to operate the public safety answering point, including but not limited to those expenses related to overhead, staffing, and other day-to-day operational expenses, shall continue to be paid through the general funding of the respective counties.”

2. By amending subsection (c) to read:

“(c) Each communications service provider may request reimbursement from the fund of [enhanced] 911 service costs incurred; provided that the costs:

- (1) Are recoverable under section 138-4(d); and
- (2) Have not already been reimbursed to the communications service provider from the fund.

In no event shall a communications service provider be reimbursed for any amount above its actual [enhanced] 911 [communications] service costs allowed to be recovered under section 138-4(d).”

3. By amending subsection (e) to read:

“(e) After the expenses of the board are paid, the public safety answering points shall be allocated two-thirds of the remaining balance of the fund. The remaining one-third shall be available for communications service provider cost recovery. The board shall determine the reimbursement amounts for the public safety answering points, based on the limitations set forth in section 138-5(a). The reimbursement level for each communications service provider shall be limited:

- (1) To one-third of the total contribution made by the individual communications service provider into the fund; provided that this method of direct reimbursement shall not be available to the provider of wire line [enhanced] 911; and
- (2) As provided in subsection (c).”

SECTION 7. Section 138-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) During any period in which [an enhanced] a 911 surcharge is imposed upon customers, the board may request an audited report prepared by an independent certified public accountant that demonstrates that the request for cost recovery from public safety answering points and communications service providers recovers only costs and expenses directly related to the provision of [enhanced] 911 service as authorized by this chapter. The cost of the audited reports shall be considered expenses of the board. The board shall prevent public disclosure of proprietary information contained in the audited report, unless required by court order or appropriate administrative agency decision.”

SECTION 8. Section 138-9, Hawaii Revised Statutes, is amended to read as follows:

“§138-9 **Limitation of liability.** (a) Notwithstanding any law to the contrary, in no event shall any communications service provider, reseller, or independent[-] third-party accounting firms, consultants, or other third party retained by the State under section 138-2, or their respective employees, directors, officers, assigns, affiliates, or agents, except in cases of gross negligence or wanton and wilful misconduct, be liable for any civil damages or criminal liability resulting from death or injury to a person or from damage to property incurred by any person in connection with any act or omission in developing, designing, adopting, establishing, installing, participating in, implementing,

maintaining, or providing access to [enhanced] 911 or any other communications service intended to help persons obtain emergency assistance. In addition, no communications service provider, reseller, or independent[;] third-party accounting firms, consultants, or other third party retained by the State under section 138-2, or their respective employees, directors, officers, assigns, affiliates, or agents, shall be liable for civil damages or criminal liability in connection with the release of customer information to any governmental entity, including any public safety answering point, as required under this chapter.

(b) In no event shall any public safety answering point, or its employees, assigns, or agents, or emergency response personnel, except in cases of gross negligence or wanton and wilful misconduct, be liable for any civil damages or criminal liability resulting from death or injury to the person or from damage to property incurred by any person in connection with any act or omission in the development, installation, maintenance, operation, or provision of [enhanced] 911 [service:] services.”

SECTION 9. Section 269-1, Hawaii Revised Statutes, is amended by amending the definition of “basic exchange service” to read as follows:

““Basic exchange service” means those services consisting of single-line dial tone, touch-tone dialing, access to operator service, access to [enhanced] 911[;] services, telecommunications relay service, telephone directory, and access to directory-assistance service via 411 dialing.”

SECTION 10. Section 269-16.95, Hawaii Revised Statutes, is amended to read as follows:

**“§269-16.95 Emergency telephone service; capital costs; ratemaking.**

(a) A public utility providing local exchange telecommunications services may recover the capital cost and associated operating expenses of providing a statewide [enhanced] 911 emergency telephone service in the public switched telephone network, through:

- (1) A telephone line surcharge; or
- (2) Its rate case.

(b) Notwithstanding the commission’s rules on ratemaking, the commission shall expedite and give highest priority to any necessary ratemaking procedures related to providing a statewide [enhanced] 911 emergency telephone service; provided that the commission may set forth conditions and requirements [as] that the commission determines are in the public interest.

(c) The commission shall require every public utility providing statewide [enhanced] 911 emergency telephone service to maintain a separate accounting of the costs of providing [an enhanced] a 911 emergency service and the revenues received from related surcharges until the next general rate case. The commission shall further require that every public utility imposing a surcharge shall identify such as a separate line item on all customer billing statements.

(d) This section shall not preclude the commission from changing any rate, established pursuant to this section, either specifically or pursuant to any general restructuring of all telephone rates, charges, and classifications.”

SECTION 11. Sections 128A-13, 138-3, 138-4, 138-6, 138-8, 138-10, 138-12, and 269E-12, Hawaii Revised Statutes, are amended by substituting the word “911”, or similar term, wherever the word “enhanced 911”, or similar term, appears, as the context requires.

SECTION 12. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

**ACT 67**

SECTION 13. This Act shall take effect upon its approval.

(Approved June 21, 2024.)

**ACT 67**

H.B. NO. 2354

A Bill for an Act Relating to the Small Business Regulatory Review Board.

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

SECTION 1. Section 201M-5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) There shall be established within the department of business, economic development, and tourism, for administrative purposes, a small business regulatory review board to review any proposed new or amended rule. If the board determines that a proposed rule will not have a significant economic impact on a substantial number of small businesses, the board shall submit a statement to that effect to the agency that sets forth the reason for the board’s decision. If the board determines that the proposed rule will have a significant economic impact on a substantial number of small businesses, the board may submit to the agency suggested changes in the proposed rule to minimize the economic impact of the proposed rule, or may recommend the withdrawal of the proposed rule. The board may also consider any request from small business owners for review of any rule proposed, amended, or adopted by a state agency or for review of any legislation affecting small businesses, and to make recommendations to the agency or the legislature regarding the need for a rule change or legislation. For requests regarding county rules, the board may make recommendations to the county council or the mayor for appropriate action.”

2. By amending subsection (f) to read:

“(f) The board shall submit an annual report to the legislature twenty days prior to each regular session detailing any requests from small business owners for review of any rule proposed, amended, or adopted by a state agency[.] or for review of any legislation affecting small businesses, and any recommendations made by the board to an agency or the legislature regarding the need for a rule change or legislation. The report shall also contain a summary of the comments made by the board to agencies regarding its review of proposed new or amended rules.”

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 21, 2024.)

**ACT 68**

H.B. NO. 2369

A Bill for an Act Relating to the Hawaii Community-Based Economic Development Technical and Financial Assistance Program.

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

SECTION 1. Section 210D-10, Hawaii Revised Statutes, is amended to read as follows:

“§210D-10 **Terms of loans.** Loans shall be made to qualified applicants with the following terms and conditions:

- (1) The amount of the outstanding balance on all loans issued under this chapter to any one applicant at any one time shall not exceed \$250,000;
- (2) The maximum term of a loan shall not exceed ten years;
- (3) Each loan shall bear simple interest at a rate of not less than three and not more than ~~six~~ ten per cent a year, depending on the nature of the loan; and
- (4) The commencement date for the repayment of the first installment on principal and interest of each loan may be deferred by the director of business, economic development, and tourism for a period not to exceed two years.”

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

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

(Approved June 21, 2024.)

## ACT 69

H.B. NO. 2394

A Bill for an Act Relating to Insurance.

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

SECTION 1. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section to part I of article 19 to be appropriately designated and to read as follows:

“§431:19- **Dormant captive insurance companies.** (a) A captive insurance company may apply to the commissioner for a certificate of dormancy and the commissioner may grant a certificate of dormancy. The certificate of dormancy shall be subject to renewal every five years and shall expire if not renewed. The application for renewal shall be submitted not less than ninety days before the certificate expiration date. The issuance of a certificate of dormancy shall automatically cause the certificate of authority of the captive insurance company to be placed in inactive status.

(b) A dormant captive insurance company that has been issued a certificate of dormancy shall:

- (1) Possess and thereafter maintain unimpaired, paid-in capital and surplus of not less than \$25,000;
- (2) Before March 1 of each year, submit to the commissioner a report of its financial condition, verified by oath of two of its executive officers, in a form as may be prescribed by the commissioner; and
- (3) Pay a certificate of dormancy renewal fee of \$300.

(c) A dormant captive insurance company that has been issued a certificate of dormancy shall not:

- (1) Conduct the business of insurance;
- (2) Be subject to or liable for the payment of any tax under section 431:19-116;
- (3) Be required to file audited annual financial statements and other reports required under section 431:19-107; and
- (4) Be subject to examination under section 431:19-108, except for non-compliance with this section.

(d) Before conducting any insurance business, a dormant captive insurance company shall apply for approval from the commissioner to surrender its certificate of dormancy and to reactivate its certificate of authority.

(e) A certificate of dormancy shall be revoked if a dormant captive insurance company violates any provisions of subsections (a) through (c).

(f) The commissioner may adopt rules as necessary to carry out this section.

(g) As used in this section, unless the context requires otherwise, “dormant captive insurance company” means a captive insurance company that as of the filing of its application for a certificate of dormancy under this section:

- (1) Has never transacted the business of insurance; or
- (2) Has ceased transacting the business of insurance and has no remaining insurance liabilities associated with any business of insurance transacted by it.”

SECTION 2. Section 431:2-217, Hawaii Revised Statutes, is amended to read as follows:

“~~§431:2-217~~ **Trade name.** (a) ~~[Prior to]~~ Before the use or change of a trade name to sell, solicit, or negotiate insurance in this State, the licensee shall register the trade name with the department of commerce and consumer affairs pursuant to part II of chapter 482.

(b) Upon registration of the trade name with the department of commerce and consumer affairs, the licensee may apply, on a form approved by the commissioner, to add or remove a trade name on a license. The applicant shall provide proof of registration of a trade name to the commissioner.

(c) If the commissioner finds the application for use or change of a trade name is substantially identical to another trade name registered with the department of commerce and consumer affairs, or substantially identical to a legal name or trade name of a revoked license, the commissioner shall deny use of the trade name on a license issued pursuant to this chapter.

(d) A licensee shall inform the commissioner, by any means acceptable to the commissioner, of any change of status of a trade name registered with the department of commerce and consumer affairs within thirty days of the change.

(e) For purposes of this article, “trade name” shall include the name under which an individual or business entity is conducting business or doing business as.”

SECTION 3. Section 431:9A-154, Hawaii Revised Statutes, is amended to read as follows:

“**§431:9A-154 Self-study courses.** (a) In addition to the requirements of courses generally, an approved continuing education course provider shall also require for self-study courses, including computer-based courses, a written or computer-based examination at the conclusion of the self-study course. The examination shall:

- (1) Be composed of multiple choice questions, essay questions, or both;
- (2) Have at least three different versions of itself, used on a random or rotating basis;
- (3) If composed of multiple choice questions for a course approved for up to four credit hours, include at least twenty-five multiple choice questions;
- (4) If composed of multiple choice questions for a course approved for more than four credit hours, include at least fifty multiple choice questions;

- (5) Be graded by the continuing education course provider or the continuing education course provider's agent;
  - (6) If the examination is computer-based, not include prompts designed to aid the person taking the examination; and
  - (7) If the course is a computer-based course with a computer-based examination, be designed to prevent the licensee from taking the examination without reviewing the course materials.
- (b) To pass a multiple-choice self-study course, the licensee shall answer at least seventy per cent of the examination questions correctly.
- (c) A self-study course examination shall not be administered by a person who:
- (1) Is related to, or is a business associate of, the licensee taking the examination; or
  - (2) Has a financial interest in the success or failure of a licensee taking the examination.
- (d) The effective date of a completed examination pursuant to this section shall be the date the continuing education course provider receives the completed examination. Upon receipt of the completed examination, the continuing education course provider or the continuing education course provider's agent shall grade the examination and mail the results to the licensee within fifteen days.
- (e) The written or computer-based examination and contents shall be made available by the continuing education course provider, upon request, to the commissioner, and shall not be required to be submitted for filing."

SECTION 4. Section 431:9B-102, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The commissioner may require a reinsurance intermediary-manager subject to subsection (b) to[:

- (1) ~~File a bond from an insurance company licensed to do business within the State or with an insurance company approved by the commissioner, in an amount equal to \$500,000 or ten per cent of the annual reinsurance premiums managed by the reinsurance intermediary-manager, whichever is greater, except that the bond amount under this paragraph shall not exceed \$10,000,000, for the protection of the reinsurer;~~
- (2) ~~Maintain an errors and omissions policy with an insurance company licensed to do business within the State or with an insurance company approved by the commissioner, in an amount equal to \$250,000 or twenty-five per cent of the annual reinsurance premiums managed by the reinsurance intermediary-manager, whichever is greater, except that the policy limits under this paragraph shall not exceed \$10,000,000; and~~
- (3) ~~Provide] provide any [other] report required by the commissioner.~~

~~[At the commissioner's request, the reinsurance intermediary-manager shall provide the commissioner with proof of the bond and policy and appropriate documentation to show that the bond and policy continue to be in effect, or that a new bond and new policy have been secured.]"~~

SECTION 5. Section 431:9B-106, Hawaii Revised Statutes, is amended to read as follows:

**"§431:9B-106 Required contract provisions; reinsurance intermediary-managers.** Transactions between a reinsurance intermediary-manager and the reinsurer it represents in that capacity shall only be entered into pursuant to a

written contract, specifying the responsibilities of each party that shall be approved by the reinsurer's board of directors. The contract, at a minimum, shall provide that:

- (1) The reinsurer may terminate the contract for cause upon written notice to the reinsurance intermediary-manager. The reinsurer may immediately suspend the authority of the reinsurance intermediary-manager to assume or cede business during the pendency of any dispute regarding the cause for termination;
- (2) The reinsurance intermediary-manager shall render accounts to the reinsurer accurately detailing all material transactions, including information necessary to support all commissions, charges, and other fees received by or owing to the reinsurance intermediary-manager, and remit all funds due under the contract to the reinsurer on not less than a monthly basis;
- (3) All funds collected for the reinsurer's account shall be held by the reinsurance intermediary-manager in a fiduciary capacity and deposited in a bank that is a qualified United States financial institution. The reinsurance intermediary-manager may retain no more than three months estimated claims payments and allocated loss adjustment expenses. The reinsurance intermediary-manager shall maintain a separate bank account for each reinsurer that it represents;
- (4) For at least ten years after expiration of each contract of reinsurance transacted by the reinsurance intermediary-manager, the reinsurance intermediary-manager shall keep a complete record for each transaction showing:
  - (A) The type of contract, limits, underwriting restrictions, classes or risks, and territory;
  - (B) Period of coverage, including effective and expiration dates, cancellation provisions and notice required for cancellation, and disposition of outstanding reserves on covered risks;
  - (C) Reporting and settlement requirements of balances;
  - (D) Rate used to compute the reinsurance premium;
  - (E) Names and addresses of reinsurers;
  - (F) Rates of all reinsurance commissions, including the commissions on any retrocessions handled by the reinsurance intermediary-manager;
  - (G) Related correspondence and memoranda;
  - (H) Proof of placement;
  - (I) Details regarding retrocessions handled by the reinsurance intermediary-manager, as permitted by section [431:9B-108(d),] 431:9B-108(e), including the identity of retrocessionaires and percentage of each contract assumed or ceded;
  - (J) Financial records, including but not limited to, premium and loss accounts; and
  - (K) When the reinsurance intermediary-manager places a reinsurance contract on behalf of a ceding insurer:
    - (i) Directly from any assuming reinsurer, written evidence that the assuming reinsurer has agreed to assume the risk; or
    - (ii) If placed through a representative of the assuming reinsurer, other than an employee, written evidence that the reinsurer has delegated binding authority to the representative;



- (5) The reinsurer shall have access and the right to copy all accounts and records maintained by the reinsurance intermediary-manager related to its business in a form usable by the reinsurer;
- (6) The contract shall not be assigned in whole or in part by the reinsurance intermediary-manager;
- (7) The reinsurance intermediary-manager shall comply with the written underwriting and rating standards established by the insurer for the acceptance, rejection, or cession of all risks;
- (8) The contract sets forth the rates, terms, and purposes of commissions, charges, and other fees that the reinsurance intermediary-manager may levy against the reinsurer;
- (9) If the contract permits the reinsurance intermediary-manager to settle claims on behalf of the reinsurer:
  - (A) All claims shall be reported to the reinsurer in a timely manner;
  - (B) A copy of the claim file shall be sent to the reinsurer at its request or as soon as it becomes known that the claim:
    - (i) Has the potential to exceed the lesser of an amount determined by the commissioner or the limit set by the reinsurer;
    - (ii) Involves a coverage dispute;
    - (iii) May exceed the reinsurance intermediary-manager's claims settlement authority;
    - (iv) Is open for more than six months; or
    - (v) Is closed by payment of the lesser of an amount set by the commissioner or an amount set by the reinsurer;
  - (C) All claim files shall be the joint property of the reinsurer and reinsurance intermediary-manager. However, upon an order of liquidation of the reinsurer, the files shall become the sole property of the reinsurer or its estate; the reinsurance intermediary-manager shall have reasonable access to and the right to copy the files on a timely basis; and
  - (D) Any settlement authority granted to the reinsurance intermediary-manager may be terminated for cause upon the reinsurer's written notice to the reinsurance intermediary-manager or upon the termination of the contract. The reinsurer may suspend the settlement authority during the pendency of the dispute regarding the cause of termination;
- (10) If the contract provides for a sharing of interim profits by the reinsurance intermediary-manager, interim profits shall not be paid until one year after the end of each underwriting period for property business and five years after the end of each underwriting period for casualty business (or a later period set by the commissioner for specified lines of insurance) and not until the adequacy of reserves on remaining claims has been verified pursuant to section 431:9B-108(c);
- (11) The reinsurance intermediary-manager shall annually provide the reinsurer with a statement of its financial condition prepared by an independent certified accountant;
- (12) The reinsurer shall, at a minimum, semiannually conduct an on-site review of the underwriting and claims processing operations of the reinsurance intermediary-manager;
- (13) The reinsurance intermediary-manager shall disclose to the reinsurer any relationship it has with any insurer prior to ceding or assuming any business with the insurer pursuant to the contract; and

- (14) Within the scope of its actual or apparent authority the acts of the reinsurance intermediary-manager shall be deemed to be the acts of the reinsurer on whose behalf it is acting.”

SECTION 6. Section 431:9B-108, Hawaii Revised Statutes, is amended to read as follows:

“~~§431:9B-108~~ **Duties of reinsurers utilizing the services of a reinsurance intermediary-manager.** (a) A reinsurer shall not engage the services of any person, firm, association, or corporation to act as a reinsurance intermediary-manager on its behalf unless the person, firm, association, or corporation is licensed as required by section 431:9B-102(b).

(b) The reinsurer shall annually obtain a copy of statements of the financial condition of each reinsurance intermediary-manager which the reinsurer has engaged prepared by an independent certified accountant in a form acceptable to the commissioner.

(c) If a reinsurance intermediary-manager establishes loss reserves, the reinsurer shall annually obtain the opinion of an actuary attesting to the adequacy of loss reserves established for losses incurred and outstanding on business produced by the reinsurance intermediary-manager. This opinion shall be in addition to any other required loss reserve certification.

(d) The reinsurer shall require the reinsurance intermediary-manager to:

- (1) File a bond for the protection of the reinsurer from an insurance company licensed to do business within the State or with an insurance company approved by the commissioner, in an amount equal to \$500,000 or ten per cent of the annual reinsurance premiums managed by the reinsurance intermediary-manager, whichever is greater, except that the bond amount under this paragraph shall not exceed \$10,000,000; and
- (2) Maintain an errors and omissions policy with an insurance company licensed to do business within the State or with an insurance company approved by the commissioner, in an amount equal to \$250,000 or twenty-five per cent of the annual reinsurance premiums managed by the reinsurance intermediary-manager, whichever is greater, except that the policy limits under this paragraph shall not exceed \$10,000,000.

At the commissioner’s request, the reinsurance intermediary-manager shall provide the commissioner with proof of the bond and policy required, and appropriate documentation to show that the bond and policy continue to be in effect, or that a new bond and new policy have been secured.

~~(d)~~ (e) Binding authority for all retrocessional contracts or participation in reinsurance syndicates shall rest with an officer of the reinsurer who shall not be affiliated with the reinsurance intermediary-manager.

~~(e)~~ (f) Within thirty days of termination of a contract with a reinsurance intermediary-manager, the reinsurer shall provide written notification of the termination to the commissioner.

~~(f)~~ (g) A reinsurer shall not appoint to its board of directors any officer, director, employee, controlling shareholder, or subagent of its reinsurance intermediary-manager; provided that this subsection shall not apply to relationships governed by article 11.”

SECTION 7. Section 431:9J-103, Hawaii Revised Statutes, is amended to read as follows:

**“§431:9J-103 Surety bond required.** (a) Before the issuance of the administrator license, the administrator shall file with the commissioner, and maintain in force while so licensed, a surety bond of at least \$100,000~~[;]~~ during the administrator’s first licensing biennial, and at least \$300,000 for every licensing renewal thereafter, in the form and penal sum acceptable to the commissioner, and shall provide that the bond may not be canceled or otherwise terminated until two years have elapsed from the last day the applicant was an administrator, unless the commissioner has given prior written consent. The surety bond shall be undertaken and may be enforced in the name of “Commissioner of Insurance, State of Hawaii”.

(b) ~~[For]~~ At the first licensing renewal, and each subsequent [annual-report filing;] year, the surety bond amount shall be at least ~~[\$100,000]~~ \$300,000 and filed in accordance with section 431:9J-112.”

SECTION 8. Section 431:9J-112, Hawaii Revised Statutes, is amended to read as follows:

**“§431:9J-112 Annual report required.** (a) An administrator shall file an annual report for the preceding calendar year with the commissioner on or before March 1 of each year, in a form and manner prescribed by the commissioner.

(b) The annual report shall include:

- (1) The names and addresses of all insurers with which the administrator had an agreement during the preceding calendar year; and
- (2) A renewal certificate for the surety bond required in section 431:9J-103 and an updated surety bond form, if needed~~[-]; and~~
- (3) ~~An audited financial statement prepared by an independent certified public accountant].~~

(c) An administrator shall file with the commissioner an audited financial statement for the preceding calendar year by an independent certified public accountant on or before June 1 of each year.

(d) An audited financial statement and annual report prepared on a consolidated basis shall include a columnar consolidating or combining worksheet filed with the report and shall include the following:

- (1) Worksheet or worksheets showing the amounts shown on the consolidated audited financial report;
- (2) Amounts for each entity that shall be stated separately; and
- (3) Explanations of consolidating and eliminating entries.

(e) The annual report shall be in the form, and contain the matters, as the commissioner prescribes and shall be verified by at least two officers of the administrator.”

SECTION 9. Section 431:19-101, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “controlled unaffiliated business” to read:

““Controlled unaffiliated business” means, in the case of a pure captive insurance company, any person~~[;]~~, or in the case of a sponsored captive insurance company, any participant:

- (1) That is not in the corporate system of a parent or sponsor and its affiliated entities;
- (2) That has an existing contractual relationship with a parent or sponsor or one of its affiliated entities; and
- (3) Whose risks are managed by the pure captive insurance company~~[-]~~ or the sponsored captive insurance company.”

## ACT 70

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

““Participant” means an entity that meets the requirements of section 431:19-305, and any affiliated or controlled unaffiliated business entities thereof that are insured by a sponsored captive insurance company where the losses of the participant may be limited through a participant contract to the participant’s pro rata share of the assets of one or more protected cells identified in the participant contract.”

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 11. This Act shall take effect upon its approval; provided that section 6 shall take effect on July 1, 2025.

(Approved June 21, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 70

H.B. NO. 2395

A Bill for an Act Relating to the Hawaii National Guard.

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

SECTION 1. Chapter 88, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

**“§88- Service of Hawaii national guard members on state active duty; exempt from mandatory enrollment.** (a) Notwithstanding section 88-42 or any other applicable sections in this part, part VII, or part VIII, a member of the Hawaii national guard ordered into active duty to provide services to the State shall not be eligible for membership in the system based on the member’s active duty service.

(b) This section shall not:

- (1) Preclude from membership in the system pursuant to section 88-42 any member of the Hawaii national guard who is an employee of the State or any county, in a position other than as a member of the Hawaii national guard ordered into active duty to provide services to the State; or
- (2) Prevent the Hawaii national guard member from being credited with membership service credit for active military service pursuant to sections 88-132 and 88-132.5.

(c) For the purposes of this section, “active duty” means a duty in the active service ordered by the governor or the governor’s designated representative to provide services to the State in a time of emergency as prescribed under sections 121-29 and 121-30.”

SECTION 2. Section 121-29, Hawaii Revised Statutes, is amended to read as follows:

**“§121-29 Active service.** Active service is active duty, any other duty, or service done under or in pursuance of an order or call of the President of the United States or an order of the governor. Any officer or body of troops while on active service may be relieved from duty by order of the proper authority.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved June 21, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 71**

H.B. NO. 2396

A Bill for an Act Relating to the Hawaii National Guard.

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

SECTION 1. Section 121-39, Hawaii Revised Statutes, is amended to read as follows:

**“§121-39 Pay of officers and warrant officers while on active duty.** Officers and warrant officers of the army or air national guard while on active duty in the service of the State shall receive the pay and allowances of officers and warrant officers of similar grades of the United States Army and Air Force, respectively; provided that:

- (1) The State shall allow officers and warrant officers to directly deposit their pay by electronic means to their personal banking accounts; ~~[and]~~
- (2) If an officer or warrant officer is activated for more than thirty days in the service of the State and is not otherwise covered by health insurance, the State shall provide an allowance for the payment of TRICARE reserve select coverage for the individual officer or warrant officer and the officer’s family should the officer or warrant officer have eligible dependents; provided that this paragraph shall only apply to officers in the grades of O-3 and below and warrant officers in the grades of CW-2 and below; and
- ~~[(2)]~~ (3) No pay or allowances shall be made to officers or warrant officers for any service for which they receive military pay and allowances from the United States.”

SECTION 2. Section 121-40, Hawaii Revised Statutes, is amended to read as follows:

**“§121-40 Pay of enlisted personnel while on active duty.** Enlisted personnel of the army and air national guard while on active duty in the service of the State, except during periods of annual field training or year-round field training, shall receive the same pay and allowances as enlisted personnel of similar rank in the United States Army and Air Force respectively; provided that the:

- (1) State shall allow enlisted personnel to directly deposit their pay by electronic means to their personal banking accounts; ~~[and]~~
- (2) If an enlisted person is activated for more than thirty days in the service of the State and is not otherwise covered by health insurance, the State shall provide an allowance for the payment of TRICARE reserve select coverage for the individual enlisted person and the enlisted person’s family should the enlisted person have eligible dependents; provided that this paragraph shall only apply to enlisted personnel in the grades of E-6 and below; and

## ACT 72

- (2) (3) Aggregate of the pay and allowances, computed on a daily basis, shall in no event be less than the amount equal to ten times the hourly wage specified in section 387-2.”

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, 2024.)

## ACT 72

H.B. NO. 2435

A Bill for an Act Relating to Licensing.

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

SECTION 1. Section 572-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) To secure a license to marry, the persons applying for the license shall appear personally:

- (1) In-person or by synchronous online access before an employee of the department of health authorized to issue licenses; or
- (2) In-person before an agent authorized to grant marriage licenses and shall file with the agent an application in writing[-], or remotely by synchronous online access before an agent and as authorized by the department of health in rules adopted pursuant to chapter 91.

The application shall be accompanied by a statement signed and sworn to by each of the persons, setting forth: ~~the~~ each person’s full name, date of birth, social security number, and residence; their relationship, if any; the full names of ~~parents;~~ each person’s parent; and that all prior marriages or civil unions, if any, other than an existing civil union between the persons applying for the marriage license, have been dissolved by death or dissolution. If all prior marriages or civil unions, other than an existing civil union between the persons applying for the marriage license, have been dissolved by death or dissolution, the statement shall also set forth the date of death of the last prior spouse or the date and jurisdiction in which the last decree of dissolution was entered. Any other information consistent with the standard marriage certificate, as recommended by the Public Health Service, National Center for Health Statistics, may be requested for statistical or other purposes, subject to approval of and modification by the department of health; provided that the information shall be provided at the option of the applicant and no applicant shall be denied a license for failure to provide the information. The agent shall endorse on the application, over the agent’s signature, the date of the filing thereof and shall issue a license ~~which~~ that shall bear on its face the date of issuance. Every license shall be of full force and effect for thirty days commencing from and including the date of issuance. After the thirty-day period, the license shall become void and no marriage ceremony shall be performed thereon.”

SECTION 2. Section 572B-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No license for a civil union ~~may~~ shall be issued by an agent until both applicants have appeared in-person or by synchronous online access, as authorized by the department of health in rules adopted pursuant to chapter 91,

before the agent and applied for the license. The application for the license shall be completed in its entirety, dated, signed, and sworn to by each applicant and shall state each applicant's full name, date of birth, birthplace, residence, and social security number[-]; whether each applicant is single, widowed, or divorced[-]; and whether the applicant is under the supervision or control of a conservator or guardian. If the application is signed and sworn to by the applicants on different dates, the earlier date shall be deemed the date of the application. ~~["The agent shall issue a copy of this chapter to any person applying for a license."]~~

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, 2024.)

## ACT 73

H.B. NO. 2463

A Bill for an Act Relating to the Wage and Hour Law.

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

SECTION 1. Section 387-1, Hawaii Revised Statutes, is amended by amending the definition of "employee" to read as follows:

"Employee" includes any individual employed by an employer, but shall not include any individual employed:

- (1) At a guaranteed compensation totaling [~~\$2,000~~] \$4,000 or more a month, whether paid weekly, biweekly, or monthly;
- (2) In agriculture for any workweek in which the employer of the individual employs less than twenty employees or in agriculture for any workweek in which the individual is engaged in coffee harvesting;
- (3) In or about the home of the individual's employer:
  - (A) In domestic service on a casual basis; or
  - (B) Providing companionship services for the aged or infirm;
- (4) As a house parent in or about any home or shelter maintained for child welfare purposes by a charitable organization exempt from income tax under section 501 of the federal Internal Revenue Code;
- (5) By the individual's [~~brother, sister, brother-in-law, sister-in-law, son, daughter,~~] sibling, sibling-in-law, child, spouse, parent, or parent-in-law;
- (6) In a bona fide executive, administrative, supervisory, or professional capacity or in the capacity of outside salesperson or as an outside collector;
- (7) In the propagating, catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacean, sponge, seaweed, or other aquatic forms of animal or vegetable life, including the going to and returning from work and the loading and unloading of [~~such~~] those products [~~prior to~~] before first processing;
- (8) On a ship or vessel and who has a Merchant Mariners Document issued by the United States Coast Guard;
- (9) As a driver of a vehicle carrying passengers for hire operated solely on call from a fixed stand;
- (10) As a golf caddy;

- (11) By a nonprofit school during the time ~~[such]~~ that the individual is a student attending ~~[such]~~ the school;
- (12) In any capacity if by reason of the employee's employment, in ~~[such]~~ that capacity and during the term thereof, the minimum wage ~~[which]~~ that may be paid to the employee or maximum hours ~~[which]~~ that the employee may work during any workweek without the payment of overtime, are prescribed by the federal Fair Labor Standards Act of 1938, as amended, or as the same may be further amended from time to time; provided that if the minimum wage ~~[which]~~ that may be paid to the employee under the Fair Labor Standards Act for any workweek is less than the minimum wage prescribed by section 387-2, then section 387-2 shall apply in respect to the ~~[employees]~~ employee for ~~[such]~~ that workweek; provided further that if the maximum workweek established for the employee under the Fair Labor Standards Act for the purposes of overtime compensation is higher than the maximum workweek established under section 387-3, then section 387-3 shall apply in respect to ~~[such]~~ the employee for ~~[such]~~ that workweek; except that the employee's regular rate in ~~[such an]~~ that event shall be the employee's regular rate as determined under the Fair Labor Standards Act;
- (13) As a seasonal youth camp staff member in a resident situation in a youth camp sponsored by charitable, religious, or nonprofit organizations exempt from income tax under section 501 of the federal Internal Revenue Code or in a youth camp accredited by the American Camping Association; or
- (14) As an automobile salesperson primarily engaged in the selling of automobiles or trucks if employed by an automobile or truck dealer licensed under chapter 437."

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 21, 2024.)

**ACT 74**

H.B. NO. 2483

A Bill for an Act Relating to Criminal History Record Checks.

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

SECTION 1. The legislature finds that the department of corrections and rehabilitation requires that background checks be performed on all current and prospective volunteers and contracted and subcontracted service providers and their employees who are directly involved in providing correctional programs, treatment, and services to persons committed to a correctional facility. The background checks must be comprehensive and include a state and federal fingerprint-based background check.

The legislature further finds that the department of corrections and rehabilitation does not have the statutory authority to conduct criminal history record checks on volunteers and contracted and subcontracted service providers.

The purpose of this Act is to authorize the department of corrections and rehabilitation to search criminal histories and fingerprint records of current and



prospective volunteers and contracted and subcontracted service providers and their employees who are directly involved in providing correctional programs, treatment, and services to persons committed to a correctional facility or placed in close proximity to persons committed when providing services on behalf of the department or the correctional facility.

SECTION 2. Section 353-1.5, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows:

“(a) The department shall develop standards to ensure the reputable and responsible characters of staff members, volunteers, contract service providers, and subcontract service providers of the State’s correctional facilities, which shall include criminal history record checks.

(b) For purposes of this section:

“Contract service provider” means an individual or employee of an entity contracted directly by the department to provide a specific service. “Contract service provider” includes students who, as a part of their educational curriculum or assigned internship from a college or university, regardless of whether or not they receive a stipend, are assigned to the department to provide or learn how to provide a specific service for the department.

“Prospective staff member” means any applicant for a job in the department that is directly involved in the treatment and care of persons committed to a facility.

“Staff member” means any employee of the department who is directly involved with the treatment and care of persons committed to a facility.

“Subcontract service provider” means an individual or employee of an entity hired by a contract service provider.

“Volunteer” means an individual or organization who provides goods or services to the department without monetary or material compensation from the department.

(c) The department shall obtain criminal history record information through the Hawaii criminal justice data center in accordance with section 846-2.7, on all staff members and prospective staff members, volunteers, contract service providers, and subcontract service providers of the department. Prospective staff members, volunteers, contract service providers, and subcontract service providers shall be fingerprinted and the criminal history record check shall be completed before beginning employment[-], providing contracted services, or volunteering.”

SECTION 3. 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 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 corrections and rehabilitation on employees and prospective employees, volunteers, contract service providers, and subcontract service providers who are directly involved with the treatment and care of, or directly involved in providing correctional programs and services to, persons committed to a correctional facility, or placed in close proximity to persons committed when providing services on behalf of the department or the correctional facility, as provided by section 353-1.5 and the department of law enforcement on employees and prospective employees whose duties involve or may involve the exercise of police powers including the power of arrest as provided by section 353C-5;
- (17) The board of private detectives and guards on applicants for private detective or private guard licensure as provided by section 463-9;
- (18) Private schools and designated organizations on employees and prospective employees who may be in positions that necessitate close proximity to children; provided that private schools and designated

- organizations receive only indications of the states from which the national criminal history record information was provided pursuant to section 302C-1;
- (19) The public library system on employees and prospective employees whose positions place them in close proximity to children as provided by section 302A-601.5;
  - (20) The State or any of its branches, political subdivisions, or agencies on applicants and employees holding a position that has the same type of contact with children, vulnerable adults, or persons committed to a correctional facility as other public employees who hold positions that are authorized by law to require criminal history record checks as a condition of employment as provided by section 78-2.7;
  - (21) The department of health on licensed adult day care center operators, employees, new employees, subcontracted service providers and their employees, and adult volunteers as provided by section 321-15.2;
  - (22) The department of human services on purchase of service contracted and subcontracted service providers and their employees and volunteers, as provided by 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 489-D-15;<sup>2</sup>
  - (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, 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, 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;
  - (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.”

## ACT 75

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, 2024.)

### Notes

1. Prior to amendment “with” appeared here.
2. So in original.

## ACT 75

H.B. NO. 2484

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

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

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

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

“(a) For all taxable years beginning after December 31, [2022,] 2023, 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, [2022,] 2023, as it applies to the determination of gross income, adjusted gross income, ordinary income and loss, and taxable income, except those provisions of the Internal Revenue Code which, pursuant to this chapter, do not apply or are otherwise limited in application.

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

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

Sections 1106(i) (relating to exclusion of loan forgiveness from gross income), 2202(b) (relating to loans from retirement plans), and 2205 (relating to charitable contributions) of Public Law 116-136 shall be operative for purposes

of this chapter. No amount received under section 2201 (relating to recovery rebates) of Public Law 116-136 shall be included in gross income for purposes of this chapter.

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

Prior law shall continue to be used to determine:

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

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

**“§236E-3 Conformance to the Internal Revenue Code; general application.** For all decedents dying, or transfers occurring, after December 31, [2022,] 2023, 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, [2022,] 2023, as it applies to the determination of gross estate, adjusted gross estate, federal taxable estate, and generation-skipping transfers, except those provisions of the Internal Revenue Code and federal public laws that, pursuant to this chapter, do not apply or are otherwise limited in application.”

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

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

- (1) Section 2 shall apply to taxable years beginning after December 31, 2023; and
- (2) Section 3 shall apply to decedents dying or taxable transfers occurring after December 31, 2023.

(Approved June 21, 2024.)

## ACT 76

H.B. NO. 2485

A Bill for an Act Relating to State Tax Administration.

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

SECTION 1. Section 231-10.8, Hawaii Revised Statutes, is amended to read as follows:

**“[§231-10.8] Tax clearance fees.** The department may charge a fee of \$20 for each tax clearance application submitted [and \$5 for each certified copy of a tax clearance].”

SECTION 2. Section 237-30.5, Hawaii Revised Statutes, is amended to read as follows:

**“[§237-30.5] Collection of rental by third party; filing with department; statement required.** (a) Every person authorized under an agreement by the owner of real property located within this State to collect rent on behalf of [such] the owner shall be subject to this section.

(b) Every written rental collection agreement shall have on the first page of the agreement the name, address, social security number, and, if available, the general excise tax number of the owner of the real property being rented, the address of the property being rented, and the following statement [~~which~~] that shall be set forth in bold print and in ten-point type size:

**“HAWAII GENERAL EXCISE TAXES MUST BE PAID ON THE GROSS RENTS COLLECTED BY ANY PERSON RENTING REAL PROPERTY IN THE STATE OF HAWAII. A COPY OF THE FIRST PAGE OF THIS AGREEMENT, OR OF FEDERAL INTERNAL REVENUE FORM 1099 STATING THE AMOUNT OF RENTS COLLECTED, SHALL BE FILED WITH THE HAWAII DEPARTMENT OF TAXATION.”**

Every person entering an oral rental collection agreement shall furnish the department of taxation the information required under this subsection and shall give the owner of the property a copy of the notice required by this subsection.

(c) Every person authorized to collect rent for another person shall file a copy of the first page of the rental collection agreement with the department of taxation within thirty days after entering into the agreement, or shall file a copy of federal Internal Revenue form 1099, the property owner’s social security number, and, if available, the general excise tax license number of the owner of the property being rented with the department of taxation at the same time [~~as such~~] that the forms must be filed with the Internal Revenue Service.

(d) Every person authorized under an agreement by the owner of real property located within this State to collect rent on behalf of [~~such~~] the owner within ninety days after the effective date of this section shall furnish the department of taxation with the information required in subsection (b) and in the case of federal form 1099 [~~such~~] the form for the taxable year 1983. The person also shall notify the owner that [~~such~~] the information is being furnished and give the owner a copy of the notice required by subsection (b).

(e) Failure to comply with any provision of this section shall be unlawful. The department of taxation may issue a citation to any person who fails to comply with any provision of this section. A citation issued pursuant to this subsection shall include a monetary fine of no more than \$500 per violation. Any fine assessed under this subsection shall be due and payable thirty days after issuance, subject to appeal rights provided under this subsection. Citations may be appealed to the director or the director’s designee, and the determination of the director may be appealed to the circuit court pursuant to chapter 91.”

SECTION 3. Section 237-49, Hawaii Revised Statutes, is amended to read as follows:

**“§237-49 Unfair competition; penalty.** No taxpayer shall advertise or hold out to the public in any manner, directly or indirectly, that the tax hereby imposed upon the taxpayer is not considered as an element in the price to the purchaser. Any person violating this section shall be fined [~~not~~] no more than [~~\$50~~] \$1,000 for each offense.”

SECTION 4. Section 237D-8.5, Hawaii Revised Statutes, is amended to read as follows:

**“[~~§~~237D-8.5] Collection of rental by third party; filing with department; statement required.** (a) Every person authorized under an agreement by the owner of transient accommodations located within this State to collect rent on behalf of [~~such~~] the owner shall be subject to this section.



(b) Every written rental collection agreement shall have on the first page of the agreement the name, address, social security or federal identification number, and, if available, the general excise tax license and transient accommodations tax registration numbers of the owner of the transient accommodations being rented, the address of the property being rented, and the following statement [which] that shall be set forth in bold print and in ten-point type size:

**“HAWAII TRANSIENT ACCOMMODATIONS TAXES MUST BE PAID ON THE GROSS RENTS COLLECTED BY ANY PERSON RENTING TRANSIENT ACCOMMODATIONS IN THE STATE OF HAWAII. A COPY OF THE FIRST PAGE OF THIS AGREEMENT, OR OF FEDERAL INTERNAL REVENUE FORM 1099 STATING THE AMOUNT OF RENTS COLLECTED, SHALL BE FILED WITH THE HAWAII DEPARTMENT OF TAXATION.”**

Every person entering an oral rental collection agreement shall furnish the department of taxation the information required under this subsection and shall give the owner of the property a copy of the notice required by this subsection. The statement required by this subsection may be combined with the statement required under section 237-30.5 by adding in bold print and in ten-point type size to the front of the statement in section 237-30.5 the following:

**“HAWAII TRANSIENT ACCOMMODATIONS TAXES AND”.**

(c) Every person authorized to collect rent for another person shall file a copy of the first page of the rental collection agreement with the department of taxation within ninety days after June 9, 1988, or within thirty days after entering into the agreement, or shall file a copy of federal Internal Revenue form 1099, the property owner’s social security or federal identification number, and, if available, the general excise tax license and transient accommodations tax registration numbers of the owner of [sueh] the property being rented with the department of taxation at the same time [as such] that the forms must be filed with the Internal Revenue Service for the applicable tax year. The person also shall notify the owner that [sueh] the information is being furnished and give the owner a copy of the notice required by subsection (b).

(d) If a person complies with the provisions of this section, the person shall be deemed to have complied with section 237-30.5.

(e) Failure to comply with any provision of this section shall be unlawful. The department of taxation may issue a citation to any person who fails to comply with any provision of this section. A citation issued pursuant to this subsection shall include a monetary fine of no more than \$500 per violation. Any fine assessed under this subsection shall be due and payable thirty days after issuance, subject to appeal rights provided under this subsection. Citations may be appealed to the director or the director’s designee, and the determination of the director may be appealed to the circuit court pursuant to chapter 91.”<sup>1</sup>

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.

(Approved June 21, 2024.)

**Note**

1. So in original.

A Bill for an Act Relating to Tax Enforcement.

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

SECTION 1. Section 231-7, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) The director of taxation, and any representative of the director duly authorized by the director, may conduct any civil audit or criminal investigation, investigation, or hearing, relating to any tax, assessment, [~~or the amount of any tax,~~] or [the] collection of any delinquent tax, including any audit or investigation into the financial resources of any delinquent taxpayer or the collectability of any delinquent tax.”

2. By amending subsections (c) and (d) to read:

“(c) The director of taxation or representative of the director duly authorized by the director, when conducting a civil audit, investigation, or hearing may subpoena witnesses and require the production of books, papers, documents, other designated objects, or any other record however maintained, including those electronically stored, that are relevant or material to the civil audit, investigation, or hearing; provided that the director of taxation or deputy director of taxation shall give written approval for the issuance of a subpoena only after a review of the appropriateness of the issuance. A subpoena issued under this subsection:

- (1) Shall state that the subpoena is issued by the department and shall command each person to whom it is directed to attend and give testimony at the time and place specified, and may also command the person to whom the subpoena is directed to produce books, papers, documents, or other objects specifically designated;
- (2) May be served at any place within or without the State by an investigator appointed pursuant to section 231-4.3, or by any [~~other~~] representative of the director duly authorized by the director;
- (3) Shall require attendance of the person only in the county wherein the person is served with the subpoena or at any other place as is agreed upon by the person and the department; provided that if the subpoena is served in a county other than that in which the person resides, is employed, or transacts the person's business in person, the department shall bear the person's expenses for travel to and attendance at the place named in the subpoena to the same extent as provided by the rules of court other than the expenses of the taxpayer or the taxpayer's witnesses, officers, directors, agents, or employees; and
- (4) Shall contain a short, plain statement of the person's rights and the procedure for enforcing and contesting the subpoena.

If any person disobeys any process or, having appeared in obedience thereto, refuses to answer pertinent questions put to the person by the director or other person conducting the civil audit, investigation, or hearing, or to produce any books, papers, documents, objects, or records pursuant thereto, the director may apply to the circuit court of the circuit wherein the civil audit, investigation, or hearing is being conducted, or to any judge of the court, setting forth the disobedience to process or refusal to answer, and the court or judge shall cite the person to appear before the court or judge to answer the questions or to produce the books, papers, documents, objects, or records; provided that the court, upon

a motion promptly made by the person, may quash or modify the subpoena if compliance would be unreasonable or oppressive or would violate any privilege the person would be entitled to exercise in a court proceeding. If the person fails or refuses to produce the subpoenaed books, papers, documents, objects, or record, the court shall institute a contempt proceeding against the person, at which time the court shall determine whether good cause is shown for the failure to obey the subpoena or the refusal to testify; provided that the court, on a motion promptly made, may quash or modify the subpoena if compliance would be unreasonable or oppressive or would violate any privilege the person would be entitled to exercise in a court proceeding. In the event that no good cause is shown, the court does not quash or modify the subpoena, and the person fails or refuses to comply with the subpoena, then the court shall commit the person to jail until the person testifies, but not for a longer period than sixty days. Notwithstanding the serving of the term of commitment by any person, the director may proceed in all respects as if the witness had not previously been called upon to testify. Witnesses (other than the taxpayer or the taxpayer's officers, directors, agents, and employees) shall be allowed their fees and mileage as authorized in cases in the circuit courts, to be paid on vouchers of the department of taxation, from any moneys available for the expenses of the department.

(d) Subject to the privileges applicable to any witness in this State, the director of taxation or any representative of the director duly authorized by the director, when conducting a criminal investigation, may subpoena witnesses, examine witnesses under oath, and require the production of any books, papers, documents, other designated objects, or any other record however maintained, including those electronically stored, that are relevant or material to the investigation; provided that the director of taxation or deputy director of taxation shall give written approval for the issuance of a subpoena only after a review of the appropriateness of the issuance. A subpoena issued under this subsection:

- (1) Shall state that the subpoena is issued by the department and shall command each person to whom it is directed to attend and give testimony at the time and place specified, and may command the person to whom it is directed to produce books, papers, documents, or other objects specifically designated;
- (2) May be served at any place within or without the State by an investigator appointed pursuant to section 231-4.3, or by any [other] duly authorized law enforcement official with the powers of a police officer;
- (3) Shall require attendance of the person only in the county wherein the person is served with the subpoena or at any other place agreed upon by the person and the department; provided that if the subpoena is served in a county other than that in which the person resides, is employed, or transacts the person's business in person, the department shall bear the person's expenses for travel to and attendance at the place named in the subpoena to the same extent as provided by the rules of court; and
- (4) Shall contain a short, plain statement of the person's rights and the procedure for enforcing and contesting the subpoena.

Upon application by the director, a circuit court of the county wherein the person resides or is found may compel obedience to the subpoena; provided that the court, on a motion promptly made, may quash or modify the subpoena if compliance would be unreasonable or oppressive or would violate any privilege the witness may be entitled to exercise in a court proceeding.”

## ACT 78

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 21, 2024.)

## ACT 78

H.B. NO. 2488

A Bill for an Act Relating to the Taxation Board of Review.

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

SECTION 1. Section 232-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The board shall consist of three salaried members who shall be residents of the State and shall be appointed for terms of six years each and be removable by the governor as provided in section 26-34; provided that the terms of the salaried members first appointed shall end on June 30, 2025, June 30, 2027, and June 30, 2029, respectively, as designated by the governor at the time of their appointments. Notwithstanding section 26-34, no member shall be appointed to the board for more than three consecutive terms. The governor shall designate a member of the board to act as its chairperson, who shall be[:

- (1) ~~An attorney at law licensed to practice in all courts of the State; or~~
- (2) ~~A certified public accountant having experience in the State.] an attorney or accounting professional with experience in Hawaii state taxes.~~

In addition, the governor shall designate a member of the board to act as vice chairperson who shall serve as the chairperson of the board during the temporary absence from the State[.] or temporary inability to act due to recusal, illness, or disqualification of the chairperson. Any vacancy in the board shall be filled for the unexpired term.”

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, 2024.

(Approved June 21, 2024.)

## ACT 79

H.B. NO. 2489

A Bill for an Act Relating to Tax Administration.

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

SECTION 1. 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, 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; 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; 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 Hawaii 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, 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,<sup>1</sup> 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;
- (35) In the office of homeland security of the department of law enforcement, the statewide interoperable communications coordinator; [~~and~~]
- (36) In the social services division of the department of human services, the business technology analyst[-]; and
- (37) Senior software developers in the department of taxation.

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 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 21, 2024.)

**Note**

- 1. Comma should be underscored.

**ACT 80**

H.B. NO. 2641

A Bill for an Act Relating to Appraisal Management Companies.

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

SECTION 1. The legislature finds that appraisal management companies, commonly referred to as AMCs, are not appraisers. Instead, appraisal management companies serve as an intermediary between lenders and appraisers. Appraisal management companies assist lenders in obtaining appraisals by providing appraisal management services, including contracting with licensed appraisers to perform appraisal assignments, in a manner that is compliant with federal and state laws.

The legislature also finds that in 2017, the legislature determined that it was necessary to create a regulatory framework for appraisal management companies to conform with the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203 (Dodd-Frank Act), and that doing so was essential to protect consumers. For the regulation of appraisal management companies, the Dodd-Frank Act helped to restore independence to the appraisal



process by separating the lending process and the appraisal functions. Among other things, the Dodd-Frank Act required federal regulatory agencies to promulgate rules that established minimum requirements for state registration and supervision of appraisal management companies. The appraisal management companies final rule of the Dodd-Frank Act became effective on August 10, 2015, and outlined certain minimum registration and oversight requirements for each state to adopt. While states were not required to enact appraisal management company registration and supervision laws, if a state did not do so by August 10, 2018, certain appraisal management companies would be barred from providing appraisal management services for federally related transactions in that state.

The legislature also finds that in 2017, the legislature determined that failure to adopt regulations for appraisal management companies could have unintended and adverse consequences for Hawaii consumers since a large source of Hawaii's funding for residential mortgages, which frequently uses appraisal management companies, comes from outside the State. If conforming legislation is not enacted, direct lending for residential mortgages from outside Hawaii could be put at risk, resulting in a shortage of mortgage availability. The legislature recognized that the potential restriction in lending capital could make home affordability more elusive for Hawaii residents and could adversely impact homeownership for many families.

The legislature also finds that based on those determinations, the legislature enacted Act 118, Session Laws of Hawaii 2017, codified as chapter 466L, Hawaii Revised Statutes, which established the appraisal management company registration program (AMC registration program). The AMC registration program was administered by the director of commerce and consumer affairs and applied to companies that oversee an appraisal panel of more than fifteen appraisers in a state, or twenty-five or more appraisers in two or more states. An appraisal management company that meets this size threshold was required to register to directly or indirectly engage or attempt to engage in business as an appraisal management company, perform appraisal management services, or advertise or hold itself out as engaging in or conducting business as an appraisal management company.

The legislature additionally finds that pursuant to section 26H-4, Hawaii Revised Statutes, chapter 466L, Hawaii Revised Statutes, was repealed on June 30, 2023. Before that date, the Hawaii Regulatory Licensing Reform Act, codified in chapter 26H, Hawaii Revised Statutes, required the office of the auditor to provide an assessment of whether chapter 466L, Hawaii Revised Statutes, should be reenacted, modified, or permitted to expire and to evaluate the effectiveness and efficiency of the AMC registration program.

The legislature additionally finds that in January 2023, the auditor completed Report No. 23-01, "Sunset Evaluation: Regulation of Appraisal Management Companies" (auditor's report), and submitted it to the governor and the legislature. The auditor's report concluded that the Hawaii Regulatory Licensing Reform Act does not support the regulation of appraisal management companies because appraisal management companies are not individuals practicing a "profession" or "vocation" since appraisal management companies are organizations or business entities. The auditor's report also concluded that the work performed by appraisal management companies does not reasonably affect the health, safety, or welfare of the consumers of appraisal management companies' services.

The legislature additionally finds that despite those conclusions, the auditor's report nevertheless did not recommend repealing the AMC registration program. The auditor's report instead separately concluded that there were pub-

lic interest reasons for the legislature to reenact chapter 466L, Hawaii Revised Statutes. The auditor's report also stated that if Hawaii's AMC registration program is not reenacted, Hawaii would be the only state, including the District of Columbia, without an AMC registration program. If Hawaii's AMC registration program is repealed, appraisal management companies in Hawaii may be barred from providing appraisal management services for some federally related transactions. The auditor's report noted that mortgage loan debt comprises the largest share of total consumer debt in Hawaii and "it may be helpful to provide additional lending options to the general public." The auditor's report further stated that "the public interest supports continuing the AMC registration program to allow AMCs to provide the appraisal management services for federally related transactions in the State."

The legislature further finds that the auditor's report noted that, as of September 2022, there were seventy-seven active appraisal management companies registered in the AMC registration program. Additionally, the AMC registration program remained statutorily unchanged from its creation in 2017 until its repeal on June 30, 2023.

The legislature further finds that, notwithstanding the auditor's report in January 2023, there was no legislation introduced during the regular session of 2023 to reenact chapter 466L, Hawaii Revised Statutes, by either extending or removing the repeal date. On August 29, 2023, appraisal management company registrants in Hawaii were notified by the department of commerce and consumer affairs by mail that regulation and licensure of appraisal management companies ceased on June 30, 2023.

The legislature additionally finds that the repeal of Hawaii's AMC registration program on June 30, 2023, has had adverse consequences for Hawaii consumers and others involved in the residential appraisal process in Hawaii. Because of the registration of appraisal management companies in forty-nine states and the District of Columbia, lenders in those other jurisdictions can utilize an appraisal management company to facilitate a residential appraisal for both a federally related transaction and a non-federally related transaction. However, lenders that serve Hawaii mortgage consumers and have outsourced the responsibility to an appraisal management company to facilitate an appraisal assignment can no longer use an appraisal management company to perform an appraisal for a federally related transaction in Hawaii.

The legislature additionally finds that title 12 United States Code section 3350 defines a "federally related transaction" as "any real estate-related financial transaction which—

- (A) A federal financial institutions regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates; and
- (B) Requires the services of an appraiser."

The legislature additionally finds that a non-federally related transaction is generally a conforming mortgage that meets the dollar limits set by the Federal Housing Finance Agency and the funding criteria of the Federal National Mortgage Association, commonly known as Fannie Mae, and the Federal Home Loan Mortgage Corporation, commonly known as Freddie Mac.

The legislature additionally finds that, in contrast to a non-federally related transaction, a federally related transaction is generally a nonconforming mortgage that does not meet the guidelines of government-sponsored enterprises, such as Fannie Mae and Freddie Mac, and, therefore, cannot be sold to them. These loans either stay in the lender's portfolio or are sold to entities specializing in the secondary market for nonconforming loans. Other federally related transactions include residential transactions not insured by a government agency such as the United States Department of Veterans Affairs, Federal Housing Adminis-

tration, United States Department of Agriculture; home loans over \$1,149,825; homes in Hawaii located in high-risk lava zones; complex loans; default portfolios; and some alternative valuations. Property type may determine if a mortgage is nonconforming and, therefore, a federally related transaction. For example, a condominium apartment could be nonconforming because the condominium project is considered non-warrantable. That includes condominium associations in which a single entity, such as a developer, owns more than ten per cent of the units or if a majority of the units are not owner-occupied. Condominiums could also be nonconforming because they are uninsurable or underinsured for wind or hurricane coverage.

The legislature additionally finds that deregulation and non-registration of appraisal management companies may mean fewer choices and less competition among lenders for Hawaii consumers if some lenders choose not to provide mortgage loans that are federally related transactions. Further, this deregulation and non-registration of appraisal management companies could impact the cost of appraisals to cover expenses to reverse appraisal management company outsourcing. Although lenders in Hawaii might still use an appraisal management company for a non-federally related transaction, those appraisal management companies will no longer be regulated by the State to mediate issues or complaints.

Accordingly, the purpose of this Act is to reenact, as a new chapter of the Hawaii Revised Statutes, the version of the AMC registration program that originally existed within the department of commerce and consumer affairs under chapter 466L, Hawaii Revised Statutes.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## “CHAPTER APPRAISAL MANAGEMENT COMPANIES

**§ -1 Findings and purpose.** The legislature finds that the regulation of appraisal management companies is essential to protect consumers. The legislature further finds that it is necessary to establish a regulatory framework for appraisal management companies in the State in conformity with the requirements of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, and the final regulations published on June 9, 2015, at title 12 Code of Federal Regulations, sections 1222.20, et seq., 80 Federal Register 32657 et seq. The purpose of this chapter is to establish minimum requirements for the regulation of certain non-federally regulated appraisal management companies.

**§ -2 Definitions.** As used in this chapter, unless the context otherwise requires:

“Affiliate” has the same meaning as defined under title 12 United States Code section 1841, or any successor federal statute.

“AMC national registry” means the registry of state-registered appraisal management companies and federally regulated appraisal management companies maintained by the Appraisal Subcommittee.

“Appraisal management company” means a person that:

- (1) Provides appraisal management services to creditors or secondary mortgage market participants, including affiliates;
- (2) Provides appraisal management services in connection with valuing a consumer’s principal dwelling as security for a consumer credit transaction or incorporating these transactions into securitizations; and

- (3) Within a twelve-month calendar year, beginning January 1 of each year and ending on December 31 of each year, oversees an appraiser panel of more than fifteen state-certified or state-licensed appraisers in a state or twenty-five or more state-certified or state-licensed appraisers in two or more states, as described in section -5.

“Appraisal management company” does not include a department or division of an entity that provides appraisal management services only to that entity.

“Appraisal management services” means one or more of the following:

- (1) Recruiting, selecting, and retaining appraisers;
- (2) Contracting with state-certified or state-licensed appraisers to perform appraisal assignments;
- (3) Managing the process of having an appraisal performed, including providing administrative services such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and secondary market participants; collecting fees from creditors and secondary market participants for services provided; and paying appraisers for services performed; and
- (4) Reviewing and verifying the work of appraisers.

“Appraisal review” means the process of developing and communicating an opinion about the quality of another appraiser’s work that was performed as part of an appraisal assignment or appraisal review assignment related to the appraiser’s data collection, analysis, opinions, conclusions, estimate of value, or compliance with the Uniform Standards of Professional Appraisal Practice.

“Appraisal review” does not include:

- (1) A general examination for grammatical, typographical, mathematical, or other similar errors; or
- (2) A general examination for completeness, including regulatory or client requirements as specified in the agreement process, that does not communicate an opinion of value.

“Appraisal Subcommittee” means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council created pursuant to title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

“Appraiser panel” means a network, list, or roster of licensed or certified appraisers approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company. As used in this definition, “licensed or certified appraiser approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company”:

- (1) Means an appraiser that is treated as an independent contractor by the appraisal management company for purposes of federal income taxation; and
- (2) Includes:
  - (A) Appraisers accepted by the appraisal management company for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions; and
  - (B) Appraisers engaged by the appraisal management company to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions.

“Consumer credit” means credit offered or extended to a consumer primarily for personal, family, or household purposes.

“Controlling person” means:

- (1) An officer, director, or owner of greater than a ten per cent interest of a corporation, partnership, or other business entity seeking to act as an appraisal management company in the State;
- (2) An individual employed, appointed, or authorized by an appraisal management company who has the authority to:
  - (A) Enter a contractual relationship with other persons for performance of services requiring registration as an appraisal management company; and
  - (B) Enter agreements with appraisers for the performance of appraisals; or
- (3) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.

“Covered transaction” means any consumer credit transaction secured by the consumer’s principal dwelling.

“Creditor” means a person who regularly extends consumer credit that is subject to a finance charge or is payable by written agreement in more than four installments (not including a down payment) and to whom the obligation is initially payable, either on the face of the note or contract, or by agreement when there is no note or contract. As used in this definition, “regularly extends consumer credit” means that either:

- (1) The person has extended credit (other than credit subject to the requirements of title 12 Code of Federal Regulations section 1026.32) more than five times for transactions secured by a dwelling in the preceding calendar year; provided that if the person did not meet these numerical standards in the preceding calendar year, the numerical standards shall be applied to the current calendar year; or
- (2) In any twelve-month period, the person extends more than one credit extension that is subject to the requirements of title 12 Code of Federal Regulations section 1026.32 or one or more credit extensions through a mortgage broker.

“Department” means the department of commerce and consumer affairs.

“Director” means the director of commerce and consumer affairs.

“Dwelling” means a residential structure that contains one to four units, whether or not that structure is attached to real property. “Dwelling” includes an individual condominium unit, cooperative unit, mobile home, and trailer, if it is used as a residence.

“Federally regulated appraisal management company” means an appraisal management company that is owned and controlled by an insured depository institution, as defined in title 12 United States Code section 1813, and regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation.

“Federally related transaction” means any real estate-related financial transaction that involves an insured depository institution regulated by the Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, or National Credit Union Administration, and that requires the services of an appraiser under the interagency appraisal rules.

“Person” means a natural person or an organization, including a corporation, partnership, proprietorship, association, cooperative, estate, trust, or government unit.

“Principal dwelling” means the sole dwelling used by the consumer as the consumer’s only or main residence. “Principal dwelling” includes any new dwell-

ing bought or built by a consumer that will become the consumer's principal dwelling within a year or upon the completion of construction. "Principal dwelling" does not include vacation or other second homes.

"Real estate-related financial transaction" means any transaction involving the sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof, including the refinancing of real property or interests in real property and the use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

"Secondary mortgage market participant" means a guarantor or insurer of mortgage-backed securities or an underwriter or issuer of mortgage-backed securities. "Secondary mortgage market participant" includes an individual investor in a mortgage-backed security if that investor also serves in the capacity of a guarantor, insurer, underwriter, or issuer for the mortgage-backed security.

"Uniform Standards of Professional Appraisal Practice" means the most recent iteration of the Uniform Standards of Professional Appraisal Practice developed by the appraisal standards board of The Appraisal Foundation and approved by the director.

**§ -3 Appraisal management company registration program.** There is established an appraisal management company registration program, subject to the real estate appraiser program established pursuant to section 466K-2, to be administered by the director in the director's capacity as the program administrator for both programs.

**§ -4 Powers and duties of the director.** In addition to any other powers and duties authorized by law, the director shall have the following powers and duties:

- (1) Review and approve or deny an appraisal management company's application for initial registration;
- (2) Renew or deny an appraisal management company's registration periodically;
- (3) Examine the books and records of an appraisal management company operating in the State and require the appraisal management company to submit reports, information, and documents;
- (4) Verify that the appraisers on the appraisal management company's appraiser panel hold valid state licenses or certifications, as applicable;
- (5) Conduct investigations of appraisal management companies to assess potential violations of applicable appraisal-related laws, regulations, or orders;
- (6) Discipline, suspend, terminate, or deny renewal of the registration of an appraisal management company that violates applicable appraisal-related laws, regulations, or orders;
- (7) Report an appraisal management company's violation of applicable appraisal-related law, regulations, or orders, as well as disciplinary and enforcement actions and other relevant information about an appraisal management company's operations, to the Appraisal Subcommittee; and
- (8) Adopt, amend, and repeal rules, pursuant to chapter 91, as may be necessary to establish the appraisal management company registration program and implement, administer, and enforce this chapter.

**§ -5 Appraiser panel; annual size calculation.** (a) For purposes of determining whether an appraisal entity meets the size requirement of an appraisal management company, as that term is defined in section -2, an appraiser shall be deemed part of the appraisal management company's appraiser panel as of the earliest date on which the appraisal management company:

- (1) Accepts the appraiser for the appraisal management company's consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions; or
  - (2) Engages the appraiser to perform one or more appraisals on behalf of a creditor for covered transactions or a secondary mortgage market participant in connection with covered transactions.
- (b) An appraiser who is deemed part of the appraisal management company's appraiser panel pursuant to subsection (a) shall be deemed to remain on the appraiser panel until the date on which the appraisal management company:
- (1) Sends written notice to the appraiser removing the appraiser from the appraiser panel, with an explanation of the appraisal management company's action; or
  - (2) Receives written notice from the appraiser asking to be removed from the appraiser panel or notice of the death or incapacity of the appraiser.
- (c) If an appraiser is removed from an appraisal management company's appraiser panel pursuant to subsection (b), and the appraisal management company subsequently accepts the appraiser for consideration for future assignments or engages the appraiser at any time during the twelve months after the appraiser's removal:
- (1) The removal shall be deemed not to have occurred; and
  - (2) The appraiser shall be deemed to have been part of the appraisal management company's appraiser panel without interruption.

**§ -6 Registration required.** (a) No person may directly or indirectly engage or attempt to engage in business as an appraisal management company, directly or indirectly perform or attempt to perform appraisal management services, or advertise or hold oneself out as engaging in or conducting business as an appraisal management company without first being registered pursuant to this chapter.

- (b) An appraisal management company shall:
- (1) Register with the real estate appraiser program administered by the department pursuant to chapter 466K;
  - (2) Engage only state-licensed or state-certified appraisers for federally related transactions in conformity with any federally related transaction regulations;
  - (3) Establish and comply with processes and controls reasonably designed to ensure that the appraisal management company, in engaging an appraiser, selects an appraiser who is independent of the transaction and has the requisite education, expertise, and experience necessary to competently complete the appraisal assignment for the particular market and property type;
  - (4) Direct an appraiser to perform the assignment in accordance with the Uniform Standards of Professional Appraisal Practice; and
  - (5) Establish and comply with processes and controls reasonably designed to ensure that the appraisal management company conducts its appraisal management services in accordance with the require-

ments of sections 129E(a) through 129E(i) of the Truth in Lending Act, title 15 United States Code sections 1639e(a) through 1639e(i), and regulations adopted thereunder.

(c) This section shall not apply to:

- (1) A person that exclusively employs appraisers on an employer and employee basis for the performance of appraisals in this State;
- (2) A federally regulated appraisal management company;
- (3) A department or unit within a financial institution that is subject to direct regulation by an agency of the federal government that is a member of the Federal Financial Institutions Examination Council or its successor, or to regulation by the commissioner of financial institutions under chapter 412, that receives a request for the performance of an appraisal from one employee of the financial institution, and another employee of the same financial institution assigns the request for the appraisal to an appraiser that is an independent contractor to the institution, except that an appraisal management company that is a wholly owned subsidiary of a financial institution shall not be considered a department or unit within a financial institution to which the provisions of this chapter do not apply; or
- (4) An appraiser who enters into an agreement with another appraiser for the performance of an appraisal that upon completion results in a report signed by both the appraiser who completed the appraisal and the appraiser who requested the completion of the appraisal.

(d) Any person who engages in an activity requiring registration as an appraisal management company issued by the director and who fails to obtain the required registration, or who uses any work, title, or representation to induce the false belief that the person is registered to engage in said activity, shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000 or imprisoned not more than one year, or both, and each day of violation shall be deemed a separate offense.

(e) The director may maintain a suit to enjoin the performance or the continuance of any act or acts by a person acting without a registration where a registration is required by law, and if injured thereby, for the recovery of damages.

**§ -7 Registration process.** An applicant for registration under this chapter shall file an application for registration with the director on a form prescribed by the director and pay a fee established by the director. The form shall require any information necessary to determine eligibility for registration.

**§ -8 Criminal history record checks.** (a) The application submitted pursuant to section -7 shall contain the information and authorizations necessary to conduct a criminal history record check in accordance with section 846-2.7 for:

- (1) Each person applying for registration who owns more than ten per cent of an appraisal management company; and
  - (2) Each of the applicant's controlling persons.
- (b) The information and authorizations shall be accompanied by the appropriate payment of the applicable fee for each record check.

**§ -9 Appraisal management company registration numbers.** (a) The director shall issue a unique registration number to each appraisal management company registered in this State.

(b) The director shall maintain a list of the appraisal management companies that are registered with the director.



(c) An appraisal management company registered in this State shall place its registration number on engagement documents utilized by the appraisal management company to procure appraisal services in this State.

**§ -10 Expiration of registration.** Registrations shall expire on December 31 of each odd-numbered year. The expiration date of the registration shall appear on the appraisal management company registration certificate issued to the registrant, and no other notice of its expiration need be given to the registrant.

**§ -11 Compliance with the Uniform Standards of Professional Appraisal Practice.** As a condition of registration or renewal of registration, each appraisal management company in the State shall certify that the company requires appraisers completing appraisals at the company's request to comply with the Uniform Standards of Professional Appraisal Practice.

**§ -12 Consent to service of process.** An applicant for registration under this chapter that is not domiciled in the State shall complete an irrevocable consent to service of process, in a form approved by the attorney general.

**§ -13 Reporting requirements; non-federally regulated appraisal management companies.** The director shall collect from each appraisal management company registered or seeking registration in the State all information and fees required by the Appraisal Subcommittee to be submitted to the Appraisal Subcommittee by the State, pursuant to regulations or guidance promulgated by the Appraisal Subcommittee.

**§ -14 Reporting requirements; federally regulated appraisal management companies; reporting information for appraisal management companies.** A federally regulated appraisal management company operating in the State shall report to the director the information required to be submitted by the State to the Appraisal Subcommittee, pursuant to the Appraisal Subcommittee's policies regarding the determination of the AMC national registry fee. These reporting requirements shall include:

- (1) A notice of intent to operate in the State;
- (2) Information related to whether the appraisal management company is owned in whole or in part, directly or indirectly, by any person who has had an appraiser license or certification refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state for a substantive cause, as determined by the Appraisal Subcommittee; and
- (3) If a person has had an action described in paragraph (2) taken on the person's appraisal license or certification, the director shall collect information related to whether the license or certification was revoked for a substantive cause and if the license or certification has been reinstated by the state or states in which the appraiser was licensed or certified.

**§ -15 Owner requirements.** (a) An appraisal management company applying for, holding, or renewing a registration under this chapter shall not be owned, in whole or in part, directly or indirectly, by any person who has had an appraiser license or certification refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state for a substantive cause, as determined by the appropriate state appraiser certifying and licensing agency; provided that an appraisal management company may be registered under this chapter if the

license or certification of the appraiser with an ownership interest was not revoked for a substantive cause and the license or certification has been reinstated by the state in which the appraiser was licensed or certified.

(b) Each person that owns more than ten per cent of an appraisal management company and applies for, holds, or renews a registration under this chapter shall:

- (1) Be of good moral character; and
- (2) Submit to a criminal history record check pursuant to section -8.

**§ -16 Controlling person.** An appraisal management company applying for registration or renewal of registration in the State shall designate one controlling person to serve as the main contact for all communication between the department and the company. The controlling person shall:

- (1) Be in good standing in the State and in any other state that has at any time issued the controlling person an appraiser license or certification; provided that nothing in this chapter shall require that a designated controlling person hold or continue to hold an appraiser license or certification in any jurisdiction;
- (2) Never have had an appraiser license or certification in this State or any other state refused, denied, canceled, revoked, or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction and not have had the license or certification subsequently reinstated or granted;
- (3) Be of good moral character; and
- (4) Submit to a criminal history record check pursuant to section -8.

**§ -17 Appraiser engagement.** Before or at the time of placing an assignment to appraise real property in the State with an appraiser on the appraiser panel of an appraisal management company, the appraisal management company shall verify that the appraiser receiving the assignment holds an appraiser license or certification in good standing in this State and verify that the appraiser receiving the assignment meets the competency rule of the Uniform Standards of Professional Appraisal Practice. An attestation provided by an appraiser that the appraiser is geographically competent within the appraiser's scope of practice shall satisfy an appraisal management company's responsibility under this section.

**§ -18 Appraisal review.** Any employee of or independent contractor to an appraisal management company who performs an appraisal review for a property located in this State shall be a licensed or certified appraiser in good standing in the State and any other jurisdiction in which the appraiser is licensed or certified.

**§ -19 Verification of licensure or certification.** (a) An appraisal management company registered in the State may not enter into any contract or agreement with an appraiser for the performance of appraisals in the State unless the company verifies that the appraiser is licensed or certified in good standing in the State.

(b) An appraisal management company seeking registration or renewal of registration in the State shall certify that the company has a system and process in place to verify that an individual added to the appraiser panel of the company for appraisal services holds an appraiser license or certification in good standing in this State.

§ -20 **Fee disclosure.** An appraisal management company registered in the State shall not prohibit an independent appraiser who is part of the appraiser panel from recording the fee that the appraiser was paid by the appraisal management company for the performance of an appraisal within the communication of the appraisal.

§ -21 **Retention of records.** (a) Each appraisal management company seeking registration or renewal of registration in the State shall certify that the appraisal management company maintains a detailed record of each service request the company receives for appraisals of real property located in the State.

(b) An appraisal management company registered in the State shall retain all records required to be maintained under this chapter for at least five years after the file is submitted to the appraisal management company or at least two years after final disposition of any related judicial proceeding of which the appraisal management company is provided notice, whichever period expires last.

(c) All records required to be maintained pursuant to this section shall be made available for inspection by the director upon request.

§ -22 **Payments to appraisers.** (a) An appraisal management company shall, except in bona fide cases of breach of contract or substandard performance of services, make payment to an independent appraiser for the completion of an appraisal or valuation assignment within forty-five days of the date on which the appraiser transmits or otherwise provides the completed appraisal or valuation assignment to the appraisal management company or the company's assignee, unless a mutually agreed-upon alternate arrangement has been previously established.

(b) An appraisal management company seeking registration or renewal of registration shall certify that the company will require appraisals to be conducted independently, as required by the appraisal independence requirements under section 129E of the Truth in Lending Act, title 15 United States Code section 1639e, including the requirement that a customary and reasonable fee be paid to an independent appraiser who completes an appraisal in connection with a consumer credit transaction secured by the principal dwelling.

§ -23 **Appraiser independence.** (a) It shall be a violation of this chapter for any employee, director, officer, or agent of an appraisal management company registered in this State to engage in any act or practice that violates appraisal independence as described in subsection (b).

(b) For purposes of subsection (a), acts or practices that violate appraisal independence shall include:

- (1) Any appraisal of a property offered as security for repayment of the consumer credit transaction that is conducted in connection with a transaction in which a person with an interest in the underlying transaction compensates, coerces, extorts, colludes, instructs, induces, bribes, or intimidates a person, appraisal management company, firm, or other entity conducting or involved in an appraisal, or attempts to compensate, coerce, extort, collude, instruct, induce, bribe, or intimidate the person, for the purpose of causing the appraisal value assigned, under the appraisal, to the property to be based on any fact other than the independent judgment of the appraiser;
- (2) Mischaracterizing, or suborning any mischaracterization of, the appraised value of the property securing the extension of credit;

- (3) Seeking to influence an appraiser or otherwise to encourage a targeted value in order to facilitate the making or pricing of the transaction; and
- (4) Withholding or threatening to withhold timely payment for an appraisal report or for appraisal services rendered when the appraisal report or services are provided in accordance with the contract between the parties.

(c) The requirements of subsections (a) and (b) shall not be construed as prohibiting an appraisal management company, employee of an appraisal management company, consumer, or any other person with an interest in a real estate transaction from asking an appraiser to:

- (1) Consider additional appropriate property information, including the consideration of additional comparable properties to make or support an appraisal;
- (2) Provide further detail, substantiation, or explanation for the appraiser's consideration in the appraisal; or
- (3) Correct objective errors in the appraisal report.

(d) Any appraisal management company, employee of an appraisal management company, or any other person involved in a real estate transaction involving an appraisal in connection with a consumer credit transaction who has a reasonable basis to believe an appraiser is failing to comply with the Uniform Standards of Professional Appraisal Practice, is violating applicable laws, or is otherwise engaging in unethical or unprofessional conduct, shall refer the matter to the director.

(e) Every appraisal management company shall establish and comply with processes and controls reasonably designed to ensure that the appraisal management company, in engaging an appraiser, selects an appraiser who is independent of the transaction and who has the requisite education, expertise, and experience necessary to competently complete the appraisal assignment for the particular market and property type. Every appraisal management company shall establish and comply with processes and controls reasonably designed to ensure that the appraisal management company conducts its appraisal management services in accordance with the requirements of title 15 United States Code sections 1639e(a) through (i), and regulations adopted thereunder.

**§ -24 Mandatory reporting of violations.** An appraisal management company that has a reasonable basis to believe an appraiser has materially failed to comply with applicable laws or rules or has materially violated the Uniform Standards of Professional Appraisal Practice shall refer the matter to the director in conformance with applicable federal laws and regulations.

**§ -25 Prohibited conduct.** (a) No employee, director, officer, agent, independent contractor, or other third party acting on behalf of an appraisal management company shall:

- (1) Procure or attempt to procure a registration or renewal by knowingly making a false statement, submitting false information, or refusing to provide complete information in response to a question in an application for registration or renewal;
- (2) Wilfully violate this chapter or rules adopted by the director pursuant to this chapter;
- (3) Improperly influence or attempt to improperly influence the development, reporting, result, or review of an appraisal through intimidation, coercion, extortion, bribery, or any other manner, including but not limited to:

- (A) Withholding payment for appraisal services;
  - (B) Threatening to exclude an appraiser from future work or threatening to demote or terminate the appraiser in order to improperly obtain a desired result;
  - (C) Conditioning payment of an appraisal fee upon the opinion, conclusion, or valuation to be reached; or
  - (D) Requesting that an appraiser report a predetermined opinion, conclusion, or valuation or the desired valuation of any person or entity;
- (4) Alter, amend, or change an appraisal report submitted by an appraiser without the appraiser's knowledge and written consent;
  - (5) Remove an independent appraiser from an appraiser panel without prior written notice to the appraiser; provided that the prior written notice shall include the following, if applicable:
    - (A) The appraiser's illegal conduct;
    - (B) The appraiser's violation of the Uniform Standards of Professional Appraisal Practice, this chapter, or rules adopted pursuant to this chapter;
    - (C) The appraiser's improper or unprofessional conduct; or
    - (D) The appraiser's substandard performance or other substantive deficiencies;
  - (6) Require an appraiser to sign any indemnification agreement that would require the appraiser to defend and hold harmless the appraisal management company or any of its agents or employees for any liability, damage, losses, or claims arising out of the services performed by the appraisal management company or its agents, employees, or independent contractors, and not the services performed by the appraiser;
  - (7) Prohibit lawful communications between the appraiser and any other person to whom the appraiser, in the appraiser's professional judgment, believes possesses information that would be relevant;
  - (8) Engage in any other act or practice that impairs or attempts to impair a real estate appraiser's independence, objectivity, and impartiality;
  - (9) Fail to timely respond to any subpoena or other request for information;
  - (10) Fail to timely obey an administrative order of the director or department; or
  - (11) Fail to cooperate in any investigation.
- (b) Nothing in this chapter shall prevent an appraisal management company from requesting an appraiser to provide additional information about the basis for a valuation, correct objective factual errors in an appraisal report, or consider additional appropriate property information.

**§ -26 Disciplinary proceedings.** The director may deny, suspend, or revoke the registration of an appraisal management company; impose a monetary penalty of an amount not to exceed \$5,000 per violation; issue a letter of reprimand; refuse to issue or renew the registration of an appraisal management company; or take other disciplinary action against an appraisal management company for any one or more of the following acts or conditions:

- (1) The applicant is not of a good moral character;
- (2) The applicant has had a registration revoked or suspended for cause, or surrendered in lieu of disciplinary proceedings;
- (3) The applicant, upon renewal of registration, would not be eligible for registration on a first application;

- (4) The issuance of a registration would result in a violation of this chapter or any rules adopted pursuant to this chapter;
- (5) In the conduct of affairs under the registration, the registrant has demonstrated incompetency, untrustworthiness, or conduct or practices rendering the registrant unfit to carry on appraisal management services; made continuance in the business detrimental to the public interest; or is no longer carrying on appraisal management services in good faith, and for this conduct is found by the director to be a source of detriment, injury, or loss to the public;
- (6) The appraisal management company committed any act in violation of this chapter;
- (7) The appraisal management company violated any rule adopted by the department in the interest of the public and consistent with this chapter;
- (8) The appraisal management company procured a registration or renewal of registration for the appraisal management company or intentionally committed any other act by fraud, misrepresentation, or deceit; or
- (9) The appraisal management company violates this chapter, chapter 436B, or any rule or order of the director.

**§ -27 Fees; bond required.** (a) The director may charge the appraisal management company reasonable fees to offset costs of operating the appraisal management company registration program established pursuant to this chapter. The following fees shall apply:

- (1) Nonrefundable application fee...\$60;
- (2) Biennial registration fee...\$4,200; and
- (3) Biennial compliance resolution fund fee...\$500.

In addition, upon the issuance of a new registration and at each renewal period, each appraisal management company shall pay a special assessment fee of \$300 that shall be deposited into the compliance resolution fund established pursuant to section 26-9(o). Fees assessed pursuant to this chapter shall be used to defray costs incurred by the department in implementing this chapter.

(b) Pursuant to section 26-9(l), the director shall establish other fees relating to the administration of this chapter by rule.

(c) Each appraisal management company applying for or renewing a registration shall post with the director and maintain a surety bond in the amount of \$25,000 as follows:

- (1) The bond shall be in a form satisfactory to the director;
- (2) The bond shall accrue to the program for the benefit of a claimant against the registrant to secure the faithful performance of the registrant's obligations under applicable laws and rules and to a real estate appraiser who has performed an appraisal for the registrant for which the appraiser has not been paid;
- (3) The aggregate liability of the surety shall not exceed the principal sum of the bond;
- (4) A party having a claim against the registrant may bring suit directly on the surety bond, or the director may bring suit on behalf of the party having a claim against the registrant, either in one action or in successive actions;
- (5) A claim reducing the face amount of the bond shall be annually restored upon renewal of the registrant's registration;
- (6) The bond shall remain in effect until cancellation, which may occur only after ninety days' written notice to the program administrator.

Cancellation shall not affect any liability incurred or accrued during that period; and

- (7) Upon termination or cancellation of the bond required in this subsection, a registered appraisal management company shall file a replacement bond or shall surrender its registration to do business in the State and shall immediately cease operation as an appraisal management company in the State. A registered appraisal management company that voluntarily ceases operations in this State shall ensure a surety bond remains in place for no less than two years after the registered appraisal management company ceases operations.

§ -28 **Federal registry requirements.** (a) The director shall collect from each appraisal management company registered or seeking to be registered in this State the information that the Appraisal Subcommittee requires to be submitted to it by the State pursuant to regulations or guidance adopted by the Appraisal Subcommittee.

(b) A federally regulated appraisal management company operating in this State shall report to the director the information required to be submitted by the State to the Appraisal Subcommittee, pursuant to the Appraisal Subcommittee's policies regarding the determination of the AMC national registry fee. These reports shall include:

- (1) A report to the director of the intent of the federally regulated appraisal management company to operate in this State;
- (2) Information related to whether the appraisal management company is owned in whole or in part, directly or indirectly, by any person who has had an appraiser license or certificate refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state for a substantive cause, as determined by the Appraisal Subcommittee; and
- (3) If a person or persons has had an action described in paragraph (2) taken on their appraisal license, the director shall collect information related to whether the license was revoked for a substantive cause and if it has been reinstated by the state or states in which the appraiser was licensed.

§ -29 **Exemption.** This chapter shall not apply to an appraiser who enters an agreement with another appraiser for the performance of an appraisal that, upon completion, results in a report signed by the appraiser who completed the appraisal and the appraiser who requested completion of the appraisal.”

SECTION 3. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

“§26H-4 **Repeal dates for newly enacted professional and vocational regulatory programs.** (a) Any professional or vocational regulatory program enacted after January 1, 1994, and listed in this section shall be repealed as specified in this section. The auditor shall perform an evaluation of the program, pursuant to section 26H-5, [prior to] before its repeal date.

~~[(b) Chapter 466L (appraisal management companies) shall be repealed on June 30, 2023.~~

~~[(e)]~~ (b) Chapter 457J (midwives) shall be repealed on June 30, 2025.”

SECTION 4. 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 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 corrections and rehabilitation on employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility as provided



- by section 353-1.5 and the department of law enforcement on employees and prospective employees whose duties involve or may involve the exercise of police powers including the power of arrest as provided by section 353C-5;
- (17) The board of private detectives and guards on applicants for private detective or private guard licensure as provided by section 463-9;
  - (18) Private schools and designated organizations on employees and prospective employees who may be in positions that necessitate close proximity to children; provided that private schools and designated organizations receive only indications of the states from which the national criminal history record information was provided pursuant to section 302C-1;
  - (19) The public library system on employees and prospective employees whose positions place them in close proximity to children as provided by section 302A-601.5;
  - (20) The State or any of its branches, political subdivisions, or agencies on applicants and employees holding a position that has the same type of contact with children, vulnerable adults, or persons committed to a correctional facility as other public employees who hold positions that are authorized by law to require criminal history record checks as a condition of employment as provided by section 78-2.7;
  - (21) The department of health on licensed adult day care center operators, employees, new employees, subcontracted service providers and their employees, and adult volunteers as provided by section 321-15.2;
  - (22) The department of human services on purchase of service contracted and subcontracted service providers and their employees and volunteers, as provided by 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;] ~~\_\_\_-7;~~ and
- (C) Each of the controlling persons of an applicant for registration as an appraisal management company, as provided by section [466L-7;] ~~\_\_\_-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, 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, 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 manag-

## ACT 81

- ing member of an installment loan licensee, or an applicant for an installment loan license, as provided in chapter 480J;
- (51) The [University] 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 5. Chapter 466L, Hawaii Revised Statutes, is repealed.

SECTION 6. The department of commerce and consumer affairs may employ necessary personnel without regard to chapter 76, Hawaii Revised Statutes, to assist with the implementation and continuing function of this Act.

SECTION 7. There is appropriated out of the compliance resolution fund established pursuant to section 26-9(o), Hawaii Revised Statutes, the sum of \$23,000 or so much thereof as may be necessary for fiscal year 2023-2024 to implement the appraisal management company registration program pursuant to this Act.

The sum appropriated shall be expended by the department of commerce and consumer affairs for the purposes of this Act.

SECTION 8. There is appropriated out of the compliance resolution fund established pursuant to section 26-9(o), Hawaii Revised Statutes, the sum of \$23,000 or so much thereof as may be necessary for fiscal year 2024-2025 to implement the appraisal management company registration program pursuant to this Act.

The sum appropriated shall be expended by the department of commerce and consumer affairs for the purposes of this Act.

SECTION 9. The provisions of this Act shall be enforced to the extent they are not held to conflict with any federal law. If any provision of this Act is held in conflict with any federal law, this Act in its entirety shall be invalid.

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

SECTION 11. This Act shall take effect upon its approval; provided that:

- (1) The appraisal management company registration program established pursuant to this Act shall commence on September 1, 2024;
- (2) Section 7 shall take effect upon approval of this Act; and
- (3) Section 8 shall take effect on July 1, 2024.

(Approved June 21, 2024.)

## ACT 81

H.B. NO. 2715

A Bill for an Act Relating to Special Number Plates.

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

SECTION 1. The legislature finds that Keawalau o Puuloa, also known as Puuloa or Pearl Harbor, was first settled around 400 A.D. and is a

place of cultural significance that exemplifies the power of positive, community-led change. The Maweke family, one of the original families who settled in the area, is credited with bringing sweet potato from Peru to Ewa and dredging an entrance to allow large voyaging canoes to pass over the shallow entrance to Puuloa. Puuloa's ancient settlements near present-day Honouliuli, also known as West Loch, represent the first and oldest settlements on the island of Oahu. The area near Puuloa also served as a major political capital in Ewa that governed the island of Oahu.

The legislature also finds that Puuloa was an abundant water resource that contained at least thirty loko ia, traditional Hawaiian fishponds, and loi kalo, patches of land for taro cultivation. A convergence of estuaries, perennial freshwater springs, shallow aquifers, and healthy nutrient runoff provided loko ia and loi kalo with regenerative resources needed to feed surrounding settlements. However, Puuloa's aquatic resources have been exposed and contaminated with mercury, polychlorinated biphenyls, dioxins, pesticides, microplastics, lead, and other harmful chemicals and materials from multiple polluted runoff sources. Many toxins present in Puuloa persist in the environment for significant periods of time and bioaccumulate in the tissues of fish, aquatic plants, and wildlife that live in the local ecosystems.

The legislature further finds that Hui o Ho'ohonua is a 501(c)(3) non-profit organization doing business under the trade name Mālama Pu'uloa, with a mission to address the historical trauma to the land, water, and people in the Ewa Moku on Oahu. Created by the members of the Ewa community, this mission was motivated by the environmental neglect and pollution in Pearl Harbor.

Accordingly, the purpose of this Act is to authorize the issuance of special number plates to recognize and honor Malama Puuloa.

SECTION 2. Chapter 249, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§249- Special number plates for Malama Puuloa; authorized.** (a) Notwithstanding any law to the contrary, the director of finance shall issue to any registered owner of a motor vehicle, who is a resident of the State and has completed the application and paid the required fees, a special number plate for the registered owner's motor vehicle that commemorates Malama Puuloa and observes the organization's contributions to the restoration of Puuloa, also known as Pearl Harbor.

(b) The director of finance of the city and county of Honolulu, in consultation with the directors of finance of the counties of Kauai, Maui, and Hawaii; the chiefs of police of the city and county of Honolulu and the counties of Kauai, Maui, and Hawaii; and the chief executive officer of Hui o Ho'ohonua shall establish a special number plate design that:

- (1) Contains words, images, or both, that indicate the special number plate is issued to recognize Malama Puuloa;
- (2) Is similar in shape and size to the uniform state number plate prescribed by law;
- (3) Does not exceed four and one-half inches in height by four and one-half inches in width;
- (4) Complies with all other requirements in section 249-9(a); and
- (5) Does not obstruct the visibility of the number or letters or any other information that is required by law to be on a number plate and is readily identifiable and distinguishable under actual traffic conditions;

provided that the director of finance of the city and county of Honolulu may also establish additional special number plate designs in conformance with

this subsection and subsection (c) that jointly or separately recognize Malama Puuloa.

(c) The special number plate design shall not:

- (1) Infringe upon or otherwise violate any trademark, trade name, service mark, copyright, or other proprietary or property right;
- (2) Represent any obscene or degrading image, idea, word, or phrase;
- (3) Advertise or endorse a product, brand, or service that is provided for sale;
- (4) Promote any religious belief; or
- (5) Promote any philosophy based on prejudice or that is contrary to state civil rights laws.

(d) Each special number plate shall be securely fastened to the motor vehicle in lieu of the uniform state number plate.

(e) The director of finance shall charge a special number plate fee at least equal to the county's cost of providing the special number plate and administrative costs, if any, plus a fundraising fee to be determined by the director of finance in consultation with the chief executive officer of Hui o Ho'ohonua. The fundraising fee shall be in addition to any other state or county fees collected for a motor vehicle registration or license plate.

(f) The director of finance may charge an additional fundraising fee, of the same or a different amount as the fundraising fee established pursuant to subsection (e), for the renewal of a special number plate. If an additional fundraising fee is implemented pursuant to this subsection, the director of finance shall not renew and instead shall revoke the special number plate of the registered owner of a motor vehicle who fails to pay the additional fundraising fee imposed by this subsection.

(g) The revenue generated by the fundraising fees, or a portion of the revenue generated by the fundraising fees as determined by the director of finance, shall be deposited in the name of Malama Puuloa in a separate county budget account. The director of finance shall determine the most efficient means of directing the net revenue generated by the fundraising fees to Malama Puuloa, as appropriate, to fund the restoration of Puuloa, or Pearl Harbor.

(h) The director of finance may revoke all special number plates issued pursuant to this section if the total number of registered owners of motor vehicles who obtain the special number plates is less than one hundred fifty within three years of issuance of the first special number plate.

(i) Nothing in this section shall be construed to apply to any plates issued pursuant to section 249-9.2.

(j) For the purposes of this section, unless a different meaning appears from the context, "special number plate" means a license plate that commemorates Malama Puuloa."

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved June 21, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to the Office of Enterprise Technology Services.

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

SECTION 1. Section 27-43, Hawaii Revised Statutes, is amended to read as follows:

**“§27-43 Office of enterprise technology services; chief information officer; information technology steering committee; establishment; responsibilities.**

(a) There is established within the department of accounting and general services the office of enterprise technology services, which shall be headed by a full-time chief information officer to organize, manage, and oversee statewide information technology governance. The chief information officer shall be appointed by the governor as provided in section 26-34. The chief information officer shall report directly to the governor and shall:

- (1) Develop, implement, and manage statewide information technology governance;
- (2) Develop, implement, and manage the state information technology strategic plans;
- (3) Develop and implement statewide technology standards;
- (4) Work with each executive branch department and agency to develop and maintain its respective multi-year information technology strategic and tactical plans and road maps that are part of the State's overall information technology strategic plans, road maps, and directions;
- (5) Coordinate each executive branch department and agency's information technology budget request, forecast, and procurement purchase to ensure compliance with the department or agency's strategic plan and road map and with the office of enterprise technology services' information technology governance processes and enterprise architecture policies and standards, including policies and standards for systems, services, hardware, software, and security management;
- (6) Report annually to the governor and the legislature on the status and implementation of the state information technology strategic plan;
- (7) Update the state information technology strategic plan every four years;
- (8) Perform other necessary or desirable functions to facilitate the intent of this section;
- (9) Employ persons exempt from chapters 76 and 89;
- (10) Provide centralized computer information management and processing services, coordination in the use of all information processing equipment, software, facilities, and services in the executive branch of the State, and consultation and support services in the use of information processing and management technologies to improve the efficiency, effectiveness, and productivity of state government programs;
- (11) Establish, coordinate, and manage a program to provide a means for public access to public information and develop and operate an information network in conjunction with overall plans for establishing a communication backbone for state government; and
- (12) Adopt rules, pursuant to chapter 91, necessary for the purposes of this part.

(b) There is established an information technology steering committee to assist the chief information officer in developing the State's information technology standards and policies, including but not limited to:

- (1) Assisting the chief information officer in developing and implementing the state information technology strategic plans;
- (2) Assessing executive branch departments' progress in meeting the objectives defined in the state information technology strategic plans and identifying best practices for shared or consolidated services;
- (3) Ensuring technology projects are selected based on their potential impact and risk to the State, as well as their strategic value;
- (4) Ensuring that executive branch departments maintain sufficient tools to assess the value and benefits of technology initiatives;
- (5) Assisting the chief information officer in developing state information technology standards and policies; ~~and~~
- (6) Clarifying the roles, responsibilities, and authority of the office of enterprise technology services, specifically as it relates to its state-wide duties[-]; and
- (7) Assisting the chief information officer in developing a plan to enhance the hawaii.gov mobile application to increase resident and visitor usage of the mobile application.

The information technology steering committee shall consist of thirteen members, with four members to be appointed by the senate president, four members to be appointed by the speaker of the house of representatives, one member to be appointed by the chief justice, one member to be appointed by the governor, one member to be appointed by the superintendent of education, and one member to be appointed by the president of the University of Hawaii, and may include representatives from executive branch departments, the legislature, and private individuals. The chief information officer shall serve as an ex officio member and as the chair of the committee. The committee shall select a vice chair from among its members. Each member shall be appointed for four-year terms; provided that each member shall hold office until reappointed by the member's respective appointing authority at the end of the member's term or until the member's successor is appointed.

(c) There is established within the department of accounting and general services a special fund to be known as the shared services technology special fund to be administered and expended by the chief information officer for the purposes of this subsection. Three per cent of the receipts collected from special funds pursuant to section 36-27 shall be deposited into the shared services technology special fund. Any law to the contrary notwithstanding, the moneys in the fund shall be used to fund the operations of the chief information officer and the information technology steering committee, including the employment and training of staff and any other activities deemed necessary by the chief information officer to carry out the purposes of this section.

(d) The chief information officer and the comptroller may raise funds to defray administrative costs and may accept donations of money and personal property on behalf of the information technology steering committee; provided that all donations accepted from private sources shall be expended in the manner prescribed by the contributor, and all moneys received shall be deposited into the information technology trust account. The chief information officer may also directly receive donated personal services and personal property for which funding is not required.

(e) The chief information officer shall present an annual report of the office of enterprise technology services to the information technology steering committee for public comment and shall thereafter, but no later than twenty



days prior to the convening of each regular session of the legislature, submit the annual report to the governor and legislature. The annual report shall include updates on the activities and programs under the authority of the chief information officer and the information technology steering committee, updates on the hawaii.gov mobile application, and the expenditures of all moneys received from all sources and deposited into the information technology trust account and the shared services technology special fund.

(f) The chief information officer shall submit the updated state information technology strategic plan, revised pursuant to subsection (a)(7), to the governor and the legislature no later than twenty days prior to the convening of every fourth regular session of the legislature; provided that the chief information officer shall submit the first updated state information technology strategic plan to the governor and the legislature no later than twenty days prior to the convening of the regular session of 2021.

(g) As used in this section, “hawaii.gov mobile application” means the mobile application developed by or for the State to enable the public to access hawaii.gov.”

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, 2024.

(Approved June 21, 2024.)

## ACT 83

S.B. NO. 2731

A Bill for an Act Relating to Special License Plates for Iraq and Afghanistan War Veterans.

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

SECTION 1. Section 249-9.2, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) In lieu of the number plates contracted on behalf of the counties by the director of finance of the city and county of Honolulu, the director of finance shall provide, for a fee, one set of special number plates upon the receipt of an application together with:

- (1) Specific proof that the applicant was awarded the Purple Heart by the United States Department of Defense for wounds received in military or naval combat against an armed enemy of the United States;
- (2) Certification that the applicant is a veteran;
- (3) Specific proof that the applicant was serving the United States in the military or as a civilian, on Oahu, or offshore at a distance of not more than three miles at the time of the December 7, 1941, attack on Pearl Harbor. Certification from the Hawaii state chairperson of the Pearl Harbor Survivors Association shall constitute sufficient proof;
- (4) Specific proof that the applicant was confined as a prisoner of war while providing military service to the United States;
- (5) Certification from the United States Department of Veterans Affairs or the state office of veterans’ services that the applicant is a combat veteran or a veteran of the Vietnam conflict, the Korean

conflict, World War II, [ø] the Persian Gulf conflict[;], the Iraq war, or the Afghanistan war; or

- (6) Specific proof that the applicant would qualify for a gold star lapel button under the criteria established by title 10 United States Code section 1126; provided that the applicant shall not be disqualified for the special number plates because the applicant is the grandparent of the deceased member of the United States armed forces;

provided that applicants, except civilian applicants under paragraph (3) and civilian applicants and applicants who are currently serving the United States in the military under paragraph (6), shall also provide a copy of the applicant’s most recent discharge paper or separation document that indicates an honorable discharge or general (under honorable conditions) discharge from active duty.

- (b) The design of the plates for:
  - (1) Purple heart recipients shall include the words “COMBAT WOUNDED”;
  - (2) Veterans shall include the word “VETERAN”;
  - (3) Pearl Harbor survivors shall include the words “PEARL HARBOR SURVIVOR”;
  - (4) Former prisoners of war shall include the words “FORMER PRISONER OF WAR”;
  - (5) Combat veterans shall include the words “COMBAT VETERAN”;
  - (6) Veterans of the Vietnam conflict shall include the words “VIETNAM VETERAN”;
  - (7) Veterans of the Korean conflict shall include the words “KOREA VETERAN”;
  - (8) Veterans of World War II shall include the words “WORLD WAR II VETERAN”;
  - (9) Veterans of the Persian Gulf conflict shall include the words “PERSIAN GULF VETERAN”; [and]
  - (10) Veterans of the Iraq war shall include the words “IRAQ VETERAN”;
  - (11) Veterans of the Afghanistan war shall include the words “AFGHANISTAN VETERAN”; and

- [40] (12) Gold star family members, including grandparents, shall include the words “GOLD STAR FAMILY”.

These designations shall be imprinted on the left side of the license plates in a manner similar to congressional and honorary consul license plates.”

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 21, 2024.)

A Bill for an Act Relating to Insurance.

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

SECTION 1. Section 431:11-102, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

“Group capital calculation instructions” means the group capital calculation instructions as adopted by the National Association of Insurance Commissioners or the most recent version if adopted by the commissioner by order and without regard to chapter 91.

“Liquidity stress test framework” means the separate National Association of Insurance Commissioners publication that includes a history of the National Association of Insurance Commissioners’ development of regulatory liquidity stress testing, the scope criteria applicable for a specific data year, and the liquidity stress test instructions and reporting templates for a specific data year, with the scope criteria, instructions, and reporting template in the form adopted by the National Association of Insurance Commissioners or the most recent version of the separate National Association of Insurance Commissioners publication if adopted by the commissioner by order and without regard to chapter 91.

“Scope criteria” means the designated exposure bases along with minimum magnitudes thereof for the specified data year, used to establish a preliminary list of insurers considered scoped into the liquidity stress test framework for that data year.”

SECTION 2. Section 431:11-105, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (d) to read:

“(d) No information need be disclosed on the registration statement filed pursuant to subsection (b) if the information is not material for the purposes of this section. Unless the commissioner by rule or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments, or guarantees involving one-half of one per cent or less of an insurer’s admitted assets as of the December 31 next preceding shall not be deemed material for purposes of this section. The definition of materiality provided in this subsection shall not apply for purposes of the group capital calculation or the liquidity stress test framework.”

2. By amending subsection (l) to read:

“(1)(1) The ultimate controlling person of every insurer subject to registration shall also file an annual enterprise risk report. The ultimate controlling person of a domestic insurance holding company system shall be exempt from this requirement. The report shall [identify], to the best of the ultimate controlling person’s knowledge and belief, identify the material risks within the insurance holding company system that could pose enterprise risk to the insurer. The report shall be filed with the lead state commissioner of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners.

(2) Except as otherwise provided in this paragraph, the ultimate controlling person of every insurer subject to registration shall concurrently file with the registration an annual group capital calculation as directed by the lead state commissioner. The report shall be completed in accordance with the group capital calculation instructions, which may permit the lead state commissioner to allow a controlling person that is not the ultimate controlling person to file the group capital calculation. The report shall be filed with the lead state commissioner of the insurance holding company system as determined by the commissioner in accordance with the procedures within the Financial Analysis Handbook adopted by the National Association

of Insurance Commissioners. Insurance holding company systems described in subparagraphs (A) through (D) shall be exempt from filing the group capital calculation:

- (A) An insurance holding company system that has only one insurer within its holding company structure, that only writes business and is only licensed in its domestic state, and assumes no business from any other insurer;
- (B) An insurance holding company system that is required to perform a group capital calculation specified by the United States Federal Reserve Board. The lead state commissioner shall request the calculation from the Federal Reserve Board under the terms of information sharing agreements in effect. If the Federal Reserve Board cannot share the calculation with the lead state commissioner, the insurance holding company system shall not be exempt from the group capital calculation filing;
- (C) An insurance holding company system whose non-United States group-wide supervisor is located within a reciprocal jurisdiction as defined in section 431:4A-101 that recognizes the United States state regulatory approach to group supervision and group capital;
- (D) An insurance holding company system:
 
  - (i) That provides information to the lead state that meets the requirements for accreditation under the National Association of Insurance Commissioners' Financial Regulation Standards and Accreditation Program, either directly or indirectly through the group-wide supervisor, who has determined the information is satisfactory to allow the lead state to comply with the National Association of Insurance Commissioners group supervision approach, as detailed in the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners; and
  - (ii) Whose non-United States group-wide supervisor that is not in a reciprocal jurisdiction recognizes and accepts, as specified by the commissioner in rules, the group capital calculation as the world-wide group capital assessment for United States insurance groups that operate in that jurisdiction;
- (E) The ultimate controlling person of a domestic insurance holding company system shall be exempt from this requirement;
- (F) Notwithstanding subparagraphs (C) and (D), a lead state commissioner shall require the group capital calculation for United States operations of any non-United States based insurance holding company system where, after any necessary consultation with other supervisors or officials, it is deemed appropriate by the lead state commissioner for prudential oversight and solvency monitoring purposes or for ensuring the competitiveness of the insurance marketplace;
- (G) Notwithstanding the exemptions from filing the group capital calculation stated in subparagraphs (A) through (D), the lead state commissioner may exempt the ultimate controlling person from filing the annual group capital calculation or to accept a limited group capital filing or report in accordance with criteria as specified by the commissioner in rules; and

- (H) If the lead state commissioner determines that an insurance holding company system no longer meets one or more of the requirements for an exemption from filing the group capital calculation under this section, the insurance holding company system shall file the group capital calculation at the next annual filing date unless given an extension by the lead state commissioner based on reasonable grounds shown.
- (3) The ultimate controlling person of every insurer subject to registration and also scoped into the liquidity stress test framework shall file the results of a specific year's liquidity stress test. The filing shall be made to the lead state insurance commissioner of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the National Association of Insurance Commissioners:
- (A) The liquidity stress test framework includes scope criteria applicable to a specific data year. These scope criteria are reviewed at least annually by the National Association of Insurance Commissioners Financial Stability Task Force or its successor. Any change to the liquidity stress test framework or to the data year for which the scope criteria are to be measured shall be effective on January 1 of the year following the calendar year when the changes are adopted by order of the commissioner as provided in section 431:11-102. Insurers meeting at least one threshold of the scope criteria shall be considered scoped into the liquidity stress test framework for the specified data year unless the lead state insurance commissioner, in consultation with the National Association of Insurance Commissioners' Financial Stability Task Force or its successor, determines the insurer should not be scoped into the liquidity stress test framework for that data year. Similarly, insurers that do not trigger at least one threshold of the scope criteria shall be considered scoped out of the liquidity stress test framework for the specified data year, unless the lead state insurance commissioner, in consultation with the National Association of Insurance Commissioners' Financial Stability Task Force or its successor, determines the insurer should be scoped into the liquidity stress test framework for that data year.
- To avoid having insurers scoped in and out of the liquidity stress test framework on a frequent basis, the lead state insurance commissioner, in consultation with the National Association of Insurance Commissioners' Financial Stability Task Force or its successor, shall assess this concern as part of the determination for an insurer;
- (B) The performance of, and filing of the results from, a specific year's liquidity stress test shall comply with the liquidity stress test framework's instructions and reporting templates for that year and any lead state insurance commissioner determinations, in consultation with the National Association of Insurance Commissioners' Financial Stability Task Force or its successor, provided within the framework; and
- (C) The ultimate controlling person of a domestic insurance holding company system shall be exempt from this requirement."

SECTION 3. Section 431:11-106, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a)(1) Transactions within an insurance holding company system to which an insurer subject to registration is a party shall be subject to the following standards:

- (A) The terms shall be fair and reasonable;
- (B) Agreements for cost sharing services and management shall include provisions as required by rule adopted by the commissioner;
- (C) Charges or fees for services performed shall be reasonable;
- (D) Expenses incurred and payment received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;
- (E) The books, accounts, and records of each party to all transactions shall be maintained so as to clearly and accurately disclose the nature and details of the transactions including the accounting information necessary to support the reasonableness of the charges or fees to the respective parties; ~~and~~
- (F) The insurer’s surplus as regards policyholders following any dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer’s outstanding liabilities and adequate to its financial needs;
- (G) If an insurer subject to this article is deemed by the commissioner to be hazardous to its policyholders, its creditors, or the general public under section 431:15-103.5 or in a condition that would be grounds for supervision, conservation, or a delinquency proceeding, then the commissioner may require the insurer to secure and maintain either a deposit, held by the commissioner, or a bond, as determined by the insurer at the insurer’s discretion, for the protection of the insurer for the duration of the contract or agreement, or the existence of the condition for which the commissioner required the deposit or the bond.

In determining whether a deposit or a bond is required, the commissioner should consider whether concerns exist with respect to the affiliated person’s ability to fulfill the contract or agreement if the insurer were to be put into liquidation. Once the insurer is deemed to be in a hazardous financial condition or a condition that would be grounds for supervision, conservation, or a delinquency proceeding, and a deposit or bond is necessary, the commissioner may determine the amount of the deposit or bond, not to exceed the value of the contract or agreement in any one year, and whether the deposit or bond should be required for a single contract, multiple contracts, or a contract only with a specific person;

- (H) All records and data of the insurer held by an affiliate shall be and shall remain the property of the insurer, shall be subject to control of the insurer, shall be identifiable, and shall be segregated or readily capable of segregation, at no additional cost to the insurer, from all other persons’ records and data. This shall include all records and data that are otherwise the property of the insurer, in whatever form maintained, including but not limited to claims and claim files, policyholder lists, application files, litigation files, premium records, rate books, underwrit-

ing manuals, personnel records, financial records or similar records within the possession, custody, or control of the affiliate. At the request of the insurer, the affiliate shall provide that a receiver can obtain a complete set of all records of any type that pertain to the insurer's business; obtain access to the operating systems on which the data is maintained; obtain the software that runs those systems either through assumption of licensing agreements or otherwise; and restrict the use of the data by the affiliate if it is not operating the insurer's business. The affiliate shall provide a waiver of any landlord lien or other encumbrance to give the insurer access to all records and data in the event of the affiliate's default under a lease or other agreement; and

- (I) Premiums or other funds belonging to the insurer that are collected by or held by an affiliate shall be the exclusive property of the insurer and shall be subject to the control of the insurer. Any right of offset in the event an insurer is placed into receivership shall be subject to article 15;
- (2) The following transactions involving a domestic insurer and any person in its insurance holding company system, including amendments or modifications of affiliate agreements previously filed pursuant to this section, which are subject to any materiality standards found in subparagraphs (A) through (G), shall not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into the transaction at least thirty days prior to the transaction, or a shorter period as the commissioner may permit, and the commissioner has not disapproved the transaction within that period; provided that the notice for amendments or modifications shall include the reasons for the change and the financial impact on the domestic insurer; provided further that informal notice shall be reported within thirty days after a termination of a previously filed agreement to the commissioner for determination of the type of filing required, if any:
- (A) Sales, purchases, exchanges, loans, extensions of credit, or investments; provided that the transactions are equal to or exceed:
- (i) With respect to nonlife insurers, the lesser of three per cent of the insurer's admitted assets or twenty-five per cent of surplus as regards policyholders as of the December 31 next preceding; or
  - (ii) With respect to life insurers, three per cent of the insurer's admitted assets as of the December 31 next preceding;
- (B) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes the loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer making the loans or extensions of credit; provided that the transactions are equal to or exceed:
- (i) With respect to nonlife insurers, the lesser of three per cent of the insurer's admitted assets or twenty-five per cent of surplus as regards policyholders as of the December 31 next preceding; or

- (ii) With respect to life insurers, three per cent of the insurer's admitted assets as of the December 31 next preceding;
- (C) Reinsurance agreements or modifications to reinsurance agreements, including:
  - (i) All reinsurance pooling agreements; and
  - (ii) Agreements in which the reinsurance premium or a change in the insurer's liabilities, or the projected reinsurance premium or a change in the insurer's liabilities in any of the next three years, equals or exceeds five per cent of the insurer's surplus as regards policyholders, as of the December 31 next preceding, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of the assets will be transferred to one or more affiliates of the insurer;
- (D) All management agreements, service contracts, tax allocation agreements, guarantees, and all cost-sharing arrangements;
- (E) Guarantees when made by a domestic insurer; provided that a guarantee that is quantifiable as to amount shall not be subject to the notice requirements of this paragraph unless it exceeds the lesser of one-half of one per cent of the insurer's admitted assets or ten per cent of surplus as regards policyholders as of the December 31 next preceding. All guarantees that are not quantifiable as to amount are subject to the notice requirements of this paragraph;
- (F) Direct or indirect acquisitions or investments in a person that controls the insurer or in an affiliate of the insurer in an amount that, together with its present holdings in ~~such~~ investments, exceeds two and one-half per cent of the insurer's surplus to policyholders. Direct or indirect acquisitions or investments in subsidiaries acquired pursuant to section 431:11-103, or in nonsubsidiary insurance affiliates that are subject to this article, are exempt from this requirement; and
- (G) Any material transactions, specified by rule, that the commissioner determines may adversely affect the interests of the insurer's policyholders.

Nothing in this paragraph shall be deemed to authorize or permit any transactions that, in the case of an insurer not a member of the same insurance holding company system, would be otherwise contrary to law;

- (3) A domestic insurer may not enter into transactions that are part of a plan or series of like transactions with persons within the insurance holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would otherwise occur; provided that the commissioner determines that the separate transactions were entered into over any twelve-month period for that purpose, the commissioner may exercise the commissioner's authority under section 431:11-111;
- (4) The commissioner, in reviewing transactions pursuant to paragraph (2), shall consider whether the transactions comply with the standards set forth in paragraph (1) and whether the transactions may adversely affect the interests of policyholders; ~~and~~



- (5) The commissioner shall be notified within thirty days of any investment of the domestic insurer in any one corporation if the total investment in the corporation by the insurance holding company system exceeds ten per cent of the corporation's voting securities[-]; and
- (6) (A) Any affiliate that is party to an agreement or contract with a domestic insurer that is subject to paragraph (2)(D) shall be subject to the jurisdiction of any supervision, seizure, conservatorship, or receivership proceedings against the insurer and to the authority of any supervisor, conservator, rehabilitator, or liquidator for the insurer appointed pursuant to article 15 for the purpose of interpreting, enforcing, and overseeing the affiliate's obligations under the agreement or contract to perform services for the insurer that:
- (i) Are an integral part of the insurer's operations, including but not limited to management, administrative, accounting, data processing, marketing, underwriting, claims handling, investment, or any other similar functions; or
  - (ii) Are essential to the insurer's ability to fulfill its obligations under insurance policies; and
- (B) The commissioner may require that an agreement or contract pursuant to paragraph (2)(D) for the provision of services described in subparagraph (A) specify that the affiliate consents to the jurisdiction as set forth in this paragraph."

SECTION 4. Section 431:11-108, Hawaii Revised Statutes, is amended to read as follows:

**"§431:11-108 Confidential treatment.**

- (a) (1) Documents, materials, or other information in the possession or control of the insurance division that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to section 431:11-107 and all information reported or provided to the insurance division pursuant to sections 431:11-104(b)(12) and (13), 431:11-105, 431:11-106, and 431:11-107.7, shall be recognized by the State as being proprietary and to contain trade secrets, shall be confidential by law and privileged, shall not be disclosable under chapter 92F, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. The commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as part of the commissioner's official duties. The commissioner shall not otherwise make the documents, materials, or other information public without prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interest of the policyholders, shareholders, or the public will be served by the publication thereof, in which event the commissioner may publish all or any part in [such] a manner as may be deemed appropriate.
- (2) For purposes of the information reported and provided to the commissioner pursuant to section 431:11-105(l)(2), the commissioner shall maintain the confidentiality of the group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding com-

pany supervised by the Federal Reserve Board or any United States group-wide supervisor.

- (3) For purposes of the information reported and provided to the insurance division pursuant to section 431:11-105(l)(3), the commissioner shall maintain the confidentiality of the liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company supervised by the Federal Reserve Board and non-United States group-wide supervisors.

(b) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner or with whom the documents, materials, or other information are shared pursuant to this article shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection (a).

(c) To assist in the performance of the commissioner's duties, the commissioner:

- (1) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (a), including proprietary and trade secret documents and materials, with other state, federal, and international regulatory agencies, with the National Association of Insurance Commissioners [and its affiliates and subsidiaries, and], with any third-party consultants designated by the commissioner, and with state, federal, and international law enforcement authorities, including members of any supervisory college described in section 431:11-107.5; provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information, and has verified in writing the legal authority to maintain confidentiality;
- (2) Notwithstanding paragraph (1) to the contrary, may only share confidential and privileged documents, material, or information reported pursuant to section 431:11-105(l) with commissioners of states having statutes or regulations substantially similar to subsection (a) and who have agreed in writing not to disclose [such] information;
- (3) May receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, including propriety and trade-secret information, from the National Association of Insurance Commissioners and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and
- (4) Shall enter into written agreements with the National Association of Insurance Commissioners and any third-party consultant designated by the commissioner governing sharing and use of information provided pursuant to this article and consistent with this subsection that shall:

(A) Specify procedures and protocols regarding the confidentiality and security of information shared with the National Association of Insurance Commissioners [and its affiliates and subsidiaries] or a third-party consultant designated by the

- commissioner pursuant to this article, including procedures and protocols for sharing by the National Association of Insurance Commissioners with other state, federal, or international regulators; provided that the agreement shall provide that the recipient of the documents, materials, or other information agrees in writing to maintain the confidentiality and privileged status of the documents, materials, or other information and has verified in writing the legal authority to maintain confidentiality;
- (B) Specify that ownership of information shared with the National Association of Insurance Commissioners ~~[and its affiliates and subsidiaries]~~ or a third-party consultant, as designated by the commissioner, pursuant to this article remains with ~~[and for use by the commissioner and]~~ the National Association of Insurance Commissioners or the third-party consultant and is subject to the direction of the commissioner;
- (C) Excluding documents, material, or information reported pursuant to section 431:11-105(1)(3), prohibit the National Association of Insurance Commissioners or a third-party consultant designated by the commissioner from storing the information shared pursuant to this article in a permanent database after the underlying analysis is completed;
- ~~(D)~~ (D) Require that prompt notice be given to an insurer whose confidential information is in the possession of the National Association of Insurance Commissioners pursuant to this article and require that the insurer is subject to a request or subpoena from the National Association of Insurance Commissioners for disclosure or production; ~~[and]~~
- ~~(E)~~ (E) Require the National Association of Insurance Commissioners ~~[and its affiliates and subsidiaries]~~ or a third-party consultant, designated by the commissioner, to consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners ~~[and its affiliates and subsidiaries]~~ or the third-party consultant may be required to disclose confidential information about the insurer shared ~~[pursuant to this article.]~~ with the National Association of Insurance Commissioners or the third-party consultant; and
- (F) For documents, material, or information reported pursuant to section 431:11-105(1)(3), in the case of an agreement involving a third-party consultant designated by the commissioner, provide for notification of the identity of the consultant to the applicable insurers.

(d) The sharing of information by the commissioner pursuant to this article shall not constitute a delegation of regulatory authority or rulemaking, and the commissioner shall be solely responsible for the administration, execution, and enforcement of this article.

(e) No waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (c).

(f) Documents, materials, or information in the possession or control of the National Association of Insurance Commissioners or a third-party consultant designated by the commissioner pursuant to this article shall be confidential by law and privileged, shall not be disclosable under chapter 92F, shall

not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

(g) The group capital calculation and resulting group capital ratio required under section 431:11-105(1)(2) and the liquidity stress test along with its results and supporting disclosures required under section 431:11-105(1)(3) are regulatory tools for assessing group risks and capital adequacy and group liquidity risks, respectively, and are not intended as a means to rank insurers or insurance holding company systems generally. Therefore, except as otherwise may be required under this article, the making, publishing, disseminating, circulating, or placing before the public, or causing directly or indirectly to be made, published, disseminated, circulated, or placed before the public in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station or any electronic means of communication available to the public, or in any other way as an advertisement, announcement, or statement containing a representation or statement with regard to the group capital calculation, group capital ratio, the liquidity stress test results, or supporting disclosures for the liquidity stress test of any insurer or any insurer group, or of any component derived in the calculation by any insurer, broker, or other person engaged in any manner in the insurance business shall be deemed misleading and prohibited; provided that if any materially false statement with respect to the group capital calculation, resulting group capital ratio, an inappropriate comparison of any amount to an insurer's or insurance group's group capital calculation or resulting group capital ratio, liquidity stress test result, supporting disclosures for the liquidity stress test, or an inappropriate comparison of any amount to an insurer's or insurance group's liquidity stress test result or supporting disclosures is published in any written publication and the insurer is able to demonstrate to the commissioner with substantial proof the falsity of the statement or the inappropriateness, as the case may be, then the insurer may publish announcements in a written publication if the sole purpose of the announcement is to rebut the materially false statement."

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 21, 2024.)

**ACT 85**

S.B. NO. 3312

A Bill for an Act Relating to State Gesture.

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

SECTION 1. The legislature finds that the shaka gesture should be recognized as the official gesture of the State. While multiple origin theories exist, all theories have the shaka developing within the State. More importantly, while multiple Hawaii ethnic cultures and resident groups have contributed varying layers of meaning to the shaka, there is a shared agreement in the shaka's positive sentiments and usage toward sharing aloha, fostering connection, and being pono.

The legislature further finds that the shaka is a key brand symbol for the State, offering influential power to build the State's economy, global brand, and resident pride. As the shaka is now used around the world, this Act ensures

that Hawaii retains recognition as the birthplace of the shaka. It is therefore appropriate that the shaka be honored as the official gesture of the State to secure recognition of Hawaii as the shaka's place of origin, preserve the meaning of the shaka as originated in Hawaii, preserve Hawaii's brand association with the gesture, and share the aloha spirit around the world.

Therefore, the purpose of this Act is to adopt, establish, and designate the shaka as the official gesture 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 gesture.** The shaka is adopted, established, and designated as the official gesture of the State.

For the purposes of this section, the shaka generally consists of extending the thumb and smallest finger while holding the three middle fingers curled, and gesturing in salutation while presenting the front or back of the hand; the wrist may be rotated back and forth for emphasis.”

SECTION 3. The state foundation on culture and the arts may develop a public work of art related to the shaka and its history to be displayed in a prominent location within the State for residents and visitors to Hawaii.

SECTION 4. New statutory material is underscored.<sup>1</sup>

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

(Approved June 21, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 86**

S.B. NO. 3139

A Bill for an Act Relating to Crisis Services.

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

SECTION 1. The legislature finds that thousands of people in Hawaii are cited or arrested each year for offenses such as drinking liquor in public, loitering in public parks after hours, and camping on sidewalks, beaches, and other restricted public places. Most of these people suffer from issues relating to drugs, alcohol, or mental illness. Many of those cited do not appear in court, leading courts to issue bench warrants for their arrests. Time and resources are expended bringing people to court, and the court system, prosecutors, and police are caught in a never-ending revolving door situation. In response to this situation, mental health service providers have been working with appropriate law enforcement agencies and the criminal justice system to implement a crisis intervention program on the island of Oahu.

Accordingly, the purpose of this Act is to establish a crisis intervention and diversion services program within the department of health to expand existing crisis intervention and diversion services to divert persons in crisis from the criminal justice system to the health care system.

SECTION 2. Chapter 334, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . CRISIS SERVICES**

**§334- Crisis intervention and diversion services program.** (a) There shall be established within the department a crisis intervention and diversion services program to redirect persons experiencing mental health disorders and co-occurring mental health and substance use disorders who are at risk for involvement, or currently involved, with the criminal justice system to the appropriate health care system and services. The department shall collaborate with law enforcement agencies, courts, mental health providers, and the community for the execution and implementation of these services.

(b) The department may lease or acquire a facility to operate a behavioral health crisis center to treat and refer persons experiencing behavioral health crises, including persons in the criminal justice system, to the appropriate services and providers.”

SECTION 3. Section 334-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Mental health emergency worker” means a person designated by the department to provide crisis intervention and emergency stabilization services and to assist in determining whether a mentally ill person is likely to meet the criteria for emergency admission and examination.”

SECTION 4. Section 334-3, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The department shall specifically:

- (1) Perform statewide assessments of the need for prevention, treatment, and rehabilitation services in the areas of mental or emotional disorders and substance abuse;
- (2) Adopt rules pursuant to chapter 91 for establishing the number and boundaries of the geographical service areas for the delivery of services in the areas of mental or emotional disorders and substance abuse. The department shall periodically review the effectiveness of the geographical service areas in promoting accessibility and continuity of appropriate care to all residents of that geographical area;
- (3) Appoint a service area administrator in each county who shall be responsible for the development, delivery, and coordination of services in that area;
- (4) Ensure statewide and community-based planning for the ongoing development and coordination of the service delivery system as guided by needs assessment data and performance related information;
- (5) Establish standards and rules for psychiatric facilities and their licensing, where applicable;
- (6) Establish standards and rules for services in the areas of mental health and substance abuse treatment, including assurances of the provision of minimum levels of accessible service to persons of all ages, ethnic groups, and geographical areas in the State;
- (7) Ensure community involvement in determining the service delivery arrangements appropriate to each community of the State;
- (8) Cooperate with public and private health, education, and human service groups, agencies, and institutions in establishing a coordi-

- nated system to meet the needs of persons with mental or emotional disorders and substance abuse difficulties;
- (9) Evaluate and monitor all services in the fields of mental health and substance abuse where ~~such~~ services are supported fully or in part by state resources;
  - (10) Promote and conduct research, demonstration projects, and studies concerned with the nature, prevention, intervention, and consequences of mental or emotional disorders and substance abuse;
  - (11) Keep records, statistical data, and other information as may be necessary in carrying out the functions of the mental health system and this chapter;
  - (12) Advocate patients' rights in all psychiatric facilities in the State and investigate any grievances submitted to the department by any patient in a psychiatric facility, except as provided in section 334E-2(d). The department shall establish rules and procedures for the purpose of this paragraph within one year after January 1, 1985, and post the rules in a conspicuous manner and accessible place;
  - (13) Promote and conduct a systematic program of accountability for all services provided, funds expended, and activities carried out under its direction or support in accordance with sound business, management, and scientific principles;
  - (14) Coordinate mental health resources in each county of the State by the development and presentation of a comprehensive integrated service area plan developed by the service area administrator in conjunction with the service area board. The service area administrator and the service area board, in collaboration with private and public agencies serving their population, shall submit recommendations for the statewide comprehensive integrated service plan, including needs assessment, program planning, resource development, priorities for funding, monitoring, and accountability activities;
  - (15) Oversee and coordinate service area programs and provide necessary administrative and technical assistance to assist service area programs in meeting their program objectives; ~~and~~
  - (16) Provide staffing to the state council and service area boards to assist in the performance of their functions[-]; and
  - (17) Establish standards and rules for the designation of mental health emergency workers."

SECTION 5. Section 334-59, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:  
 "(a) Initiation of proceedings. An emergency admission may be initiated as follows:

- (1) If a law enforcement officer has reason to believe that a person is imminently dangerous to self or others, the officer shall call for assistance from ~~the~~ a mental health emergency ~~workers~~ worker designated by the director[-]; provided that if a law enforcement officer is unable to reach a mental health emergency worker telephonically or has reason to believe the situation to be unstable to a degree that a delay of greater than two minutes would result in serious harm to the individual, others, or property, the law enforcement officer may act to gain control of the individual. Once the law enforcement officer has gained control of the individual, the law enforcement officer shall call for assistance from a mental health emergency worker

designated by the director; provided that the law enforcement officer shall document why the situation necessitated that the law enforcement officer gain control of the individual. Upon determination by the mental health emergency [workers] worker that the person is imminently dangerous to self or others, the person shall be transported by ambulance or other suitable means[-] to a licensed psychiatric facility or other facility designated by the director for further evaluation and possible emergency hospitalization. If a crisis intervention officer has probable cause to believe that a person is imminently dangerous to self or others, the crisis intervention officer shall call a mental health emergency worker to determine if the person shall be transported by ambulance or other suitable means to a behavioral health crisis center designated by the director as determined by a mental health emergency worker. A law enforcement officer may also take into custody and transport to any facility designated by the director any person threatening or attempting suicide. The law enforcement officer shall make application for the examination, observation, and diagnosis of the person in custody. The application shall state or shall be accompanied by a statement of the circumstances under which the person was taken into custody and the reasons therefor, which shall be transmitted with the person to a physician, advanced practice registered nurse, or psychologist at the facility.

As used in this paragraph, "crisis intervention officer" has the same meaning as defined in section 353C-1;

- (2) Upon written or oral application of any licensed physician, advanced practice registered nurse, psychologist, attorney, member of the clergy, health or social service professional, or any state or county employee in the course of employment, a judge may issue an ex parte order orally, but shall reduce the order to writing by the close of the next court day following the application, stating that there is probable cause to believe the person is mentally ill or suffering from substance abuse, is imminently dangerous to self or others and in need of care or treatment, or both, giving the findings upon which the conclusion is based. The order shall direct that a law enforcement officer or other suitable individual take the person into custody and deliver the person to a designated mental health program, if subject to an assisted community treatment order issued pursuant to part VIII [~~of this chapter~~], or to the nearest facility designated by the director for emergency examination and treatment, or both. The ex parte order shall be made a part of the patient's clinical record. If the application is oral, the person making the application shall reduce the application to writing and shall submit the same by noon of the next court day to the judge who issued the oral ex parte order. The written application shall be executed subject to the penalties of perjury but need not be sworn to before a notary public[-]; or
- (3) Any licensed physician, advanced practice registered nurse, physician assistant, or psychologist who has examined a person and has reason to believe the person is:
  - (A) Mentally ill or suffering from substance abuse;
  - (B) Imminently dangerous to self or others; and
  - (C) In need of care or treatment[-];
 may direct transportation, by ambulance or other suitable means, to a licensed psychiatric facility or other facility designated by the director for further evaluation and possible emergency hospitaliza-



tion. A licensed physician, an advanced practice registered nurse, or a physician assistant may administer treatment as is medically necessary, for the person's safe transportation. A licensed psychologist may administer treatment as is psychologically necessary."

2. By amending subsections (d) and (e) to read:

"(d) Emergency hospitalization. If the psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization who performs the emergency examination has reason to believe that the patient is:

- (1) Mentally ill or suffering from substance abuse;
- (2) Imminently dangerous to self or others; and
- (3) In need of care or treatment, or both[.].

the psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization shall direct that the patient be hospitalized on an emergency basis or cause the patient to be transferred to another psychiatric facility or other facility designated by the director for emergency hospitalization, or both. The patient shall have the right immediately upon admission to telephone the patient's guardian or a family member including a reciprocal beneficiary, or an adult friend and an attorney. If the patient declines to exercise that right, the staff of the facility shall inform the adult patient of the right to waive notification to the family, including a reciprocal beneficiary, and shall make reasonable efforts to ensure that the patient's guardian or family, including a reciprocal beneficiary, is notified of the emergency admission but the patient's family, including a reciprocal beneficiary, need not be notified if the patient is an adult and requests that there be no notification. The patient shall be allowed to confer with an attorney in private.

(e) Release from emergency hospitalization. If at any time during the period of emergency hospitalization the treating physician determines that the patient no longer meets the criteria for emergency hospitalization and the examination pursuant to section 334-121.5 has been completed, the physician shall expediently discharge the patient. If the patient is under criminal charges, the patient shall be returned to the custody of a law enforcement officer. In any event, the patient shall be released within forty-eight hours of the patient's admission to a psychiatric facility[.] or other facility designated by the director, unless the patient voluntarily agrees to further hospitalization, or a proceeding for court-ordered evaluation or hospitalization, or both, is initiated as provided in section 334-60.3. If that time expires on a Saturday, Sunday, or holiday, the time for initiation is extended to the close of the next court day. Upon initiation of the proceedings, the facility shall be authorized to detain the patient until further order of the court."

SECTION 6. Section 353C-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Crisis intervention officer" means a law enforcement officer who has been trained and certified to recognize and communicate with an individual who is in crisis or suffering from some form of impairment, whether from dementia, Alzheimer's disease, or any physical, developmental, cognitive, psychological, or substance use disorder influencing their behavior. Training and certification standards shall be determined with the department of health."

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

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

(Approved June 27, 2024.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 87

H.B. NO. 2159

A Bill for an Act Relating to Mental Health.

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

PART I

SECTION 1. The purpose of this part is to require the department of the attorney general to assist with the preparation and filing of petitions for assisted community treatment and with the presentation of the case, unless declined by the petitioner.

SECTION 2. 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, 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 department of the attorney general shall assist with the preparation and filing of any petition brought pursuant to section 334-123 and with the presentation of the case at any related court proceedings; provided that, if the petitioner is a private provider or other private individual, the petitioner may decline the assistance. 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 3. Section 334-123, Hawaii Revised Statutes, is amended to read as follows:

**“§334-123 Initiation of proceeding for assisted community treatment.**

(a) Any interested party may file a petition with the family court alleging that another person meets the criteria for assisted community treatment. The petition shall state:

- (1) Each of the criteria under section 334-121 for assisted community treatment;

- (2) Petitioner's good faith belief that the subject of the petition meets each of the criteria under section 334-121;
- (3) Facts that support the petitioner's good faith belief that the subject of the petition meets each of the criteria under section 334-121; and
- (4) That the subject of the petition is present within the county where the petition is filed.

The hearing on the petition need not be limited to the facts stated in the petition. The petition shall be executed subject to the penalties of perjury but need not be sworn to before a notary public.

(b) The department of the attorney general shall assist with the preparation and filing of any petition brought pursuant to this section and with the presentation of the case at any related court proceedings; provided that, if the petitioner is a private provider or other private individual, the petitioner may decline the assistance.

~~[(b)]~~ (c) The petition may be accompanied by a certificate of 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 who has examined the subject of the petition within twenty calendar days ~~[prior to]~~ before the filing of the petition. For purposes of the petition, an examination shall be considered valid so long as the 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 has obtained enough information from the subject of the petition to reach a diagnosis of the subject of the petition, and to express a professional opinion concerning the same, even if the subject of the petition is not fully cooperative. If the petitioner believes that further evaluation is necessary before treatment, the petitioner may request further evaluation.

~~[(e)]~~ (d) The petition shall include the name, address, and telephone number of at least one of the following persons in the following order of priority: the subject of the petition's spouse or reciprocal beneficiary, legal parents, adult children, and legal guardian, if one has been appointed. If the subject of the petition has no living spouse or reciprocal beneficiary, legal parent, adult children, or legal guardian, or if none can be found, the petition shall include the name, address, and telephone number of at least one of the subject's closest adult relatives, if any can be found."

SECTION 4. Section 334-133, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(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 department of the attorney general shall assist with the preparation and filing of any petition brought pursuant to this section and with the presentation of the case at any related court proceedings; provided that, if the petitioner is a private provider or other private individual, the petitioner may decline the assistance. 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."

SECTION 5. Act 221, Session Laws of Hawaii 2013, as amended by Act 114, Session Laws of Hawaii 2016, is amended by amending section 24 to read as follows:

“SECTION 24. This Act shall take effect on January 1, 2014; provided that:

- (1) Petitions filed pursuant to section 334-123, Hawaii Revised Statutes, for assisted community treatment involving a designated mental health program that is a state-operated provider shall not be filed until after July 1, 2015;
- (2) Any private provider wishing to file a petition pursuant to section 334-123, Hawaii Revised Statutes, for assisted community treatment may do so after January 1, 2014, ~~[using its own resources,]~~ if the petitioner is to be the designated mental health program; ~~[and]~~
- (3) Any interested party wishing to file a petition pursuant to section 334-123, Hawaii Revised Statutes, for assisted community treatment may do so after January 1, 2014, ~~[using the party's own resources,]~~ if the designated mental health program is a private provider~~[-]; and~~
- (4) After July 1, 2024, the department of the attorney general shall assist with the preparation and filing of any petition brought pursuant to sections 334-123 and 334-133, Hawaii Revised Statutes, and with the presentation of the case at any related court proceedings; provided further that if the petitioner is a private provider or other private individual, the petitioner may decline the assistance.”

## PART II

SECTION 6. The purpose of this part is to repeal language entitling the subject of a petition for assisted community treatment to legal representation by a public defender.

SECTION 7. Section 802-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any indigent person who is:

- (1) Arrested for, charged with, or convicted of an offense or offenses punishable by confinement in jail or prison or for which the person may be or is subject to the provisions of chapter 571;
- (2) Threatened by confinement, against the indigent person's will, in any psychiatric or other mental institution or facility; ~~or~~
- ~~[(3) The subject of a petition for assisted community treatment under chapter 334; or~~
- (4) (3) The subject of a petition for involuntary medical treatment under chapter 353,

shall be entitled to be represented by a public defender. If, however, conflicting interests exist, or if the public defender for any other reason is unable to act, or if the interests of justice require, the court may appoint other counsel.”

## PART III

SECTION 8. The purpose of this part is to provide a mechanism for nonviolent petty misdemeanor defendants whose fitness to proceed in criminal proceedings remains an outstanding issue to be automatically screened for involuntary hospitalization or assisted community treatment.

SECTION 9. Section 704-421, Hawaii Revised Statutes, is amended to read as follows:

**“[§704-421] Proceedings for defendants charged with petty misdemeanors not involving violence or attempted violence; criminal justice diversion program.**

(1) In cases where the defendant is charged with a petty misdemeanor not involving violence or attempted violence, if, at the hearing held pursuant to section 704-404(2)(a) or at a further hearing held after the appointment of an examiner pursuant to section 704-404(2)(b), the court determines that the defendant is fit to proceed, then the proceedings against the defendant shall resume. In all other cases under this section where fitness remains an outstanding issue, the court shall continue the suspension of the proceedings and either commit the defendant to the custody of the director of health to be placed in a hospital or other suitable facility, including an outpatient facility, for further examination and assessment[-] or, in cases where the defendant was not subject to an order of commitment to the director of health for the purpose of the fitness examination under section 704-404(2), the court may order that the defendant remain released on conditions the court determines necessary for placement in a group home, residence, or other facility prescribed by the director of health for further assessment by a clinical team pursuant to subsection (3).

(2) ~~[Within seven days from the commitment of the defendant to the custody of the director of health, or as soon thereafter as is practicable, the director of health]~~ In cases under this section where the defendant's fitness to proceed remains an outstanding issue at the hearing held pursuant to section 704-404(2)(a) or a further hearing held after the appointment of an examiner pursuant to section 704-404(2)(b), as applicable, the director of health, within fourteen days of that hearing or as soon thereafter as is practicable, shall report to the court on the following:

- (a) The defendant's current capacity to understand the proceedings against the defendant and the defendant's current ability to assist in the defendant's own defense[-];
- (b) Whether, after assessment of the defendant pursuant to subsection (3)(a) or (b), the defendant's clinical team believes that the defendant meets the criteria for involuntary hospitalization under section 334-60.2 or assisted community treatment under section 334-121; and
- (c) The date that the director of health filed a petition for involuntary hospitalization or assisted community treatment on behalf of the defendant pursuant to subsection (3)(a) or (b), as applicable.

If, following the report, the court finds the defendant fit to proceed, the proceedings against the defendant shall resume. In all other cases, the court shall dismiss the charge with or without prejudice in the interest of justice. ~~[The director of health may at any time proceed under the provisions of section 334-60.2 or 334-121.]~~

(3) During the defendant's commitment to the custody of the director of health or release on conditions pursuant to subsection (1):

- (a) If the defendant's clinical team determines that the defendant meets the criteria for involuntary hospitalization set forth in section 334-60.2, the director of health, within seven days of the clinical team's determination, shall file with the family court a petition for involuntary hospitalization pursuant to section 334-60.3. If the petition is granted, the defendant shall remain hospitalized for a period of time as provided by section 334-60.6; or
- (b) If the defendant's clinical team determines that the defendant does not meet the criteria for involuntary hospitalization, or the court

denies the petition for involuntary hospitalization, the defendant's clinical team shall determine whether an assisted community treatment plan is appropriate pursuant to part VIII of chapter 334. If the clinical team determines that an assisted community treatment plan is appropriate, the psychiatrist or advanced practice registered nurse from the clinical team shall prepare the certificate for assisted community treatment specified by section 334-123, including a written treatment plan for the provision of mental health services to the defendant. The clinical team shall identify a community mental health outpatient program that agrees to provide mental health services to the defendant as the designated mental health program under the assisted community treatment order. The clinical team shall provide the defendant with a copy of the certificate. Within ten days of provision of the certificate to the defendant by the clinical team, the director of health shall file with the family court the assisted community treatment petition described in section 334-123. When a petition for assisted community treatment has been filed for a defendant, the defendant committed to the custody of the director of health shall remain in custody until the family court issues a decision on the petition; provided that the judge may order that the subject be released during the pendency of that action.

(4) This section shall not apply to any case under the jurisdiction of the family court unless the presiding judge orders otherwise."

#### PART IV

SECTION 10. The purpose of this part is to authorize courts to require a probation violator to undergo a mental health evaluation and treatment program as a condition of continued probation whenever there is reason to believe that the probation violation is associated with a mental disease, disorder, or defect of the defendant.

SECTION 11. Section 706-625, Hawaii Revised Statutes, is amended to read as follows:

**"§706-625 Revocation, modification of probation conditions.** (1) The court, on application of a probation officer, the prosecuting attorney, the defendant, or on its own motion, after a hearing, may revoke probation except as provided in ~~[subsection]~~ subsections (6) and (7), reduce or enlarge the conditions of a sentence of probation, pursuant to the provisions applicable to the initial setting of the conditions and the provisions of section 706-627.

(2) The prosecuting attorney, the defendant's probation officer, and the defendant shall be notified by the movant in writing of the time, place, and date of any such hearing, and of the grounds upon which action under this section is proposed. The prosecuting attorney, the defendant's probation officer, and the defendant may appear in the hearing to oppose or support the application, and may submit evidence for the court's consideration. The defendant shall have the right to be represented by counsel. For purposes of this section, the court shall not be bound by the Hawaii rules of evidence, except for the rules pertaining to privileges.

(3) The court shall revoke probation if the defendant has inexcusably failed to comply with a substantial requirement imposed as a condition of the order or has been convicted of a felony. The court may revoke the suspension

of sentence or probation if the defendant has been convicted of another crime other than a felony.

(4) The court may modify the requirements imposed on the defendant or impose further requirements, if it finds that such action will assist the defendant in leading a law-abiding life.

(5) When the court revokes probation, it may impose on the defendant any sentence that might have been imposed originally for the crime of which the defendant was convicted.

~~[(6) As used in this section, “conviction” means that a judgment has been pronounced upon the verdict.~~

~~(7)]~~ (6) The court may require a defendant to undergo and complete a substance abuse treatment program when the defendant has committed a violation of the terms and conditions of probation involving possession or use, not including to distribute or manufacture as defined in section 712-1240, of any dangerous drug, detrimental drug, harmful drug, intoxicating compound, marijuana, or marijuana concentrate, as defined in section 712-1240, unlawful methamphetamine trafficking as provided in section 712-1240.6, or involving possession or use of drug paraphernalia under section 329-43.5. If the defendant fails to complete the substance abuse treatment program or the court determines that the defendant cannot benefit from any other suitable substance abuse treatment program, the defendant shall be subject to revocation of probation and incarceration. The court may require the defendant to:

- (a) Be assessed by a certified substance abuse counselor for substance abuse dependency or abuse under the applicable Diagnostic and Statistical Manual and Addiction Severity Index;
- (b) Present a proposal to receive substance abuse treatment in accordance with the treatment plan prepared by a certified substance abuse counselor through a substance abuse treatment program that includes an identified source of payment for the treatment program;
- (c) Contribute to the cost of the substance abuse treatment program; and
- (d) Comply with any other terms and conditions of probation.

~~[As used in this subsection, “substance abuse treatment program” means drug or substance abuse treatment services provided outside a correctional facility by a public, private, or nonprofit entity that specializes in treating persons who are diagnosed with substance abuse or dependency and preferably employs licensed professionals or certified substance abuse counselors.~~

~~Nothing in this subsection shall be construed to give rise to a cause of action against the State, a state employee, or a treatment provider.]~~

(7) As a condition of continued probation, the court may require a defendant to undergo a mental health evaluation and treatment program when the defendant has committed a violation of the terms and conditions of probation and there is reason to believe that the violation is associated with a mental disease, disorder, or defect of the defendant. The court may require the defendant to:

- (a) Be assessed for a mental disease, disorder, or defect by a psychiatrist or psychologist, who shall prepare an appropriate treatment plan;
- (b) Present a proposal to receive treatment in accordance with the plan prepared pursuant to paragraph (a) through a mental health treatment program that includes an identified source of payment for the treatment program, as applicable;
- (c) Contribute to the cost of the treatment program, as applicable; and
- (d) Comply with any other terms and conditions of probation.

If the defendant fails to complete the treatment program or the court determines that the defendant cannot benefit from any other suitable treatment program, the defendant may be subject to revocation of probation and incarceration.

(8) Nothing in subsection (6) or (7) shall be construed to give rise to a cause of action against the State, a state employee, or a treatment provider.

(9) For the purposes of this section:

“Conviction” means that a judgment has been pronounced upon the verdict.

“Mental health treatment program” means treatment services addressing a mental disease, disorder, or defect of the defendant, including residential or rehabilitation treatment or any other course or procedure, including diversion into specialized courts.

“Substance abuse treatment program” means drug or substance abuse treatment services provided outside a correctional facility by a public, private, or nonprofit entity that specializes in treating persons who are diagnosed with having substance abuse or dependency and preferably employs licensed professionals or certified substance abuse counselors.”

## PART V

SECTION 12. Section 334-126, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The court may appoint an attorney for the subject if the court determines that the interests of justice require one be appointed. If the subject of the petition is represented by [their own] an attorney, whether retained by the subject or appointed by the court, the attorney shall be allowed adequate time for investigation of the matters at issue and for preparation, and shall be permitted to present the evidence that the attorney believes necessary for a proper disposition of the proceeding.”

SECTION 13. Act 111, Session Laws of Hawaii 2017, is amended by amending section 8 to read as follows:

~~“SECTION 8. This Act shall take effect on July 1, 2017[, and shall be repealed on June 30, 2024; provided that subsection (a) of section 334E-2, Hawaii Revised Statutes, as amended by section 3 of this Act, shall be reenacted in the form in which it read on June 30, 2017].”~~

## PART VI

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

SECTION 16. This Act shall take effect upon its approval; provided that section 13 shall take effect on June 29, 2024.

(Approved June 27, 2024.)



## ACT 88

S.B. NO. 3094

A Bill for an Act Relating to Peer Support Specialists.

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

SECTION 1. The legislature finds that the federal Centers for Medicare and Medicaid Services recognizes that the experiences of peer support specialists, as part of an evidence-based model of care, can be an important component in the delivery of effective mental and behavioral health treatment.

The legislature further finds that the federal Substance Abuse and Mental Health Services Administration identifies peer support as one of the six guiding principles of trauma-informed care. Peer support specialists use strengths-based approaches that emphasize physical, psychological, and emotional safety and create opportunities to rebuild a sense of control and empowerment.

The legislature additionally finds that research shows that peer support is effective for improving behavioral health outcomes. Benefits of peer support include reduced hospital admission rates, longer community tenure, increased social support and social functioning, decreased substance use and depression, raised empowerment scores, and increased engagement in self-care and wellness.

The legislature also finds that peer support provides benefits not only to individuals suffering from mental health disorders and substance use disorders, but also to individuals who are experiencing homelessness, involved in the child welfare system, survivors and responders of disasters, involved in the correctional and juvenile justice systems, and caregivers of youth involved in one or more child-serving systems.

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 of wellness and resilience 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 state departments and 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 establishing a working group within the office of wellness and resilience that comprises state departments and agencies that engage with peer support specialists; community-based organizations; contracted service providers; and adults, youth, parents, and caregivers with lived experiences will contribute to the development of a framework that elevates the role of peer support specialists and enhances their ability to serve individuals in need.

The purpose of this Act is to:

- (1) Establish a temporary peer support specialist working group to develop and make recommendations for a framework for peer support specialists in the State; and
- (2) Require the working group to submit a report of its findings and recommendations to the legislature before the regular session of 2025.

SECTION 2. (a) There is established within the office of wellness and resilience for administrative purposes a peer support specialist working group. The working group shall consist of the following members:

- (1) The director of the office of wellness and resilience, or the director's designee, who shall serve as the chairperson of the working group;
- (2) The director of health, or the director's designee;

- (3) The superintendent of education, or the superintendent's designee;
  - (4) The director of law enforcement, or the director's designee;
  - (5) A member of the Hawaii state judiciary, to be appointed by the chief justice;
  - (6) A member of the department of health's adult mental health division representing the administrator of the Hawaii certified peer specialist program;
  - (7) A member of the department of health's child and adolescent mental health division representing the administrator of the peer support specialist program carried out within the division;
  - (8) The administrator of med-QUEST, or the administrator's designee;
  - (9) The governor's coordinator on homelessness, or the coordinator's designee;
  - (10) Two members of the nonprofit sector, who shall be invited by the chairperson; and
  - (11) A member from each of the following constituencies, whom the chairperson shall invite to participate in the working group;
    - (A) An individual with lived experience as a child or youth in the child welfare system;
    - (B) An individual with lived experience in the juvenile justice system or an individual with lived experience in the adult correctional system;
    - (C) Two caregivers with lived experience as the caregiver of a child or youth in the behavioral health, child welfare, or juvenile justice systems;
    - (D) An individual with lived experience with recovery from substance abuse and lived experience being homeless; and
    - (E) An individual with lived experience navigating the mental health system either as a child or youth or as an adult.
- (b) The working group shall develop and make recommendations for a framework for peer support specialists in the State. The working group shall:
- (1) Identify best practices and create, develop, and adopt a statewide framework for peer support specialists. The framework shall include:
    - (A) Clear roles and definitions of peer support specialists, youth peer support specialists, adult peer support specialists, and caregiver peer support specialists;
    - (B) Ethics, values, and standards required of peer support specialists;
    - (C) Recommendations on whether the State should require youth peer support specialists, adult peer support specialists, and caregiver peer support specialists to undertake the same training, certification, and credentialing process or whether the training should be individualized based on the type of peer support;
    - (D) Recommendations on how to require peer support specialists in state-awarded contracts; and
    - (E) An implementation and quality improvement plan, consisting of an evaluation plan with coordinated data collection and suggested metrics for assessing ongoing progress of the framework;
  - (2) Identify a trauma-informed model of supervision of peer support specialists to support competent and ethical delivery of services that support continued development of peer support specialist abilities and support navigation of state systems, including the certification

and credentialing process, integration in decision making and program development processes, debriefing from meetings, training and technical assistance, and programs to support the well-being of peer support specialists;

- (3) Provide an inventory of current use of peer support specialists within and across public and private agencies and departments; and
- (4) Develop a sustainability plan that includes identification of federal and state funding streams to incorporate requirements to establish peer support as a medicaid billable service.

(c) Members of the peer support specialist working group who are employed by the State and serving in their official capacity on the working group shall serve without compensation. Other members of the working group who are not employed by the State shall receive compensation for their travel expenses.

(d) The office of wellness and resilience may contract with an administrative facilitator to provide necessary support for the peer support specialist working group in carrying out its duties.

(e) The peer support specialist 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.

(f) The peer support specialist working group shall cease to exist on June 30, 2025.

SECTION 3. This Act shall take effect on July 1, 2024.

(Approved June 27, 2024.)

## ACT 89

H.B. NO. 1827

A Bill for an Act Relating to Healthcare Workforce Development.

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

### PART I

SECTION 1. The legislature finds that addressing growing shortages in the State's health care workforce is in the public interest and a key priority for the State. The Healthcare Association of Hawaii found in its 2022 Healthcare Workforce Initiative survey that there are nearly four thousand openings for non-physician, patient-facing positions in the State's hospitals, nursing homes, clinics, and other health care settings. This workforce shortage can make it difficult for the State's residents to access needed care, especially residents on neighbor islands. The shortage was highlighted and worsened by the coronavirus disease 2019 (COVID-19) pandemic.

The legislature recognizes that the Hawaii Healthcare Workforce Initiative, coordinated by the Healthcare Association of Hawaii, offers numerous workforce development programs to help recruit, train, and employ health care workers. These programs include career-path certificates for high school students and higher education and certification opportunities for nurse aides. These programs have proven successful; however, the programs are largely supported by private donations and time-limited federal grants. Additional funding is necessary to help the initiatives address Hawaii's growing health care workforce needs.

Accordingly, the purpose of this Act is to appropriate funds to support the public high school health care workforce certificate program and glidepath

program for certified nurse aides and to renovate and equip certain public high school classrooms to make the classrooms more suitable for health care training.

**PART II**

**SECTION 2.** The legislature finds that offering health care training to the State's public high school students will help meet Hawaii's long-term health care workforce needs. The 2022 Healthcare Workforce Initiative survey found that there are more than one thousand five hundred open health care positions in the State that could be filled by students immediately after graduation. The public high school health care workforce certificate program is designed to equip high school graduates to fill entry-level health care positions that pay a living wage and offer opportunities for career advancement. The program assists with the costs of tuition, transportation, work uniforms, and other expenses and offers counseling support and career coaching. The average cost per student is approximately \$4,300, and it is estimated that the program can assist approximately one hundred seventy-five students per year.

Accordingly, the purpose of this part is to appropriate funds to support the public high school health care workforce certificate program.

**SECTION 3.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$750,000 or so much thereof as may be necessary for fiscal year 2024-2025 to support the public high school health care workforce certificate program; provided that no funds shall be released unless matched using a state-to-private-funds ratio of 3:1.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.

**PART III**

**SECTION 4.** The legislature finds that preparing high school students for their careers in health care requires an investment in state-of-the-art classrooms. Giving students access to modern, well-equipped classrooms will make the health care field more attractive to students and will allow students to train on equipment that is similar to the equipment that they will use in their future health care roles. Renovated and well-equipped classrooms may also attract more students of Native Hawaiian and Pacific Islander descent to the health care industry, which will help reduce the educational and economic disparities that exist in these communities. The legislature believes that classroom renovations should be coordinated through a public-private partnership with a nonprofit health care organization.

Accordingly, the purpose of this part is to appropriate funds to renovate and equip certain public high school classrooms to be used for health care training.

**SECTION 5.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2024-2025 as a grant pursuant to chapter 42F, Hawaii Revised Statutes, for Hawaii3R's for renovating and equipping certain public high school classrooms to be used for health care training through the public high school health care workforce certificate program; provided that classroom renovations shall be coordinated through a public-private partnership with a nonprofit health care organization.

The sum appropriated shall be expended by the department of education (EDN200) for the purposes of this Act.

**PART IV**

**SECTION 6.** The legislature finds that the State can help build and retain Hawaii’s health care workforce by supporting health care workers who want to earn advanced credentials. Without assistance, health care workers may find it difficult to seek continuing education or additional certifications while also working full-time to pay for housing, food, child care, and other necessities. The Healthcare Workforce Initiative’s glidepath program for certified nurse aides offers an “earn-and-learn” model that allows nurse aides to become licensed practical nurses while maintaining their full-time jobs in health care. The program provides services including tuition assistance, transportation, counseling, food stipends, and other financial assistance and career advice.

The legislature notes that there is a high demand in the State for licensed practical nurses. They are especially needed in nursing homes, assisted living facilities, and other senior care settings. The glidepath program for certified nurse aides can assist approximately fifty nurse aides per year in becoming licensed practical nurses.

Accordingly, the purpose of this part is to appropriate funds to support the glidepath program for certified nurse aides.

**SECTION 7.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$700,000 or so much thereof as may be necessary for fiscal year 2024-2025 to support the glidepath program for certified nurse aides; provided that no funds shall be released unless matched using a state-to-private-funds ratio of 3:1.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.

**PART V**

**SECTION 8.** This Act shall take effect on July 1, 2024.

(Approved June 27, 2024.)

**ACT 90**

**S.B. NO. 3122**

**A Bill for an Act Relating to Public Health Standing Orders.**

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

**SECTION 1.** The legislature finds that standing orders are written protocols describing a specific medical practice that will be delegated to non-physicians without a patient-specific order signed by a physician. Standing orders outline procedures that must be followed and identify permissible patient populations, level of required physician supervision, and allowable practice settings.

The legislature also finds that Hawaii’s well-documented physician shortage may restrict patient access to preventive care, resulting in sub-optimal outcomes, increased costs, and decreased quality of life. Population-based care can help reduce provider administrative burdens while increasing access to evidence-based clinical preventive services. Secondary prevention is the provision of a

clinical preventive service to screen for a condition in an asymptomatic individual, such as mammography to screen for breast cancer. Public health standing orders may help reduce barriers to receiving secondary prevention services.

The legislature further finds that standing orders are already used in routine, urgent, or emergency settings upon the occurrence of certain clinical events that take place on an individual patient basis or a population health event. An example of a routine individual patient standing order is certain vaccine administrations, which are evidence-based practices that authorize nurses, pharmacists, and other health care providers to assess a client's immunization status and administer vaccinations according to a protocol. Emergency population health crises are also supported by standing orders, specifically for mass prophylaxis following a bioterrorism incident, that are only activated when the director of health declares a state of emergency due to a specific bioterrorism incident.

Accordingly, the purpose of this Act is to reduce barriers to health care access and expand population health-based interventions by:

- (1) Authorizing the director of health to issue public health standing orders for patients to self-refer to certain health care screening services;
- (2) Establishing requirements for the provision of items or services pursuant to a public health standing order; and
- (3) Establishing the public health standing orders working group to provide advice and recommendations to the department of health regarding public health standing orders.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

**“§321- Public health standing orders; screening.** (a) The director of health may issue public health standing orders authorizing patients who are eighteen years of age or older to receive evidence-based items or services that have in effect a grade of A or B in the current recommendations of the United States Preventive Services Task Force, as defined by section 4106 of the federal Patient Protection and Affordable Care Act, P.L. 111-148, without patient-specific orders from a licensed health care provider.

(b) The director of health shall annually review the items or services that have in effect a grade of A or B as recommended by the United States Preventive Services Task Force and amend public health standing orders as necessary.

(c) The duration of public health standing orders issued pursuant to this section shall remain in effect until repealed by the director of health.

(d) The public health standing orders shall include language informing patients that there may be potential out-of-pocket costs associated with receiving recommended services, including if:

- (1) The patient does not have health insurance coverage; or
- (2) The patient obtains services from a provider outside of the patient's health insurer's or health plan's provider network.

(e) The director of health shall post public health standing orders on the department of health's website in an easily accessible manner.

(f) The entity providing the items or services pursuant to a public health standing order shall:

- (1) Obtain from the patient the patient's health insurer or health plan information and only provide services if:

- (A) The provider is a participating, contracted, or in-network provider with the patient’s health insurer or health plan; or
- (B) The patient consents to any potential out-of-pocket costs;
- (2) Obtain from the patient the name of the patient’s primary care provider and make a good faith effort to transmit the results of the screening to the primary care provider or other licensed health care provider identified by the patient; and
- (3) Contact the patient’s health insurer or health plan if the patient does not have or does not know their primary care provider so that the patient’s health insurer or health plan can inform the patient of the patient’s primary care provider assignment or selection options.
- (g) The entity providing the items or services pursuant to a public health standing order shall provide any results to the patient in writing. The results shall:
  - (1) Be written in plain language;
  - (2) Clearly indicate if the results are normal, abnormal, or undetermined; and
  - (3) Provide instructions for follow up with a health care provider, as appropriate.
- (h) For purposes of this section “licensed health care provider” means physicians and osteopathic physicians licensed under chapter 453, physician assistants licensed under chapter 453, and advanced practice registered nurses licensed under chapter 457.”

SECTION 3. (a) There shall be established a public health standing orders working group within the department of health to provide advice and recommendations to the department of health for the implementation of this Act.

(b) The director of health, or the director’s designee, shall serve as the chairperson of the public health standing orders working group. The working group shall consist of the following additional members, who shall be invited to participate by the director of health:

- (1) A representative from the Hawaii Association of Health Plans;
- (2) A representative from the Hawaii Medical Association;
- (3) A representative from the Hawaii Primary Care Association;
- (4) A representative from a health plan primarily serving medicaid beneficiaries; and
- (5) Any other members deemed necessary by the director of health.

(c) A majority of members of the public health standing orders working group present at any given meeting shall constitute a quorum to conduct business.

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2024, and shall be repealed on June 30, 2027.

(Approved June 27, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Medical Care for Minors.

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

SECTION 1. Section 577A-1, Hawaii Revised Statutes, is amended as follows:

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

“Covered entity” has the same meaning as in title 45 Code of Federal Regulations section 160.103.

“Licensed health care provider” means a physician or an osteopathic physician licensed under chapter 453, a physician assistant licensed under chapter 453, or an advanced practice registered nurse licensed under chapter 457.

“Sexually transmitted infection” means an infection that is commonly transmitted through sexual contact. “Sexually transmitted infection” includes human immunodeficiency virus infection.”

2. By amending the definitions of “medical care and services” and “minor” to read:

“Medical care and services” means the diagnosis, examination, and administration of medication in the prevention or treatment of [venereal diseases,] sexually transmitted infections, pregnancy, and family planning services.

“Minor” [shall be] means any person from the age of fourteen years to seventeen years inclusive.”

SECTION 2. Section 577A-2, Hawaii Revised Statutes, is amended to read as follows:

**§577A-2 Consent valid.** (a) The consent to the provision of medical care and services by public [and] or private hospitals [or], public [and] or private clinics, or [the performance of medical care and services by a physician licensed to practice medicine or advanced practice registered nurse as defined in section 457-2.7,] licensed health care providers, when executed by a [female] minor who is or professes to be pregnant[, or by] a minor who is or professes to be [afflicted with a venereal disease,] infected with, to be at risk of exposure to, or to have been exposed to a sexually transmitted infection; or a minor seeking family planning services shall be valid and binding as if the minor had achieved [his or her] the age of majority [as the case may be; that is, a female]. A minor who is, or professes to be pregnant[, or]; a minor who is[;] or professes to be [afflicted with a venereal disease,] infected with, to be at risk of exposure to, or to have been exposed to a sexually transmitted infection; or a minor seeking family planning services shall be deemed to have, and shall have the same legal capacity to act, and the same legal obligations with regard to the giving of [such] consent to [such] hospitals [and such], clinics, or licensed health care providers for the provision of medical care and services [to be provided by a physician licensed to practice medicine or advanced practice registered nurse as defined in section 457-2.7], as a person of full legal age and capacity, the infancy of the minor and any contrary provisions of law notwithstanding[; and such consent].

(b) No consent given under this section shall [not] be subject to later disaffirmance by reason of [such] the minor patient’s minority[; and the].

(c) No consent of [no] any other person or persons [(including,], including but not limited to a spouse, parent, custodian, or guardian[)], shall be necessary [in order] to authorize [such] the provision of medical care and services by hospitals [or such], clinics, or [medical care and services provided by a



~~physician licensed to practice medicine or advanced practice registered nurse as defined in section 457-2.7.] licensed health care providers to [such a] the minor.~~

(d) Each licensed health care provider who provides medical care and services to a minor under this section shall ensure that an applicable covered entity has been notified that the information pertaining to the minor-initiated medical care and services shall not be disclosed.

SECTION 3. Section 577A-3, Hawaii Revised Statutes, is amended to read as follows:

**“§577A-3 Providing information.** (a) Public ~~[and] or~~ private hospitals, ~~[or] public [and] or~~ private clinics, or ~~[physicians licensed to practice medicine or advanced practice registered nurses as defined in section 457-2.7] licensed health care providers~~ may, at the discretion of the treating ~~[physician or advanced practice registered nurse.] licensed health care provider~~, inform the spouse, parent, custodian, or guardian of any minor patient of the provision of medical care and services to the minor or disclose any information pertaining to ~~[such] the medical~~ care and services after consulting with the minor patient to whom ~~[such] the~~ medical care and services have been provided under this chapter.

(b) If the minor patient is not diagnosed as being pregnant or ~~[afflicted with [a] venereal disease, such] having a sexually transmitted infection~~, the information as well as the application for diagnosis may be disclosed, at the discretion of the treating ~~[physician or advanced practice registered nurse] licensed health care provider~~, after consulting with the minor patient.”

SECTION 4. Section 577A-4, Hawaii Revised Statutes, is amended to read as follows:

**“§577A-4 Financial responsibility; counseling.** (a) If a minor consents to receive medical care and services, the spouse, parent, custodian, or guardian of the minor patient shall not be liable for the legal obligations resulting from the furnishing of medical care and services provided by the public ~~[and] or~~ private hospital, public ~~[and] or~~ private clinic, or ~~[physician licensed to practice medicine, or advanced practice registered nurse as defined in section 457-2.7.] licensed health care provider~~. A minor who consents to the provision of medical care and services under ~~[this] section 577A-2~~ shall assume financial responsibility for the costs of ~~[such] the~~ medical care and services. Any other law to the contrary notwithstanding, no spouse, parent, custodian, or guardian whose consent has not been obtained or who has no prior knowledge that the minor has consented to the provision of ~~[such] the~~ medical care and services shall be liable for the costs incurred by virtue of the minor’s consent.

(b) Medical care and services shall include individual counseling for each minor patient by a ~~[physician licensed to practice medicine or advanced practice registered nurse as defined in section 457-2.7. Such] licensed health care provider~~. The counseling shall seek to open the lines of communication between parent and child.

(c) A covered entity shall establish policies and procedures to ensure that minor-initiated medical care and services provided under section 577A-2 are not disclosed to the minor’s spouse, parent, custodian, or guardian in accordance with federal regulations, including title 45 Code of Federal Regulations part 164, subpart E. The licensed health care provider may submit a claim to the covered entity for payment for the costs of minor-initiated medical care and services to the minor provided pursuant to section 577A-2.

(d) If a claim for medical care or services obtained under this chapter is submitted to a covered entity under which a minor is enrolled, and the minor does not want the covered entity to disclose information regarding the claim

to a spouse, parent, custodian, or guardian, the minor or licensed health care provider shall so notify the covered entity when the claim is submitted; provided that the licensed health care provider who provided the medical care and services to the minor may notify the covered entity on behalf of the minor. The covered entity may require that the request for confidential communication be made in writing and contain a statement that disclosure of all or part of the information to which the request pertains could harm the minor. The covered entity may accommodate requests by the minor or licensed health care provider to receive communications related to the medical care and services by alternative means or at alternative locations.”

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, 2025.

(Approved June 27, 2024.)

**ACT 92**

H.B. NO. 1686

A Bill for an Act Relating to Insurance.

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

SECTION 1. The legislature finds that Act 251, Session Laws of Hawaii 1997, provided much demanded and much-needed amendments to the motor vehicle insurance law to reduce motor vehicle insurance premiums and preserve adequate protection of the rights of drivers. One provision in Act 251 tied all provider fees to the medicare fee schedule used under the workers' compensation law and established the authorized benefit for chiropractic and acupuncture treatments at thirty visits at no more than \$75 per visit. The legislature notes that Act 124, Session Laws of Hawaii 2017, subsequently required that this authorized benefit for acupuncture treatments be tied to the charges, and any subsequent increases in charges, permissible under the workers' compensation supplemental medical fee schedule. However, the authorized benefit allowed for chiropractic treatments has not been changed. The legislature recognizes that Hawaii has the nation's highest cost of living, yet the fees for chiropractic treatments are the lowest in the nation.

Accordingly, the purpose of this Act is to increase the reimbursement rate for chiropractic treatments for personal injury protection benefits under motor vehicle insurance from \$75 to \$100.

SECTION 2. Section 431:10C-103.6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Chiropractic treatments shall be allowed for not more than the lesser of the following:

- (1) Thirty visits at no more than [~~\$75~~] \$100 a visit, plus no more than five x-rays at no more than \$50 each; or
- (2) Treatment as defined by the Hawaii State Chiropractic Association guidelines in effect on January 25, 1997.”

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

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

(Approved June 27, 2024.)

**ACT 93**

H.B. NO. 1830

A Bill for an Act Relating to Mental Health.

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

**PART I**

SECTION 1. The legislature finds that the State has repeatedly and consistently been recognized by the federal government as a health professional shortage area, meaning the State sorely lacks a sufficient number of mental health professionals, including psychiatrists, psychologists, social workers, marriage and family therapists, and mental health counselors having a focus on marriage and family life, to meet the overwhelming demand for these services in the State. These barriers to access create unnecessarily long wait times for appointments, causing many individuals, especially those individuals living in rural areas, to experience prolonged suffering or choose not to seek any help at all. The result is a domino effect of mass losses in work force development, increased instances of abuse within families, statistically higher rates of substance abuse, and high debt loads.

Currently, associate-level practitioners who have completed rigorous educational and other professional development requirements are deemed capable of rendering professional services to clients seeking mental health treatment under licensed clinical supervision in order to complete the post-degree, pre-license hours required for full licensure status. However, unlike many other professions and trades that have similar requirements, because no laws exist that allow for health insurance reimbursements of their services, almost all of these mental health professionals go unpaid for the life-changing services that they perform for residents of the State.

The inability to be reimbursed by health insurance has caused undue hardships for these mental health professionals and their families as they are essentially forced to work one very difficult and taxing job for free and a second job to meet personal needs. Unfortunately, this model of living is unsustainable and causes many of these practitioners to permanently move from Hawaii to one of the many other states where insurance reimbursements are allowed.

The legislature further finds that there is great demand for high quality mental health professionals in the State, particularly in the aftermath of the coronavirus disease 2019 pandemic. Accordingly, the purpose of this Act is to expand access to high quality mental health services by:

- (1) Establishing provisional or associate-level licensure requirements and insurance reimbursement allowances for marriage and family therapists, mental health counselors, and psychologists in training;
- (2) Authorizing psychologist license applicants who possess a provisional license to sit for their licensing examination before completing certain post-doctoral supervised experience requirements; and
- (3) Authorizing insurance reimbursements for services provided by a supervised social work intern in certain circumstances.

## PART II

SECTION 2. Chapter 451J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§451J- Provisional license for associate marriage and family therapists; services reimbursable.** (a) The department shall grant, upon application and payment of proper fees, provisional licensure as an associate marriage and family therapist to an individual who:

- (1) Has received a master’s or doctoral degree from an accredited educational institution in marriage and family therapy or in an allied field related to the practice of mental health counseling;
- (2) Has completed a one year practicum with three hundred hours of supervised client contact; and
- (3) Engages in marriage and family therapy practice under the clinical supervision of a licensed marriage and family therapist or any licensed mental health professional during the period of time necessary to fulfill the clinical experience requirements for licensure as a marriage and family therapist pursuant to section 451J-7(3); provided that the licensed marriage and family therapist or licensed mental health professional is in good standing with the department.

(b) Each provisional license issued pursuant to this section shall include the name and title of the licensed marriage and family therapist or licensed mental health professional providing clinical supervision of the applicant as described in subsection (a)(3). A licensed associate marriage and family therapist shall practice marriage and family therapy only under the direct supervision of the licensed marriage and family therapist or licensed mental health professional.

(c) A provisional license issued pursuant to this section shall be valid for one year from the date of issuance and may be renewed for an additional one-year period if needed to fulfill the requirements for licensure as a marriage and family therapist pursuant to section 451J-7(3).

(d) Services provided by a supervised licensed associate marriage and family therapist shall be eligible for insurance reimbursement; provided that the supervising licensed marriage and family therapist’s services are eligible for reimbursement as a contracted provider; provided further that the billed rate for the licensed associate marriage and family therapist shall be commensurate with the requisite level of training.”

SECTION 3. Section 451J-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: “Associate marriage and family therapist” or “licensed associate marriage and family therapist” means a person who:

- (1) Has completed all educational requirements under section 451J-(a)(1);
- (2) Has been issued a provisional license under this chapter; and
- (3) Is currently earning supervised clinical experience in marriage and family therapy under clinical supervision.”

2. By amending the definition of “clinical supervision” to read: “Clinical supervision” means the supervision of no more than six persons at the same time who are acquiring and completing clinical experience in accordance with [section] sections 451J-7(2) and (3)[,] and 451J- (a)(3), by a licensed marriage and family therapist whose license has been in good standing in any state for two years preceding commencement and during the term of supervision, or any licensed mental health professional whose license has been in

good standing in any state and who has been a clinical member in good standing of the association for the two years preceding commencement and during the term of supervision. ~~[Clinical supervision]~~ “Clinical supervision” includes but is not limited to case consultation of the assessment and diagnosis of presenting problems, development and implementation of treatment plans, and the evaluation of the course of treatment. ~~[Clinical supervision]~~ “Clinical supervision” may include direct observation by the qualified supervisor of the provision of marriage and family therapy services.”

3. By deleting the definition of “marriage and family therapy intern”.

~~[“Marriage and family therapy intern” means a person who has completed all educational requirements stipulated in section 451J-7(1)(A) and who is currently earning supervised clinical experience in marriage and family therapy under clinical supervision.”]~~

SECTION 4. Section 451J-3, Hawaii Revised Statutes, is amended to read as follows:

**“§451J-3 Powers and duties of the director.** In addition to any other powers and duties authorized by law, the director may:

- (1) Examine and approve the qualifications of all applicants under this chapter, and issue a license to each successful applicant granting permission to use the title of marriage and family therapist ~~[or]~~, licensed marriage and family therapist, associate marriage and family therapist, or licensed associate marriage and family therapist in this State pursuant to this chapter and the rules adopted under this chapter;
- (2) Adopt, amend, or repeal rules pursuant to chapter 91;
- (3) Administer, coordinate, and enforce this chapter and rules;
- (4) Discipline a person licensed as a marriage and family therapist or an associate marriage and family therapist for any cause described by this chapter, or for any violation of rules, or refuse to license a person for failure to meet licensing requirements or for any cause that would be grounds for disciplining a licensed marriage and family therapist~~;~~ or licensed associate marriage and family therapist; and
- (5) Appoint an advisory committee of licensed marriage and family therapists and members of the public to assist with the implementation of this chapter and the rules; except that the initial members of the committee who are marriage and family therapists shall not be required to be licensed pursuant to this chapter.”

SECTION 5. Section 451J-5, Hawaii Revised Statutes, is amended to read as follows:

**“§451J-5 Prohibited acts.** Except as specifically provided elsewhere in this chapter, no person shall use the title marriage and family therapist ~~[or]~~, licensed marriage and family therapist, associate marriage and family therapist, or licensed associate marriage and family therapist without first having secured a license under this chapter. The department shall investigate and prosecute any individual using the title of marriage and family therapist ~~[or]~~, licensed marriage and family therapist, associate marriage and family therapist, or licensed associate marriage and family therapist without being properly licensed as a marriage and family therapist~~[-]~~ or an associate marriage and family therapist. Any person who violates this section shall be subject to a fine of ~~[not]~~ no more than \$1,000 per violation. Each day’s violation shall be deemed a separate offense. Any action taken to impose or collect the fine imposed under this section shall be a civil action.”

SECTION 6. Section 451J-6, Hawaii Revised Statutes, is amended to read as follows:

**§451J-6 Exemptions.** (a) Licensure shall not be required of:

- (1) A person doing work within the scope of practice or duties of the person's profession that overlaps with the practice of marriage and family therapy; provided that the person does not purport to be a marriage and family therapist ~~[or]~~, a licensed marriage and family therapist~~[-]~~, an associate marriage and family therapist, or a licensed associate marriage and family therapist; or
- (2) Any student enrolled in an accredited educational institution in a recognized program of study leading toward attainment of a graduate degree in marriage and family therapy or other professional field; provided that the student's activities and services are part of a prescribed course of study supervised by the educational institution and the student is identified by an appropriate title, including but not limited to "marriage and family therapy student or trainee", "clinical psychology student or trainee", "clinical social work student or trainee", or any title ~~[which]~~ that clearly indicates training status~~[-or]~~
- (3) ~~Any individual who uses the title marriage and family therapy intern for the purpose of obtaining clinical experience in accordance with section 451J-7(3)].~~

(b) Nothing in this chapter shall be construed to prevent qualified members of other licensed professions as defined by any law, rule, or the department, including but not limited to social workers, psychologists, registered nurses, or physicians, from doing or advertising that they assist or treat individuals, couples, or families consistent with the accepted standards of their respective licensed professions; provided that no person, unless the person is licensed as a marriage and family therapist~~[-]~~ or an associate marriage and family therapist, shall use the title of marriage and family therapist ~~[or]~~, licensed marriage and family therapist~~[-]~~, associate marriage and family therapist, or licensed associate marriage and family therapist."

SECTION 7. Section 451J-9, Hawaii Revised Statutes, is amended to read as follows:

**[[§451J-9]] Licensure fees.** ~~[Licenses]~~ Except as otherwise provided in section 451J-, licenses shall be valid for three years and shall be renewed triennially. Any applicant for renewal of a license that has expired within one year of the renewal deadline shall be required to pay a restoration fee in addition to all renewal fees."

SECTION 8. Section 451J-10, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

**“(a) [Licenses]** Except as otherwise provided in section 451J-, licenses shall be renewed triennially on or before December 31, with the first renewal deadline occurring on December 31, 2001. Failure to renew a license shall result in a forfeiture of the license. Licenses that have been forfeited may be restored within one year of the expiration date upon payment of renewal and restoration fees, and in the case of marriage and family therapists or licensed marriage and family therapists audited pursuant to subsection (f), documentation of continuing education compliance. Failure to restore a forfeited license within one year of the date of its expiration shall result in the automatic termination of the license. Persons with terminated licenses shall be required to reapply for licensure as a new applicant.”

SECTION 9. Section 451J-12, Hawaii Revised Statutes, is amended to read as follows:

**“[§451J-12] Confidentiality and privileged communications.** No person licensed as a marriage and family therapist[;] or an associate marriage and family therapist, nor any of the person’s employees or associates, shall be required to disclose any information that the person may have acquired in rendering marriage and family therapy services except in the following circumstances:

- (1) As required by law;
- (2) To prevent a clear and immediate danger to a person or persons;
- (3) In the course of a civil, criminal, or disciplinary action arising from the therapy where the therapist is a defendant;
- (4) In a criminal proceeding where the client is a defendant and the use of the privilege would violate the defendant’s right to a compulsory process of the right to present testimony and witnesses in the defendant’s own behalf;
- (5) In accordance with the terms of a client’s previously written waiver of the privilege; or
- (6) Where more than one person in a family jointly receives therapy and each family member who is legally competent executes a written waiver; in that instance, a marriage and family therapist or an associate marriage and family therapist may disclose information received from any family member in accordance with the terms of the person’s waiver.”

SECTION 10. Section 451J-13, Hawaii Revised Statutes, is amended to read as follows:

**“[§451J-13] Therapist prohibited from testifying in alimony and divorce actions.** If both parties to a marriage have obtained marriage and family therapy by a licensed marriage and family therapist[;] or licensed associate marriage and family therapist, the therapist shall be prohibited from testifying in an alimony or divorce action concerning information acquired in the course of therapy. This section shall not apply to custody actions whether or not part of a divorce proceeding.”

### PART III

SECTION 11. Chapter 453D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§453D- Provisional license for associate mental health counselors; services reimbursable.** (a) The department shall grant, upon application and payment of proper fees, provisional licensure as an associate mental health counselor to an individual who:

- (1) Has received a master’s or doctoral degree from an accredited educational institution in counseling or in an allied field related to the practice of mental health counseling that includes, or is supplemented by, at least two academic terms of supervised mental health practicum intern experience for graduate credit of at least six semester hours or ten quarter hours in a mental health counseling setting, with a total of three hundred hours of supervised client contact. The practicum experience shall be completed under the clinical supervision of a licensed clinical supervisor; and
- (2) Engages in the practice of mental health counseling under the clinical supervision of a licensed clinical supervisor during the period of time necessary to fulfill the requirements for licensure as a mental

health counselor pursuant to section 453D-7(a)(2); provided that the licensed clinical supervisor is in good standing with the department.

(b) Each provisional license issued pursuant to this section shall include the name and title of the licensed clinical supervisor providing clinical supervision of the applicant as described in subsection (a)(2). A licensed associate mental health counselor shall practice mental health counseling only under the direct supervision of the licensed clinical supervisor.

(c) A provisional license issued pursuant to this section shall be valid for one year from the date of issuance and may be renewed for an additional one-year period if needed to fulfill the requirements for licensure as a mental health counselor pursuant to section 453D-7(a)(2).

(d) Services provided by a supervised licensed associate mental health counselor shall be eligible for insurance reimbursement; provided that the supervising licensed clinical supervisor's services are eligible for reimbursement as a contracted provider; provided further that the billed rate for the licensed associate mental health counselor is commensurate with the requisite level of training.

(e) For the purposes of this section, "clinical supervisor" means a person who provides clinical supervision and who is licensed as a mental health counselor, psychologist, clinical social worker, advanced practice registered nurse with a specialty in mental health, marriage and family therapist, or physician with a specialty in psychiatry."

SECTION 12. Section 453D-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: "Associate mental health counselor" or "licensed associate mental health counselor" means a person who:

- (1) Has completed all education requirements under section 453D-(a)(1);
- (2) Has been issued a provisional license under this chapter; and
- (3) Is currently earning supervised clinical experience in mental health counseling under clinical supervision."

2. By amending the definition of "clinical supervision" to read: "Clinical supervision" means supervision applied to all individuals who are gaining the experience required for a license as a mental health counselor[-] or an associate mental health counselor. "Clinical supervision" includes but is not limited to:

- (1) Case consultation on the assessment and presenting problem;
- (2) Development and implementation of treatment plans;
- (3) Enhancement of the supervisee's counseling techniques and treatment evaluation skills; and
- (4) Evaluation of the course of treatment."

SECTION 13. Section 453D-3, Hawaii Revised Statutes, is amended to read as follows:

**§453D-3 Powers and duties of the director.** In addition to any other powers and duties authorized by law, the director shall have the powers and duties to:

- (1) Grant permission to a person to use the title of "licensed mental health counselor" or "licensed associate mental health counselor" or a description indicating one is a licensed mental health counselor or licensed associate mental health counselor in this State pursuant to this chapter and the rules adopted pursuant thereto;



- (2) Adopt, amend, or repeal rules pursuant to chapter 91 as the director finds necessary to carry out this chapter;
- (3) Administer, coordinate, and enforce this chapter;
- (4) Discipline a licensed mental health counselor or licensed associate mental health counselor for any due cause described by this chapter or violation of the rules;
- (5) Refuse to license a person for failure to meet licensing requirements or on grounds sufficient to discipline a licensed mental health counselor[;] or licensed associate mental health counselor; and
- (6) Appoint an advisory committee consisting of licensed mental health counselors and members of the public to assist with the implementation of this chapter and adopted rules; provided that the initial members of the committee who are mental health counselors shall not be required to be licensed pursuant to this chapter.”

SECTION 14. Section 453D-5, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~**§453D-5** **Prohibited acts.** Except as specifically provided in this chapter, no person shall engage in the practice of mental health counseling or use the title of “licensed mental health counselor” ~~or~~, “mental health counselor”, “licensed associate mental health counselor”, or “associate mental health counselor” without a valid license issued under this chapter. Any person who violates this section shall be subject to a fine of ~~not~~ no more than \$1,000 for each separate offense. Each day of each violation shall constitute a separate offense. Any action taken to impose or collect the fine imposed under this section shall be a civil action.”

SECTION 15. Section 453D-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

- “(a) This chapter shall not apply to:
- (1) A person doing work within the duties of the person’s profession that overlaps with the practice of mental health counseling; provided that ~~no such~~ the person shall not use a title stating or implying that the person is a “licensed mental health counselor” ~~or~~, “mental health counselor”, “licensed associate mental health counselor”, or an “associate mental health counselor” or describe or refer to the person’s services as mental health counseling;
  - (2) Any person who is a duly recognized member of the clergy; provided that the person functions only within the person’s capacity as a member of the clergy; ~~and~~ provided further that the person does not represent the person to be a “licensed mental health counselor” ~~or~~, “mental health counselor”, “licensed associate mental health counselor”, or an “associate mental health counselor” or describe or refer to the person’s services as mental health counseling;
  - (3) Any student enrolled in an accredited educational institution in a recognized program of study leading towards attainment of a graduate degree in mental health counseling or other professional field; provided that the student’s activities and services are part of a prescribed course of study supervised by the accredited educational institution and the student is identified by an appropriate title, including but not limited to “mental health counseling student” or “trainee”, “clinical psychology student” or “trainee”, “social work student” or “trainee”, “marriage and family counseling student” or “trainee”, or any title that clearly indicates training status;

- [4) ~~Any individual who uses the title of “mental health counselor intern” for the purpose of obtaining clinical experience in accordance with section 453D-7(a)(2);~~
- (5) (4) Any person employed by a federal, state, or county government agency in a counseling position, but only at those times when the employee is carrying out the duties and responsibilities as a counselor in governmental employment; or
- [6) (5) Any person who is obtaining supervised clinical experience for licensure as a psychologist, social worker, marriage and family therapist, or as another licensed professional; provided that the person’s title indicates a trainee or intern status; and provided further that the person does not purport to be a “licensed mental health counselor” [or], “mental health counselor”[-], “licensed associate mental health counselor”, or an “associate mental health counselor”.”

SECTION 16. Section 453D-10, Hawaii Revised Statutes, is amended to read as follows:

**“~~§453D-10~~ Licensure; fees.** A license shall be issued to a person deemed to be qualified under ~~[section]~~ sections 453D- or 453D-7 upon the payment of a license fee to be determined by the department and shall be valid for three years~~[-];~~ provided that provisional licenses shall be valid for one year.”

SECTION 17. Section 453D-11, Hawaii Revised Statutes, is amended to read as follows:

**“~~§453D-11~~ Renewal of license; fees.** ~~[Licenses]~~ Except as otherwise provided in section 453D- , licenses shall be renewed, upon the payment of a renewal fee, triennially not earlier than ninety days before June 30, with the first renewal deadline occurring on June 30, 2008. Failure to renew a license shall result in a forfeiture of the license. Licenses that have been forfeited may be restored within one year of the expiration date upon payment of renewal and restoration fees. Failure to restore a forfeited license within one year of the date of its expiration shall result in the automatic termination of the license and the person may be required to reapply for licensure as a new applicant. All renewal and restoration fees shall be determined by the department.”

SECTION 18. Section 453D-13, Hawaii Revised Statutes, is amended to read as follows:

**“~~§453D-13~~ Confidentiality and privileged communications.** No person licensed as a mental health counselor~~[-]~~ or an associate mental health counselor, nor any of the person’s employees or associates, shall be required to disclose any information that the person may have acquired in rendering mental health counseling services, except in the following circumstances:

- (1) As required by law;
- (2) To prevent a clear and imminent danger to a person or persons;
- (3) In accordance with the terms of a previously written waiver of the privilege where the waiver is executed by the client or by the client’s legally recognized representative;
- (4) Where more than one person jointly receives counseling and each person who is legally competent executes a written waiver. In that instance, ~~[a mental health counselor]~~ information may ~~[disclose information]~~ be disclosed from any person in accordance with that person’s waiver; or
- (5) In the course of a disciplinary action or pursuant to a duly authorized subpoena issued by the department.”

SECTION 19. Section 453D-14, Hawaii Revised Statutes, is amended to read as follows:

**“~~§453D-14~~ Mental health counselor or associate mental health counselor prohibited from testifying in alimony and divorce actions.** If both parties to a marriage have obtained mental health counseling from a licensed mental health counselor~~[,]~~ or licensed associate mental health counselor, the counselor shall be prohibited from testifying in an alimony or divorce action concerning information acquired in the course of mental health counseling. This section shall not apply to custody actions whether or not part of a divorce proceeding.”

#### PART IV

SECTION 20. Chapter 465, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§465- Provisional license for associate psychologists; services reimbursable.** (a) The board shall grant, upon application and payment of proper fees, provisional licensure as an associate psychologist to an individual who:

- (1) Possesses a doctoral degree from:
  - (A) An American Psychological Association approved program in clinical psychology, counseling psychology, school psychology, or programs offering combinations of two or more of these areas; or
  - (B) A professional psychology training program, awarded by an institution of higher education, or from a regionally accredited institution; and
- (2) Is engaging in post-doctoral supervised experience in health service in psychology pursuant to an organized health service training program approved by the board.

(b) Each provisional license issued pursuant to this section shall include the name and title of the supervising psychologist or psychologists in the training program described in subsection (a)(2). An associate psychologist shall practice psychology only under the direct supervision of the supervising psychologist; provided that:

- (1) The supervising psychologist holds a current, active, and unencumbered license with the board; and
  - (2) The supervising psychologist shall notify the board within ten days of the termination or completion of the supervision.
- (c) A provisional license issued pursuant to this section shall be valid for one year to fulfill the requirements for full licensure as a psychologist under section 465-7.

(d) Services provided by a supervised associate psychologist shall be eligible for insurance reimbursement; provided that the supervising psychologist's services are eligible for reimbursement as a contracted provider; provided further that the billed rate for the associate psychologist is commensurate with the requisite level of training.”

SECTION 21. Section 465-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

**““Associate psychologist” means a person who:**

- (1) Has completed all educational requirements under section 465-(a)(1);
- (2) Has been issued a provisional license under this chapter; and

- (3) Is currently engaging in post-doctoral supervised experience in health service in psychology pursuant to an organized health service training program approved by the board.”

SECTION 22. Section 465-2, Hawaii Revised Statutes, is amended to read as follows:

“**§465-2 License required.** Except as otherwise provided in this chapter, it shall be unlawful to represent one’s self as a psychologist or an associate psychologist or engage in the practice of psychology without having first obtained a license as provided in this chapter.”

SECTION 23. Section 465-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) This chapter shall not apply to:

- (1) Any person teaching, lecturing, consulting, or engaging in research in psychology insofar as the activities are performed as part of or are dependent upon employment in a college or university; provided that the person shall not engage in the practice of psychology outside the responsibilities of the person’s employment;
- (2) Any person, except an associate psychologist granted provisional licensure pursuant to section 465-, who performs any, or any combination, of the professional services defined as the practice of psychology under the direction of a licensed psychologist in accordance with rules adopted by the board; provided that the person may use the term “psychological assistant”, but shall not identify the person’s self as a psychologist or an associate psychologist or imply that the person is licensed to practice psychology;
- (3) Any person employed by a local, state, or federal government agency in a school psychologist or psychological examiner position, or a position that does not involve diagnostic or treatment services, but only at those times when that person is carrying out the functions of ~~such~~ the government employment;
- (4) Any person who is a student of psychology~~[- a psychological intern, or a resident in psychology preparing for the profession of psychology under supervision in a training institution or facility and who is designated by a title as “psychology trainee”, “psychology student”, “psychology intern”, or “psychology resident”, that indicates the person’s training status;]~~ or enrolled in a professional psychology training program as defined under this chapter; provided that the person shall not identify the person’s self as a psychologist or an associate psychologist or imply that the person is licensed to practice psychology;
- (5) Any person who is a member of another profession licensed under the laws of this jurisdiction to render or advertise services, including psychotherapy, within the scope of practice as defined in the statutes or rules regulating the person’s professional practice; provided that, notwithstanding section 465-1, the person ~~[does]~~ shall not represent the person’s self to be a psychologist ~~[or does not represent that the person is]~~, an associate psychologist, or an individual licensed to practice psychology;
- (6) Any person who is a member of a mental health profession not requiring licensure; provided that the person functions only within the person’s professional capacities; ~~[and]~~ provided further that the

- person ~~[does]~~ shall not represent the person to be a psychologist~~;~~ or an associate psychologist or the person's services as psychological;
- (7) Any person who is a duly recognized member of the clergy; provided that the person functions only within the person's capacities as a member of the clergy; ~~[and]~~ provided further that the person ~~[does]~~ shall not represent the person to be a psychologist~~;~~ or an associate psychologist or the person's services as psychological; or
- (8) Any psychologist employed by the United States Department of Defense, while engaged in the discharge of the psychologist's official duty and providing direct telehealth support or services, as defined in section 431:10A-116.3, to neighbor island beneficiaries within a Hawaii National Guard armory on the island of Kauai, Hawaii, Molokai, or Maui; provided that the psychologist employed by the United States Department of Defense ~~[is]~~ shall be credentialed by Tripler Army Medical Center~~;~~ or
- (9) ~~Any supervisee of a licensed psychologist as defined in section 465D-7.~~"

SECTION 24. Section 465-3.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Notwithstanding other provisions in this chapter, the director of health may certify that there is an absence or shortage of licensed psychologists or associate psychologists for government employment in a particular locality. Upon receiving certification of the absence or shortage, the board shall authorize the director to hire and retain persons currently in government employment to fill the absence or shortage; provided that persons hired or retained have been duly licensed as a psychologist by written examination under the laws of another state or territory of the United States prior to 1977."

SECTION 25. Section 465-6, Hawaii Revised Statutes, is amended to read as follows:

**§465-6 Powers and duties.** In addition to any other powers and duties authorized by law, the board shall:

- (1) Examine the qualifications of applicants for licensing under this chapter to determine their eligibility for licensing as psychologists~~;~~ or associate psychologists;
- (2) Administer and grade examinations for applicants as may be required for the purposes of this chapter. The board shall determine the examinations and the score that shall be deemed a passing score. Examinations shall be scheduled at least once annually;
- (3) Keep a record of action taken on all applicants for licensing; the names of all persons licensed; petitions for temporary permits; actions involving suspension, revocation, or denial of licenses; decisions on waiver of examination in whole or in part and receipt and disbursement of any moneys; and
- (4) Adopt, amend, and repeal pursuant to chapter 91, rules as it deems proper for the purposes of this chapter."

SECTION 26. Section 465-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Every applicant for a license as a psychologist shall submit evidence satisfactory to the board that the applicant meets the following requirements:

- (1) The applicant for licensure shall possess a doctoral degree from:

- (A) An American Psychological Association approved program in clinical psychology, counseling psychology, school psychology, or programs offering combinations of two or more of these areas; or
- (B) A professional psychology training program, awarded by an institution of higher education, or from a regionally accredited institution;
- (2) The applicant for licensure shall demonstrate that the applicant has completed one year of post doctoral supervised experience in health service in psychology, and:
  - (A) An internship approved by the American Psychological Association; or
  - (B) One year of supervised experience in health service in psychology, in an internship or residency program in an organized health service training program; and
- (3) The applicant for licensure has passed an examination as may be prescribed by the board[-]; provided that applicants issued an associate psychologist provisional license pursuant to section 465- shall be authorized to take the examination upon the issuance of the license; provided further that the authorization to take the examination shall terminate on the date the provisional license expires or if disciplinary action is taken on the license.

SECTION 27. Section 465-7.6, Hawaii Revised Statutes, is amended to read as follows:

**“§465-7.6 Licensure of state employed clinical psychologists.** (a) A psychologist employed in a civil service clinical psychologist position in this State after January 1, 1988, shall be licensed subject to:

- (1) Meeting the requirements of section 465-7; and
- (2) Obtaining licensure within two years from the date of employment[-]; provided that if the psychologist is not able to obtain licensure pursuant to subsection (a)(2), the board may grant a waiver of up to one year to complete the requirements for licensure if the psychologist can demonstrate that the inability to meet the requirements for licensure was caused by circumstances beyond the psychologist's control.

(b) [After] Absent a waiver obtained pursuant to subsection (a), or upon the expiration of the time period in subsection (a)(2) [has expired], a psychologist, employed in a civil service clinical psychologist position rendering diagnostic or treatment services, who has not obtained a license, shall immediately cease and desist the practice of psychology until a license is obtained pursuant to this chapter.”

SECTION 28. Section 465-8, Hawaii Revised Statutes, is amended to read as follows:

**“§465-8 Licenses, issuance, display.** Upon the board forwarding to the director the name of each applicant who is entitled to a license under this chapter and upon receipt of the prescribed fee, the director shall promptly issue to each applicant a license authorizing the applicant to engage in the practice of psychology for a period of two years. The license shall be in the form as the director shall determine. A licensed psychologist or an associate psychologist shall display the license in a conspicuous place in the psychologist's or associate psychologist's principal place of business[-]; provided that a provisional license shall include the name and title of the supervising psychologist or psychologists.”

SECTION 29. Section 465-11, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) First-time licensees and associate psychologists licensed pursuant to section 465- shall not be subject to the continuing education requirement established under subsection (c)(2) for the first license renewal.”

SECTION 30. Section 465-15, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No person shall:

- (1) Use in connection with the person’s name any designation tending to imply that the person is a licensed psychologist or licensed associate psychologist unless the person is duly licensed and authorized under this chapter;
- (2) Represent oneself as a licensed psychologist or licensed associate psychologist during the time the person’s license issued under this chapter is suspended or revoked;
- (3) Advertise or make a representation, either publicly or privately, as being a psychologist[;] or an associate psychologist, licensed or otherwise, or as being able to perform professional services described in section 465-1, except as otherwise provided in this chapter, without having a valid unrevoked license or temporary permit issued by the director; or
- (4) Otherwise violate this chapter.”

## PART V

SECTION 31. Section 467E-6, Hawaii Revised Statutes, is amended to read as follows:

“**§467E-6 Exemptions.** Licensure shall not be required of:

- (1) Any licensed person doing work within the scope of practice or duties of the person’s profession that overlaps with the practice of social work; provided that the person does not purport to be a social worker;
- (2) Any person employed by a federal, state, or county government agency in a social worker position, but only at those times when that person is carrying out the duties and responsibilities as a social worker in governmental employment;
- (3) Any student enrolled in an accredited educational institution in a recognized program of study leading toward attainment of a degree in social work; provided that the student’s activities and services are part of a prescribed course of study supervised by the educational institution, and the student is identified by an appropriate title such as “social work student”, “social work intern”, or any other title which clearly indicates the student’s training status;
- (4) Any person who is a member of a mental health profession not requiring licensure; provided that the person functions only within the person’s professional capacities; and provided further that the person does not purport to be a social worker;
- (5) Any person teaching, lecturing, consulting, or engaging in research in social work insofar as the activities are performed as part of or are dependent upon employment in a college or university; provided that the person shall not engage in the practice of social work outside the responsibilities of the person’s employment;

- (6) Any person who is a duly recognized member of the clergy; provided that the person functions only within the person's capacities as a member of the clergy; and provided further that the person does not purport to be a social worker;
- (7) Any person who is obtaining supervised clinical experience for licensure as a psychologist, marriage and family therapist, or as another licensed professional; provided that the person's title indicates a trainee status; and provided further that the person does not purport to be a social worker; and
- (8) Any person in the process of obtaining three thousand hours of post masters clinical social work experience under the supervision of a licensed clinical social worker or individual identified in section [467E-7(3)(C)(ii)] 467E-7(a)(3)(C)(ii) in order to qualify for a license as a licensed clinical social worker; and provided that the person calls oneself a clinical social work intern and is supervised while performing clinical diagnosis and psychotherapy."

SECTION 32. Section 467E-7, Hawaii Revised Statutes, is amended to read as follows:

**"§467E-7 Licensing requirements[-]; services reimbursable. (a)** Every applicant for a license as a social worker shall submit evidence satisfactory to the director that the applicant meets the following requirements:

- (1) For the licensed bachelor social worker, the applicant:
  - (A) Holds a bachelor's degree from a college or university in a social work program accredited by or deemed to be equivalent to a program accredited by the Council on Social Work Education; and
  - (B) Has passed the basic level national examination given by the Association of Social Work Boards;
- (2) For the licensed social worker, the applicant:
  - (A) Holds a master's degree from a college or university in a social work program accredited by or deemed to be equivalent to an accredited program by the Council on Social Work Education or a doctoral degree from a doctoral degree program in social work accredited by the Western Association of Schools and Colleges or a comparable regional accreditation body; and
  - (B) Has passed the intermediate or higher level national examination given by the Association of Social Work Boards; and
- (3) For the licensed clinical social worker, the applicant:
  - (A) Has met the educational requirements in paragraph (2);
  - (B) Has passed the clinical level national examination given by the Association of Social Work Boards;
  - (C) Has provided evidence of successful completion of at least three thousand hours of post masters clinical social work experience under supervision completed within no fewer than two years, but within no more than five years. Clinical social work experience shall include a minimum of two thousand hours of assessment, clinical diagnosis, and psychotherapy; no more than a maximum of nine hundred hours of client-centered advocacy, consultation, and evaluation; and at least one hundred hours of supervision as follows:
    - (i) At least sixty of the one hundred hours of direct face-to-face supervision shall have been individualized supervision; and



- (ii) Not more than forty hours of direct face-to-face supervision may have been under small group (up to six supervisees) supervision.  
An applicant who submits evidence of certification as a qualified clinical social worker or diplomate in clinical social work by the National Association of Social Workers or as a board certified diplomate by the American Board of Examiners shall be deemed to have satisfied the experience requirements of this subparagraph;
- (D) For the purposes of subparagraph (C), shall have had clinical supervision as follows:
  - (i) The supervisor shall have been a licensed clinical social worker with at least four thousand five hundred hours of post masters clinical social work experience;
  - (ii) For the first five years after July 1, 2004, the following individuals shall be deemed to have satisfied the requirements of a supervisor: a person with a master's degree in social work with at least four thousand five hundred hours post masters clinical social work experience; an individual who holds a diplomate in clinical social work or a board certified diplomate certification; or a board certified psychiatrist, psychologist, advanced practice registered nurse who has a minimum of four thousand five hundred hours of post masters clinical experience in assessment, clinical diagnosis, and psychotherapy; and
  - (iii) Supervision shall have included review of assessment, clinical diagnosis, and psychotherapy; and
- (E) In collaboration with the supervisor, may elect to fulfill some or all of the supervision requirements set forth in subparagraph (C) through face-to-face supervision that is conducted electronically through a video conference service that is compliant with all federal and state privacy, security, and confidentiality laws, including the Health Insurance Portability and Accountability Act of 1996. Prior to making ~~such an~~ the election, it is incumbent upon the applicant to review the laws and rules of other jurisdictions to determine the impact, if any, that electronic supervision may have on license by endorsement in other states.

(b) Services provided by a supervised social work intern obtaining post masters clinical social work experience under the supervision of a licensed clinical social worker or individual identified in subsection (a)(3)(D) to qualify for a license as a licensed clinical social worker shall be eligible for insurance reimbursement; provided that the supervising licensed clinical social worker's services are eligible for reimbursement as a contracted provider; provided further that the billed rate for the social work intern is commensurate with the requisite level of training."

SECTION 33. Section 571-46.4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(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;
- (2) Physician under chapter 453 and is a board certified psychiatrist or has completed a residency in psychiatry;
- (3) Psychologist under chapter 465; or
- (4) Clinical social worker under section [~~467E-7(3).~~ 467E-7(a)(3).”

## PART VI

SECTION 34. There is appropriated out of the compliance resolution fund the sum of \$148,406 or so much thereof as may be necessary for fiscal year 2024-2025 as follows:

- (1) \$73,406 to establish, recruit, and hire one full-time equivalent (1.0 FTE) office assistant V position to process new license applications established by this Act; and
- (2) \$75,000 to make appropriate updates to the professional and vocational licensing division’s internal databases to create new license types established by this Act and associated requirements.

The sum appropriated shall be expended by the department of commerce and consumer affairs for the purposes of this Act.

SECTION 35. Fees assessed pursuant to the new categories of provisional or associate-level licenses established by parts II, III, and IV of this Act shall be used to defray costs incurred by the department of commerce and consumer affairs to support the operations of the marriage and family therapist licensing program and mental health counselors licensing program and the regulation of psychologists by the board of psychology. Fees collected shall be managed in accordance with section 26-9(I), Hawaii Revised Statutes.

## PART VII

SECTION 36. 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 37. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 38. This Act shall take effect on July 1, 2024; provided that:

- (1) Any provision in this Act authorizing insurance reimbursement for services provided to medicaid enrollees shall be subject to approval by the Centers for Medicare and Medicaid Services; and
- (2) Parts II, III, IV, and V shall take effect on July 1, 2026.

(Approved June 27, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 94

H.B. NO. 1944

A Bill for an Act Relating to Workers' Compensation.

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

SECTION 1. The purpose of this Act is to expedite the diagnosis of, and streamline medical treatment for, serious injuries to the cervical or lumbar spine that could result in paralysis for injuries sustained by an employee while working.

SECTION 2. Chapter 386, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§386- Cervical and lumbar spinal injuries; treatment plan not required.** During the first sixty days after an injury, an employee may obtain the following medical care or services without a treatment plan:

- (1) One magnetic resonance imaging of the cervical spine if the employee's attending physician determines that:
  - (A) The employee has objective indicia of radicular symptoms and the radicular symptoms reasonably could be caused by injury to the cervical spine; or
  - (B) The employee has objective traumatic injury or other neurologic symptoms to the cervical spine shown by an x-ray or computed tomography scan;
- (2) One magnetic resonance imaging of the lumbar spine if the employee's attending physician determines that:
  - (A) The employee has objective indicia of radicular symptoms and the radicular symptoms reasonably could be caused by injury to the lumbar spine; or
  - (B) The employee has objective traumatic injury or other neurologic symptoms to the lumbar spine shown by an x-ray or computed tomography scan; and
- (3) One consultation with an orthopedic or neurologic specialist if the employee's attending physician reasonably determines that the opinion or advice of an orthopedic or neurologic specialist should be obtained for the evaluation and treatment of the employee's injury; provided that:
  - (A) The orthopedic or neurologic specialist shall provide written notice of the consultation to the employer within seven days of the consultation; and
  - (B) The orthopedic or neurologic specialist shall provide a written report to the employer within fourteen days of the consultation.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved June 27, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Nurses.

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

SECTION 1. Chapter 457, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§457- Temporary permit. (a) The board may issue a temporary permit to a practical nurse or registered nurse licensed in another jurisdiction who:

- (1) Completes an application on a form prescribed by the board;
- (2) Pays all applicable fees to the board as prescribed by administrative rules;
- (3) Provides proof of a valid and unencumbered license in another state, territory, or country by way of a license verification from the other state, territory, or country, or Nursys license verification report as prescribed by administrative rules; and
- (4) The board has determined that no disciplinary action has been taken or is pending with a nursing authority.

(b) The board may issue a temporary permit to a nurse who currently holds a multistate license issued by another state, territory, or country; provided that the individual:

- (1) Completes an application on a form prescribed by the board;
- (2) Pays all applicable fees to the board as prescribed by administrative rules;
- (3) Provides proof of a valid and unencumbered multistate license in another state, territory, or country by way of a Nursys license verification report as prescribed by administrative rules. For purposes of this subsection, a “multistate license” means a license to practice as a licensed practical nurse or registered nurse issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege; and
- (4) The board has determined that no disciplinary action has been taken or is pending with a nursing authority.

(c) A temporary permit shall be issued only to an applicant who has been appointed or accepted employment with a single health care entity in the State listed in section 321-11(10).

(d) A temporary permit shall be issued within ten business days of the date the completed application is received by the board and shall be valid for a period of no longer than six months from the date of issuance.

(e) Beginning July 1, 2025, notwithstanding sections 457-7 and 457-8, an out-of-state registered nurse or licensed practical nurse may apply for a temporary permit based on the requirements of subsections (a) or (b), simultaneously with an application for a license to practice as a registered nurse or licensed practical nurse in the State. Any out-of-state registered nurse or licensed practical nurse applying simultaneously for a temporary permit and license to practice shall be required to submit only one application with a single, non-refundable fee as prescribed by the board. A temporary permit pursuant to this subsection shall be issued within ten business days of the date the completed application is received by the board; provided that all criteria in subsections (a) or (b), and (c) have been met; provided further that the temporary permit issued pursuant to this subsection shall be valid until the time the board approves the individual’s application for a license to practice as a registered nurse or licensed practical nurse but no longer than one year.”

SECTION 2. Section 457-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Licenses shall be granted either by:

- (1) Examination: The applicant shall be required to pass a written examination in nursing subjects as determined by the board. Upon the applicant’s passage of the examination and compliance with the applicable requirements of this chapter and the rules of the board, the board shall issue to the applicant a license to practice nursing as a registered nurse; or
- (2) Endorsement: The board may issue a license to practice nursing as a registered nurse by endorsement to an applicant who has been licensed as a registered nurse under the laws of another state, territory, or foreign country if the applicant has an unencumbered license and, in the opinion of the board, the applicant meets the qualifications required of registered nurses in this State at the time of graduation. ~~[Pending verification of a valid, unencumbered license from another state, territory, or foreign country, a temporary permit may be issued for employment with a Hawaii employer.]”~~

SECTION 3. Section 457-8, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Licenses shall be granted either by:

- (1) Examination: The applicant shall be required to pass a written examination in nursing subjects as determined by the board. Upon the applicant’s passage of the examination and compliance with the applicable requirements of this chapter and the rules of the board, the board shall issue to the applicant a license to practice nursing as a licensed practical nurse; or
- (2) Endorsement: The board may issue a license to practice nursing as a licensed practical nurse by endorsement to any applicant who has been licensed as a licensed practical nurse, or a person entitled to perform similar services under a different title, under the laws of another state, territory, or foreign country if the applicant has an unencumbered license and, in the opinion of the board, the applicant meets the requirements for licensed practical nurses in this State at the time of graduation. ~~[Pending verification of a valid, unencumbered license from another state, territory, or foreign country, a temporary permit may be issued for employment with a Hawaii employer.]”~~

SECTION 4. Section 457-13, Hawaii Revised Statutes, is amended to read as follows:

“~~§457-13~~ **Exceptions.** This chapter does not prohibit:

- (1) The furnishing of nursing assistance in an emergency;
- (2) The practice of nursing 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; 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) ~~(3)~~ 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)~~ (4) 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 the nursing described in this paragraph claims to practice as a registered nurse or a licensed practical nurse; ~~[or]~~
- ~~(6)~~ ~~(5)~~ The administration of oral and topical medication and in emergency situations, other premeasured medication, by school health assistants as provided in section 302A-853[-]; or
- (6) The practice of nursing by a nurse licensed in another state, territory, or country who is accompanying a patient or patients from out of state for less than two weeks and who is not employed by or affiliated with a health care entity in the State."

SECTION 5. The department of commerce and consumer affairs may adopt interim rules to establish fees for the administration of this Act. All fees collected shall be deposited into the credit of the compliance resolution fund established pursuant to section 26-9(o), Hawaii Revised Statutes. Fees assessed shall be used to carry out the purposes of this Act without regard to chapters 91 or 201M, Hawaii Revised Statutes; provided that:

- (1) The department shall hold at least one public hearing prior to the adoption of interim rules; and
- (2) The interim rules shall be effective for no more than one year after their adoption.

SECTION 6. The department of commerce and consumer affairs may employ necessary personnel without regard to chapter 76, Hawaii Revised Statutes, including one full-time equivalent (1.0 FTE) permanent office assistant, for the purposes of this Act.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 8. This Act shall take effect on January 1, 2025.

(Approved June 27, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

## ACT 96

S.B. NO. 2119

A Bill for an Act Relating to Out-of-State Prescriptions.

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

SECTION 1. The legislature finds that administrative rules adopted by the board of pharmacy permit the transfer of prescription information between pharmacies for the purpose of initial prescription fill or refill dispensing. Furthermore, an out-of-state practitioner may issue a written, oral, or electronic prescription within the confines of the practitioner's license and pursuant to Hawaii laws and rules. Accordingly, it is permissible for a pharmacy in the State to complete an initial prescription fill and any refills.

The legislature recognizes that it is common for an out-of-state patient to require an acute medication, such as antibiotics, while visiting the State. When an out-of-state patient requires medication, the patient's out-of-state practitioner issues the prescription to an out-of-state pharmacy. Because Hawaii law does not explicitly permit out-of-state pharmacies to transfer prescription information to in-state pharmacies for dispensing an initial prescription fill, local pharmacists must contact out-of-state practitioners for a verbal order. This results in workflow redundancy and ultimately treatment delays for out-of-state patients.

Accordingly, the purpose of this Act is to authorize out-of-state pharmacies to transfer prescription information for the initial fill of an out-of-state prescription in the State.

SECTION 2. Section 328-17.6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) An out-of-state pharmacy may transfer prescription information for filling or refilling purposes and an out-of-state medical oxygen distributor may transfer prescription information for the purpose of refilling a medical oxygen order.”

2. By amending subsection (d) to read:

“(d) Before filling or refilling a transferred out-of-state prescription, or before refilling medical oxygen, a pharmacist or medical oxygen distributor shall:

- (1) Except as otherwise authorized for expedited partner therapy in section 453-52 or for an opioid antagonist in section 461-11.8, advise the person whose name appears on the prescription that the prescription on file at the originating out-of-state pharmacy or medical oxygen distributor may be canceled; and
- (2) Record all information required to be on a prescription, including:
  - (A) The date of issuance of the original prescription;
  - (B) The number of refills authorized on the original prescription;
  - (C) The date the original prescription was dispensed;
  - (D) The number of valid refills remaining and the date of the last refill;
  - (E) The out-of-state pharmacy's or out-of-state medical oxygen distributor's name, telephone number, and address, and the original prescription number or control number from which the prescription information was transferred; and
  - (F) The name of the transferor pharmacist or the medical oxygen distributor's agent.”

SECTION 3. New statutory material is underscored.

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

(Approved June 27, 2024.)

**ACT 97**

S.B. NO. 2476

A Bill for an Act Relating to Dental Hygienists.

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

SECTION 1. The legislature finds that most states are not providing enough resources to help individuals prevent tooth decay, which can increase health care costs for many families. The Centers for Disease Control and Prevention and American Dental Association cite sealants, clear plastic coatings applied to the chewing surfaces of molars, as the most effective preventive strategy in tooth decay. According to the Hawaii Smiles 2015 report, more than sixty per cent of children do not have protective sealants. One recommendation suggests prevention programs, such as school-based oral health programs, could benefit students and lower rates of tooth decay among children. Additionally, a 2013 report by the Pew Center, “Falling Short: Most State Lag on Dental Sealants”, graded all fifty states on their efforts to prevent tooth decay by improving access to sealants for low-income children. In the report, states received a grade based on four indicators: having sealant programs in high-need schools; allowing dental hygienists to place sealants in school-based programs without requiring a dental exam; collecting data regularly concerning the dental health of school-children and submitting it to the national oral health surveillance system; and meeting a national objective on sealants set by the federal government’s Healthy People 2030 goals.

The legislature notes that Hawaii was one of only five states to receive a grade of “F”, with a total of one out of eleven possible points. An “F” grade indicates a state is lagging far behind in prevention efforts and could be taking greater action to reduce health care costs and complications associated with dental problems. In a follow-up report in 2015, some states made improvements or initiated changes to their oral health programs. However, Hawaii has not taken action and is now one of three states to still receive a grade of “F”. Research shows that providing dental sealants through school-based programs is a cost-effective way to reach low-income children who are at greater risk of tooth decay.

The legislature further finds that school-based dental sealant programs provide sealants to children least likely to receive them otherwise. Studies have shown that tooth decay of molars dropped an average of sixty per cent up to five years after sealant application in a school program. Sealants also prevent decay at one-third the expense of filling a cavity. States wishing to establish a school-based sealant program must also explore potential funding avenues. Some states with school-based dental sealant programs, such as Ohio, receive funding through the federal Maternal and Child Health Block Grant. Other funding possibilities may also be available, including program-generated revenue through collections from medicaid. The legislature also notes that medicaid currently covers sealants for eligible recipients in Hawaii.

The legislature further finds that the Pew report noted Hawaii was one of eight states with the most restrictions on dental hygienists, the primary practitioners who apply sealants in school-based programs. Removing certain restrictions on dental hygienists will eliminate expensive barriers to serving children



in school-based sealant programs. To make prevention of tooth decay amongst Hawaii's children a top priority, the State must take proactive steps to address this critical health care need.

Accordingly, the purpose of this Act is to permit licensed dental hygienists to perform preventive dental sealant screenings and apply preventive dental sealants, in conjunction with a licensed dentist in a school-based dental program.

SECTION 2. Section 447-3, Hawaii Revised Statutes, is amended to read as follows:

**“§447-3 Employment of and practice by dental hygienists.** (a) Any licensed dentist, legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, hospital, nursing home, adult day care center or assisted living facility, mental institution, nonprofit health clinic, or the State or any county, may employ licensed dental hygienists.

(b) Clinical dental hygiene may be practiced by a licensed dental hygienist. The practice of clinical dental hygiene is defined as the removal of hard and soft deposits and stains from the portion of the crown and root surfaces to the depth of the gingival sulcus, polishing natural and restored surfaces of teeth, the application of preventive chemical agents to the coronal surfaces of teeth, which chemical agents have been approved by the board of dentistry, and the use of mouth washes approved by the board, but shall not include the performing of any repair work or the preparation thereof, or any other operation on the teeth or tissues of the mouth; provided that nothing in this subsection shall prohibit a dental hygienist from using or applying topically any chemical agent ~~[which]~~ that has been approved in writing by the department of health for any of the purposes set forth in part V of chapter 321, and other procedures delegated by a dentist in accordance with the rules of the board of dentistry.

In addition, a licensed dental hygienist may administer intra-oral infiltration local anesthesia and intra-oral block anesthesia under the supervision of a licensed dentist as provided in section 447-1(f) after being certified by the board, and for those categories of intra-oral infiltration local anesthesia and intra-oral block anesthesia for which the licensed dental hygienist has been certified through a course of study meeting the requirements of this chapter.

(c) A licensed dental hygienist may operate in the office of any licensed dentist, or legally incorporated eleemosynary dental dispensary or infirmary, private school, welfare center, hospital, nursing home, adult day care center or assisted living facility, mental institution, nonprofit health clinic, or in any building owned or occupied by the State or any county, but only under the aforesaid employment and under the direct or general supervision of a licensed dentist as provided in section 447-1(f). No dental hygienist may establish or operate any separate care facility ~~[which]~~ that exclusively renders dental hygiene services.

(d) Notwithstanding section 447-1(f), a licensed dental hygienist may operate under the supervision of any licensed dentist providing dental services in a public health setting. General supervision is permitted in a public health setting; provided that the supervising licensed dentist is available for consultation; provided further that a licensed dental hygienist shall not perform any irreversible procedure or administer any intra-oral block anesthesia under general supervision. In a public health setting, the supervising licensed dentist shall be responsible for all delegated acts and procedures performed by a licensed dental hygienist. Notwithstanding section 447-1(f), a licensed dental hygienist under the general supervision of a licensed dentist employed in a public health setting may perform dental education, dental screenings, teeth cleanings, intra-oral or extra-oral photographs, x-rays if indicated, and fluoride applications on individuals who are not yet patients of record, have not yet been examined by a licensed

dentist, or do not have a treatment plan. Other permissible duties shall be pre-screened and authorized by a supervising licensed dentist, subject to the dentist’s determination that the equipment and facilities are appropriate and satisfactory to carry out the recommended treatment plan. A licensed dental hygienist shall refer individuals not currently under the care of a dentist and who are seen in a public health setting to a dental facility for further dental care. No direct reimbursements shall be provided to licensed dental hygienists.

As used in this subsection, “public health setting” includes but is not limited to dental services in a legally incorporated eleemosynary dental dispensary or infirmary, private or public school, welfare center, community center, public housing, hospital, nursing home, adult day care center or assisted living facility, mental institution, nonprofit health clinic or facility, or the State or any county.

(e) Notwithstanding section 447-1(f), a licensed dental hygienist may perform preventive dental sealant screenings and apply preventive dental sealants on individuals who may or may not yet be patients of record, have not been previously examined by a licensed dentist, or do not have a treatment plan prescribed by a licensed dentist, when under the general supervision of a licensed dentist in a school-based oral health program.”

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

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

(Approved June 27, 2024.)

**ACT 98**

S.B. NO. 2529

A Bill for an Act Relating to Provider Orders for Life Sustaining Treatment Form.

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

SECTION 1. The legislature finds that one of the most important documents for patients with a serious illness is a Provider Orders for Life-Sustaining Treatment (POLST), a portable medical order that documents a patient’s care plan outside the hospital, reflecting “right now care” for the patient and setting forth the patient’s wishes and directions to health care providers regarding the provision of resuscitative and life-sustaining measures. The POLST form is intended for a person with a chronic debilitating illness or a life-limiting disease, such as terminal cancer or end-stage lung or heart disease, and is followed by health care providers, paramedics, and firefighters.

The legislature further finds that in 2009, Hawaii was one of the first states to enact a law governing POLST and the program is now well-functioning and widespread throughout the State. However, the legislature finds that certain language in existing law impedes patients from obtaining POLST in a timely manner, thereby exposing the sickest and most vulnerable patients to the risk of receiving unwanted and unnecessary care.

Specifically, existing law requires the patient’s physician or a health care provider to explain to the patient the nature and content of the POLST form, including any medical intervention or procedures, and the difference between an advance health-care directive and the form, and prepare the POLST form based on the patient’s preferences and medical indications. Across the State and in a variety of settings, POLST conversations with patients are started by various

health care professionals, especially nurses and social workers. However, existing law requires POLST forms to be signed by the “patient’s provider”, defined as a licensed physician, advanced practice registered nurse, or physician assistant “who has examined the patient”. The legislature finds that this language can be interpreted as requiring a face-to-face encounter with the patient.

This examination requirement is most often an issue for patients in hospice care who are at the end of their lives, since medicare regulations do not require a face-to-face encounter with a physician or an advanced practice registered nurse until the patient has been in hospice care for at least six months. In Hawaii, the median length of stay for patients in hospice care is twenty-one days, meaning half of all patients in hospice care pass away within the first three weeks of care. In 2022, 4,774 medicare recipients died in hospice care. The challenges in obtaining a POLST can have large ramifications on these patients, such as receiving unwanted treatment if a POLST with the most current directions is not in place.

Accordingly, the purpose of this Act is to amend the definition of “patient’s provider” in existing law governing POLST forms to allow licensed physicians, physician assistants, and advanced practice registered nurses to sign POLST for their patients without a face-to-face encounter.

SECTION 2. Section 327K-1, Hawaii Revised Statutes, is amended by amending the definition of “patient’s provider” to read as follows:

““Patient’s provider” means a physician licensed pursuant to chapter 453, a physician assistant licensed pursuant to chapter 453, or an advanced practice registered nurse licensed pursuant to chapter 457 [~~who has examined the patient~~].”

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

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

(Approved June 27, 2024.)

## ACT 99

S.B. NO. 2837

A Bill for an Act Relating to the Oahu Regional Health Care System, Hawaii Health Systems Corporation.

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

SECTION 1. The legislature finds that there is currently no state veterans home to serve the needs of the veterans community on the island of Maui. State veterans homes are facilities that provide long-term care and rehabilitation care for veterans, their spouses, and gold-star parents. State veterans homes are funded primarily through the United States Department of Veterans Affairs and medicare or medicaid funds.

The legislature further finds that development plans for the construction of the Maui state veterans home are currently being undertaken by the department of defense. However, management, operation, and staffing of the Maui state veterans home should be placed under a state agency that is able to manage a long-term care facility.

The purpose of this Act is to transfer the Maui state veterans home to the Oahu regional health care system or a state agency having a Maui affiliation.

SECTION 2. Section 323F-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The corporate organization shall be divided into five regional systems, as follows:

- (1) The Oahu regional health care system~~;~~, which may include the state veterans home on Maui;
- (2) The Kauai regional health care system;
- (3) The Maui regional health care system;
- (4) The east Hawaii regional health care system, comprising the Puna district, north Hilo district, south Hilo district, Hamakua district, and Kau district; and
- (5) The west Hawaii regional health care system, comprising the north Kohala district, south Kohala district, north Kona district, and south Kona district;

and shall be identified as regional systems I, II, III, IV, and V, respectively.”

SECTION 3. (a) No later than June 30, 2027, the Maui state veterans home shall be assimilated into a state agency having a Maui affiliation, in a manner and to an extent that may be negotiated between the Oahu regional health care system or state agency having a Maui affiliation and the department of defense. After assimilation, the physical assets and the ground lease of the Maui state veterans home shall become the property of and be managed by the agency into which the Maui state veterans home is assimilated.

(b) No liabilities of the Maui state veterans home that are in existence at the time the Maui state veterans home is assimilated into a state agency having a Maui affiliation shall become liabilities of the agency into which the Maui state veterans home is assimilated.

(c) The assimilation of the Maui state veterans home into the Oahu regional health care system or a state agency having a Maui affiliation pursuant to this Act shall not be affected by the amendments made to section 323F-2(b), Hawaii Revised Statutes, pursuant to section 2 of Act 212, Session Laws of Hawaii 2021, as amended by Act 150, Session Laws of Hawaii 2022.

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

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

(Approved June 27, 2024.)

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 prescription refills play an important role in allowing patients to obtain their medication without frequent office visits. Refills also support patient adherence to medications for chronic conditions. Typical pharmacotherapy requires a patient’s adherence to the regimen to achieve the therapeutic outcome, especially in patients with chronic conditions. Abrupt cessation or unplanned interruption of therapy may lead to undesirable outcomes. It is paramount for the pharmacist to ensure the patient’s regimen is not disrupted and medications are dispensed in a timely manner.

The legislature further finds that during times of natural disasters or public health emergencies, there may be significant challenges that impede a patient's ability to timely receive a necessary prescription. For example, the coronavirus disease 2019 pandemic forced some providers to limit office hours. Additionally, quarantine mandates forced patients to cancel existing appointments. These challenges resulted in gap periods without medications.

The purpose of this Act is to provide clear guidance for pharmacists to act in the best interest of patients by minimizing gap periods without medications during a declared state of emergency by allowing pharmacists to refill prescriptions for persons directly impacted by the emergency for up to a thirty-day supply if the practitioner is unavailable to authorize the refill and if, in the pharmacist's professional judgment, failure to refill the prescription may interrupt the patient's ongoing care and have a significant adverse effect on the patient's well-being.

SECTION 2. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§461- Refills without practitioner's authorization during state of emergency.** (a) During a declared state of emergency pursuant to section 127A-14, a prescription for persons directly impacted by the emergency may be refilled up to a thirty-day supply without the practitioner's authorization if the practitioner is unavailable to authorize the refill and if, in the registered pharmacist's professional judgment, failure to refill the prescription may interrupt the patient's ongoing care and have a significant adverse effect on the patient's well-being.

(b) Before refilling a prescription pursuant to this section, the registered pharmacist shall make every reasonable effort to contact the practitioner. The registered pharmacist shall make an appropriate record, including the basis for proceeding under this section.

(c) The registered pharmacist shall inform the patient that the prescription was refilled pursuant to this section.

(d) The registered pharmacist shall notify the practitioner no later than twenty-four hours after the dispensing of any refills pursuant to this section. Notification to a practitioner under this subsection may be made by phone, facsimile, or electronic mail.

(e) The practitioner who issued a prescription shall not incur any liability as the result of a registered pharmacist refilling that prescription pursuant to this section.

(f) Notwithstanding any law to the contrary, a person may possess a substance dispensed pursuant to this section.

(g) Nothing in this section shall authorize a registered pharmacist to refill a prescription for a controlled substance as defined in section 329-1.”

SECTION 3. Section 328-16, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) and (b) to read:

“(a) A prescription drug shall be dispensed only if its label bears the following:

- (1) The name, business address, and telephone number of the seller. The business address shall be the physical location of the pharmacy or the dispensing practitioner's office;
- (2) Except as otherwise authorized for expedited partner therapy in section 453-52 or an opioid antagonist in section 461-11.8, the name of the person for whom the drug was prescribed or the name of the owner of the animal for which the drug was prescribed;

- (3) The serial number of the prescription;
- (4) The date the prescription was prepared;
- (5) The name of the practitioner if the seller is not the practitioner;
- (6) The name, strength, and quantity of the drug;
- (7) The “use by” date for the drug, which shall be:
  - (A) The expiration date on the manufacturer’s container; or
  - (B) One year from the date the drug is dispensed, whichever is earlier;
- (8) The number of refills available, if any;
- (9) In the case of the dispensing of an equivalent generic drug product, the statement “same as (brand name of the drug product prescribed or the referenced listed drug name)”, or words of similar meaning;
- (10) In the case of the dispensing of an interchangeable biological product, the statement “interchangeable with (brand name of the biological product prescribed or the referenced biological drug name)”, or words of similar meaning; and
- (11) Specific directions for the drug’s use; provided that if the specific directions for use are too lengthy for inclusion on the label, the notation “take according to written instructions” may be used if separate written instructions for use are actually issued with the drug by the practitioner or the pharmacist, but in no event shall the notation “take as directed”, referring to oral instructions, be considered acceptable.

If any prescription for a drug does not indicate the number of times it may be refilled, if any, the pharmacist shall not refill that prescription unless subsequently authorized to do so by the practitioner~~[-]~~ or pursuant to section 461-\_\_\_\_\_. The act of dispensing a prescription drug other than a professional sample or medical oxygen contrary to this subsection shall be deemed to be an act that results in a drug being misbranded while held for sale.

(b) In addition to the requirements enumerated in subsection (a), a prescription drug shall be dispensed only:

- (1) By a pharmacist pursuant to a valid prescription or section 453-52, 461-1, ~~[or]~~ 461-11.8~~[-]~~, or 461-\_\_\_\_\_;
- (2) By a medical oxygen distributor pursuant to a prescription or certificate of medical necessity; provided that the drug to be dispensed is medical oxygen; or
- (3) By a practitioner to an ultimate user; provided that:
  - (A) Except as otherwise authorized for expedited partner therapy in section 453-52, the practitioner shall inform the patient, ~~[prior to]~~ before dispensing any drug other than a professional sample, that the patient may have a written, orally ordered, or electronically transmitted or conveyed prescription directed to a pharmacy or a medical oxygen distributor of the patient’s own choice;
  - (B) The practitioner shall promptly record in the practitioner’s records:
    - (i) The prescription in full;
    - (ii) The name, strength, and quantity of the drug, and specific directions for the drug’s use;
    - (iii) The date the drug was dispensed;
    - (iv) Except as otherwise authorized for expedited partner therapy in section 453-52 or for an opioid antagonist in section 461-11.8, the name and address of the person for

- whom the drug was prescribed or the name of the owner of the animal for which the drug was prescribed; and
- (v) Prescription drugs dispensed or prescribed for expedited partner therapy as authorized under section 453-52 or for an opioid antagonist in section 461-11.8;
  - (C) The records described in subparagraph (B) shall be subject to the inspection of the department or its agents at all times; and
  - (D) No undisclosed rebate, refund, commission, preference, discount, or other consideration, whether in the form of money or otherwise, has been offered to the practitioner as compensation or inducement to dispense or prescribe any specific drug in preference to other drugs that might be used for the identical therapeutic indication.”
2. By amending subsection (d) to read:  
 “(d) Any prescription may be refilled by the pharmacy and a prescription for medical oxygen may be refilled by the medical oxygen distributor if that refilling is authorized by the practitioner either:
- (1) In the original prescription; or
  - (2) By oral or electronic order, which shall be promptly recorded and filed by the receiving pharmacist or medical oxygen distributor~~[-]~~, or the refilling is conducted pursuant to section 461-.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

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

(Approved June 27, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 101**

H.B. NO. 1889

A Bill for an Act Relating to Workers’ Compensation Medical Benefits.

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

SECTION 1. The legislature finds that firefighters may be exposed in the course of their duties to contaminants that are known or suspected to cause cancer. Although fire departments are expected to use the best available equipment and risk management practices to reduce a firefighter’s exposure to contaminants, some house fires and vehicle fires release highly concentrated toxicants from burning plastics and other synthetics, so some exposure may be unavoidable. In October 2013, researchers from the National Institute of Occupational Safety and Health found that firefighters have a higher risk of cancer than the general population. A published study looked at cancer diagnoses and deaths among more than thirty-thousand firefighters from fire departments in Chicago, Philadelphia, and San Francisco. The study found that cancers of the respiratory, digestive, and urinary systems were common, which substantiated similar findings from a 2006 study by the University of Cincinnati.

## ACT 101

The legislature further finds that a task force convened pursuant to House Concurrent Resolution No. 32, Regular Session of 2016, to examine the risks of cancer among firefighters found that some states, including Arizona, California, Nevada, North Dakota, and Virginia, have enacted legislation providing special benefit programs for firefighters who have been diagnosed with cancer. The benefit programs recognize that firefighters assume significant occupational risks while performing an essential public service. By providing sufficient workers' compensation coverage for firefighters, states can help ensure that firefighters receive timely and appropriate medical treatment and can help ease the emotional and financial burdens for firefighters and their families if the firefighter is diagnosed with cancer.

The legislature recognizes that female firefighters may be at increased risk of breast, cervical, and uterine cancers. In April 2023, the National Library of Medicine highlighted a study published in *Frontiers in Public Health* regarding the occurrence of cancer in female firefighters. The study found that female firefighters may develop a wide variety of cancers and may develop them at an earlier age than most other women. These findings illustrate the need to provide broad and presumptive medical coverage for female firefighters who have become ill.

Accordingly, the purpose of this Act is to improve female firefighters' access to comprehensive medical coverage by expanding workers' compensation medical benefits for firefighters to include coverage for breast cancer and cancer of the female reproductive organs.

SECTION 2. Section 386-21.9, Hawaii Revised Statutes, is amended to read as follows:

~~“[§386-21.9]~~ **Medical care, services, and supplies for firefighters suffering from cancer.** If a claim for leukemia, multiple myeloma, non-Hodgkin lymphoma, or cancer of the lung, brain, stomach, esophagus, intestines, rectum, kidney, bladder, prostate, breast, female reproductive organs, or testes filed by an employee with five or more years of service as a firefighter is accepted or determined to be compensable, section 386-21 shall remain applicable; provided that the employer shall be liable for medical care, services, and supplies for a minimum of one hundred ten per cent, and not to exceed one hundred fifty per cent of fees prescribed in the Medicare Resource Based Relative Value Scale applicable to Hawaii as prepared by the United States Department of Health and Human Services.”

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

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

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

(Approved June 27, 2024.)



## ACT 102

H.B. NO. 2042

A Bill for an Act Relating to Mental Health.

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

SECTION 1. The legislature finds that in the wake of the coronavirus disease 2019 (COVID-19) pandemic, Hawaii's youth need additional mental health resources to strengthen organizational capacity and expand outreach services to target the most at-risk youth, including Native Hawaiians and Pacific Islanders, who have reported some of the highest rates of negative mental health related to the COVID-19 pandemic.

The legislature also finds that the best approach to youth mental health wellness is community-based, which meets youth where they are. Additionally, youth mental, emotional, and behavioral health are just one aspect of wellness. Other factors include environmental, financial, intellectual, physical, social, and spiritual health. These dimensions are interdependent and affect each other.

These youth mental health issues are a great concern for the State's public health and welfare. According to an analysis by the United States Centers for Disease Control and Prevention, in 2021, nearly forty per cent of high school students reported experiencing poor mental health during the COVID-19 pandemic and forty-four per cent reported persistent feelings of sadness or hopelessness in the last year.

The legislature further finds that the YMCA of Honolulu secured funding for a pilot program in 2023 that will screen four hundred fifty youth ages eleven through eighteen, enroll one hundred youth in a one-week prevention program, and register fifty youth in a thirteen-session intervention program. Also in 2023, the YMCA of Honolulu delivered mental health wellness programming through its intersession and summer programs, with results that showed that 81.2 per cent of youth became more aware of their mental health condition, including identifying moods, emotions, and their overall mental state; 72.6 per cent of youth gained a new coping skill; and 82.9 per cent of youth increased their positive support network.

Accordingly, the purpose of this Act is to provide funding for the provision of youth mental health and wellness services to help address mental health challenges faced by youth in the State.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$900,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the child and adolescent mental health division of the department of health to contract for the provision of youth mental health and wellness services to address the mental health and wellness needs of youth in the State.

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

SECTION 3. This Act shall take effect on July 1, 2024.

(Approved June 27, 2024.)

A Bill for an Act Relating to Title 24, Hawaii Revised Statutes.

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

SECTION 1. Section 431:10A-116, Hawaii Revised Statutes, is amended to read as follows:

**“§431:10A-116 Coverage for specific services.** Every person insured under a policy of accident and health or sickness insurance delivered or issued for delivery in this State shall be entitled to the reimbursements and coverages specified below:

- (1) Notwithstanding any provision to the contrary, whenever a policy, contract, plan, or agreement provides for reimbursement for any visual or optometric service~~[-which]~~ that is within the lawful scope of practice of a duly licensed optometrist, the person entitled to benefits or the person performing the services shall be entitled to reimbursement whether the service is performed by a licensed physician or by a licensed optometrist. Visual or optometric services shall include eye or visual examination, or both, or a correction of any visual or muscular anomaly, and the supplying of ophthalmic materials, lenses, contact lenses, spectacles, eyeglasses, and appurtenances thereto;
- (2) Notwithstanding any provision to the contrary, for all policies, contracts, plans, or agreements issued on or after May 30, 1974, whenever provision is made for reimbursement or indemnity for any service related to surgical or emergency procedures~~[-which]~~ that is within the lawful scope of practice of any practitioner licensed to practice medicine in this State, reimbursement or indemnification under the policy, contract, plan, or agreement shall not be denied when the services are performed by a dentist acting within the lawful scope of the dentist's license;
- (3) Notwithstanding any provision to the contrary, whenever the policy provides reimbursement or payment for any service~~[-which]~~ that is within the lawful scope of practice of a psychologist licensed in this State, the person entitled to benefits or performing the service shall be entitled to reimbursement or payment, whether the service is performed by a licensed physician or licensed psychologist;
- (4) Notwithstanding any provision to the contrary, each policy, contract, plan, or agreement issued on or after February 1, 1991, except for policies that only provide coverage for specified diseases or other limited benefit coverage, but including policies issued by companies subject to chapter 431, article 10A, part II, and chapter 432, article 1, shall provide coverage for screening by low-dose mammography for occult breast cancer as follows:
  - (A) For women forty years of age and older, an annual mammogram; and
  - (B) For a woman of any age with a history of breast cancer or whose mother or sister has had a history of breast cancer, a mammogram upon the recommendation of the woman's physician.

The services provided in this paragraph are subject to any co-insurance provisions that may be in force in these policies, contracts, plans, or agreements~~[-];~~ provided that the insured's dollar limits, deductibles, and copayments for services shall be on terms at least

as favorable to the insured as those applicable to other radiological examinations.

For the purpose of this paragraph, the term “low-dose mammography” means the x-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the x-ray tube, filter, compression device, screens, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast. An insurer may provide the services required by this paragraph through contracts with providers; provided that the contract is determined to be a cost-effective means of delivering the services without sacrifice of quality and meets the approval of the director of health; and

- (5) (A) (i) Notwithstanding any provision to the contrary, whenever a policy, contract, plan, or agreement provides coverage for the children of the insured, that coverage shall also extend to the date of birth of any newborn child to be adopted by the insured; provided that the insured gives written notice to the insurer of the insured’s intent to adopt the child prior to the child’s date of birth or within thirty days after the child’s birth or within the time period required for enrollment of a natural born child under the policy, contract, plan, or agreement of the insured, whichever period is longer; provided further that if the adoption proceedings are not successful, the insured shall reimburse the insurer for any expenses paid for the child; and
- (ii) Where notification has not been received by the insurer prior to the child’s birth or within the specified period following the child’s birth, insurance coverage shall be effective from the first day following the insurer’s receipt of legal notification of the insured’s ability to consent for treatment of the infant for whom coverage is sought; and
- (B) When the insured is a member of a health maintenance organization, coverage of an adopted newborn is effective:
- (i) From the date of birth of the adopted newborn when the newborn is treated from birth pursuant to a provider contract with the health maintenance organization, and written notice of enrollment in accord with the health maintenance organization’s usual enrollment process is provided within thirty days of the date the insured notifies the health maintenance organization of the insured’s intent to adopt the infant for whom coverage is sought; or
- (ii) From the first day following receipt by the health maintenance organization of written notice of the insured’s ability to consent for treatment of the infant for whom coverage is sought and enrollment of the adopted newborn in accord with the health maintenance organization’s usual enrollment process if the newborn has been treated from birth by a provider not contracting or affiliated with the health maintenance organization.”

SECTION 2. Section 432:1-605, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The services provided in subsection (a) are subject to any coinsurance provisions that may be in force in these policies, contracts, plans, or agreements[-]; provided that the member’s dollar limits, deductibles, and copayments for services shall be on terms at least as favorable to the member as those applicable to other radiological examinations.”

SECTION 3. Section 432E-34, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (d) to read:

~~“(d) [Upon receipt of a request for appeal pursuant to subsection (c), the commissioner shall review the request for external review submitted by the enrollee pursuant to subsection (a), determine whether an enrollee is eligible for external review and, if eligible, shall refer the enrollee to external review. The commissioner’s determination of eligibility for external review shall be made in accordance with the terms of the enrollee’s health benefit plan and all applicable provisions of this part. If an enrollee is not eligible for external review, the commissioner shall notify the enrollee, the enrollee’s appointed representative, and the health carrier within three business days of the reason for ineligibility.]~~

(1) The commissioner may determine that a request is eligible for external review under subsection (b) notwithstanding a health carrier’s initial determination that the request is ineligible and require that it be referred for external review; and

(2) In making a determination under paragraph (1), the commissioner’s decision shall be made in accordance with the terms of the enrollee’s health benefit plan and shall be subject to all applicable provisions of this part.”

2. By amending subsection (g) to read:

~~“(g) Within five business days after the date of receipt of notice pursuant to subsection (e), the health carrier or its designated utilization review organization shall provide to the assigned independent review organization all documents and information it considered in issuing the adverse action that is the subject of external review[-] and any documents related to the request for external review that have been received by the health carrier or its designated utilization review organization. Failure by the health carrier or its utilization review organization to provide the documents and information within five business days shall not delay the conduct of the external review; provided that the assigned independent review organization may terminate the external review and reverse the adverse action that is the subject of the external review. The independent review organization shall notify the enrollee, the enrollee’s appointed representative, the health carrier, and the commissioner within three business days of the termination of an external review and reversal of an adverse action pursuant to this subsection.”~~

SECTION 4. Section 432E-35, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (b) through (f) to read:

~~“(b) Upon receipt of a request for an expedited external review, the commissioner shall immediately send a copy of the request to the health carrier. Immediately upon receipt of the request, the health carrier shall determine whether the request meets the reviewability requirements set forth in [subsection (a)-] section 432E-34(b). The health carrier shall immediately notify the enrollee or the enrollee’s appointed representative of its determination of the enrollee’s eligibility for expedited external review.~~

Notice of ineligibility for expedited external review shall include a statement informing the enrollee and the enrollee's appointed representative that a health carrier's initial determination that an external review request that is ineligible for review may be appealed to the commissioner by submission of a request to the commissioner.

(c) ~~[Upon receipt of a request for appeal pursuant to subsection (b), the commissioner shall review the request for expedited external review submitted pursuant to subsection (a) and, if eligible, shall refer the enrollee for external review. The commissioner's determination of eligibility for expedited external review shall be made in accordance with the terms of the enrollee's health benefit plan and all applicable provisions of this part. If an enrollee is not eligible for expedited external review, the commissioner shall immediately notify the enrollee, the enrollee's appointed representative, and the health carrier of the reasons for ineligibility.]~~

(1) The commissioner may determine that a request is eligible for expedited external review under section 432E-34(b) notwithstanding a health carrier's initial determination that the request is ineligible and require that it be referred for external review; and

(2) In making a determination under paragraph (1), the commissioner's decision shall be made in accordance with the terms of the enrollee's health benefit plan and shall be subject to all applicable provisions of this part.

(d) ~~If the commissioner determines that an enrollee is eligible for expedited external review [even though the enrollee has not exhausted the health carrier's internal review process,] pursuant to subsection (c) and the request for expedited external review is based on an adverse determination as provided under subsection (a)(1), the health carrier shall not be required to proceed with its internal review process[. The health carrier] but may elect to proceed with its internal review process [even though the request is determined by the commissioner to be eligible for expedited external review];~~ provided that the internal review process shall not delay or terminate an expedited external review unless the health carrier decides to reverse its adverse determination and provide coverage or payment for the health care service that is the subject of the adverse determination. Immediately after making a decision to reverse its adverse determination, the health carrier shall notify the enrollee, the enrollee's authorized representative, the independent review organization assigned pursuant to subsection (e), and the commissioner in writing of its decision. The assigned independent review organization shall terminate the expedited external review upon receipt of notice from the health carrier pursuant to this subsection.

(e) Upon receipt of the notice pursuant to subsection (b) or a determination of the commissioner pursuant to subsection ~~[(d)]~~ (c) that the enrollee meets the eligibility requirements for expedited external review, the commissioner shall immediately randomly assign an independent review organization to conduct the expedited external review from the list of approved independent review organizations qualified to conduct the external review, based on the nature of the health care service that is the subject of the adverse action and other factors determined by the commissioner including conflicts of interest pursuant to section 432E-43, compiled and maintained by the commissioner to conduct the external review and immediately notify the health carrier of the name of the assigned independent review organization.

(f) Upon receipt of the notice from the commissioner of the name of the independent review organization assigned to conduct the expedited external review, the health carrier or its ~~[designee]~~ designated utilization review organization shall provide or transmit all documents and information it considered in

making the adverse action that is the subject of the expedited external review, and any documents related to the request for expedited external review that have been received by the health carrier or its designated utilization review organization, to the assigned independent review organization electronically or by telephone, facsimile, or any other available expeditious method.”

2. By amending subsection (h) to read:

“(h) As expeditiously as the enrollee’s medical condition or circumstances requires, but in no event more than seventy-two hours after the date of receipt of the request for an expedited external review that meets the reviewability requirements set forth in ~~[subsection (a)-]~~ section 432E-34(b), the assigned independent review organization shall:

- (1) Make a decision to uphold or reverse the adverse action; and
- (2) Notify the enrollee, the enrollee’s appointed representative, the health carrier, and the commissioner of the decision.

If the notice provided pursuant to this subsection was not in writing, within forty-eight hours after the date of providing that notice, the assigned independent review organization shall provide written confirmation of the decision to the enrollee, the enrollee’s appointed representative, the health carrier, and the commissioner that includes the information provided in section ~~[432E-37.]~~ 432E-34(j).

Upon receipt of the notice of a decision reversing the adverse action, the health carrier shall immediately approve the coverage that was the subject of the adverse action.”

SECTION 5. Section 432E-36, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (c) through (g) to read:

“(c) Upon notice of the request for expedited external review, the health carrier shall immediately determine whether the request meets the requirements of subsection ~~[(b)-]~~ (g). The health carrier shall immediately notify the commissioner, the enrollee, and the enrollee’s appointed representative of its eligibility determination.

Notice of eligibility for expedited external review pursuant to this subsection shall include a statement informing the enrollee and, if applicable, the enrollee’s appointed representative that a health carrier’s initial determination that the external review request is ineligible for review may be appealed to the commissioner.

~~(d) [Upon receipt of a request for appeal pursuant to subsection (c), the commissioner shall review the request for external review submitted by the enrollee pursuant to subsection (a), determine whether an enrollee is eligible for external review and, if eligible, shall refer the enrollee to external review. The commissioner’s determination of eligibility for external review shall be made in accordance with the terms of the enrollee’s health benefit plan and all applicable provisions of this part. If an enrollee is not eligible for external review, the commissioner shall notify the enrollee, the enrollee’s appointed representative, and the health carrier of the reason for ineligibility within three business days.]~~

- (1) The commissioner may determine that a request is eligible for external review under subsection (g) notwithstanding a health carrier’s initial determination that the request is ineligible and require that it be referred for external review; and
- (2) In making a determination under paragraph (1), the commissioner’s decision shall be made in accordance with the terms of the enrollee’s health benefit plan and shall be subject to all applicable provisions of this part.

(e) Upon receipt of the notice pursuant to subsection [(a)] (c) or a termination of the commissioner pursuant to subsection (d) that the enrollee meets the eligibility requirements for expedited external review, the commissioner shall immediately randomly assign an independent review organization to conduct the expedited external review from the list of approved independent review organizations qualified to conduct the external review, based on the nature of the health care service that is the subject of the adverse action and other factors determined by the commissioner including conflicts of interest pursuant to section 432E-43, compiled and maintained by the commissioner to conduct the external review and immediately notify the health carrier of the name of the assigned independent review organization.

(f) Upon receipt of the notice from the commissioner of the name of the independent review organization assigned to conduct the expedited external review, the health carrier or its [designee] designated utilization review organization shall provide or transmit all documents and information it considered in making the adverse action that is the subject of the expedited external review, and any documents related to the request for expedited external review that have been received by the health carrier or its designated utilization review organization, to the assigned independent review organization electronically or by telephone, facsimile, or any other available expeditious method.

(g) Except for a request for an expedited external review made pursuant to subsection (b), within three business days after the date of receipt of the request, the commissioner shall notify the health carrier that the enrollee has requested an [expedited] external review pursuant to this section. Within five business days following the date of receipt of notice, the health carrier shall determine whether:

- (1) The individual is or was an enrollee in the health benefit plan at the time the health care service or treatment was recommended or requested or, in the case of a retrospective review, was an enrollee in the health benefit plan at the time the health care service or treatment was provided;
- (2) The recommended or requested health care service or treatment that is the subject of the adverse action:
  - (A) Would be a covered benefit under the enrollee's health benefit plan but for the health carrier's determination that the service or treatment is experimental or investigational for the enrollee's particular medical condition; and
  - (B) Is not explicitly listed as an excluded benefit under the enrollee's health benefit plan;
- (3) The enrollee's treating physician or treating advanced practice registered nurse has certified in writing that:
  - (A) Standard health care services or treatments have not been effective in improving the condition of the enrollee;
  - (B) Standard health care services or treatments are not medically appropriate for the enrollee; or
  - (C) There is no available standard health care service or treatment covered by the health carrier that is more beneficial than the health care service or treatment that is the subject of the adverse action;
- (4) The enrollee's treating physician or treating advanced practice registered nurse:
  - (A) Has recommended a health care service or treatment that the physician or advanced practice registered nurse certifies, in writing, is likely to be more beneficial to the enrollee, in the

physician's or advanced practice registered nurse's opinion, than any available standard health care services or treatments;  
or

- (B) Who is a licensed, board certified or board eligible physician qualified to practice in the area of medicine appropriate to treat the enrollee's condition, or who is an advanced practice registered nurse qualified to treat the enrollee's condition, has certified in writing that scientifically valid studies using accepted protocols demonstrate that the health care service or treatment that is the subject of the adverse action is likely to be more beneficial to the enrollee than any available standard health care services or treatments;
- (5) The enrollee has exhausted the health carrier's internal appeals process or the enrollee is not required to exhaust the health carrier's internal appeals process pursuant to section 432E-33(b); and
- (6) The enrollee has provided all the information and forms required by the commissioner that are necessary to process an external review, including the release form and disclosure of conflict of interest information as provided under section 432E-33(a)."

2. By amending subsection (i) to read:

~~“(i) [Upon receipt of a request for appeal pursuant to subsection (h), the commissioner shall review the request for external review submitted pursuant to subsection (a) and, if eligible, shall refer the enrollee for external review. The commissioner's determination of eligibility for expedited external review shall be made in accordance with the terms of the enrollee's health benefit plan and all applicable provisions of this part. If an enrollee is not eligible for external review, the commissioner shall notify the enrollee, the enrollee's appointed representative, and the health carrier of the reasons for ineligibility within three business days.]~~

- (1) The commissioner may determine that a request is eligible for external review under subsection (g) notwithstanding a health carrier's initial determination that the request is ineligible and require that it be referred for external review; and
- (2) In making a determination under paragraph (1), the commissioner's decision shall be made in accordance with the terms of the enrollee's health benefit plan and shall be subject to all applicable provisions of this part.”

3. By amending subsection (l) to read:

~~“(l) Within five business days after the date of receipt of notice pursuant to subsection (j), the health carrier or its designated utilization review organization shall provide to the assigned independent review organization all documents and information it considered in issuing the adverse action that is the subject of external review[.] and any documents related to the request for external review that have been received by the health carrier or its designated utilization review organization.~~ Failure by the health carrier or its designated utilization review organization to provide the documents and information within five business days shall not delay the conduct of the external review; provided that the assigned independent review organization may terminate the external review and reverse the adverse action that is the subject of the external review. The independent review organization shall notify the enrollee, the enrollee's appointed representative, the health carrier, and the commissioner within three business days of the termination of an external review and reversal of an adverse action pursuant to this subsection.”



## 4. By amending subsection (o) to read:

“(o) Except as provided in subsection (p), within twenty days after being selected to conduct the external review, a clinical reviewer shall provide an opinion to the assigned independent review organization pursuant to subsection (q) regarding whether the recommended or requested health care service or treatment subject to an appeal pursuant to this section shall be covered.

The clinical [ ]reviewer’s[ ] opinion shall be in writing and shall include:

- (1) A description of the enrollee’s medical condition;
- (2) A description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested health care service or treatment is more likely than not to be more beneficial to the enrollee than any available standard health care services or treatments and whether the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments;
- (3) A description and analysis of any medical or scientific evidence, as that term is defined in section 432E-1.4, considered in reaching the opinion;
- (4) A description and analysis of any medical necessity [~~criteria defined in section 432E-1~~]; and
- (5) Information on whether the reviewer’s rationale for the opinion is based on [approval]:
  - (A) Approval of the health care service or treatment by the federal Food and Drug Administration for the condition; or [medical]
  - (B) Medical or scientific evidence or evidence-based standards that demonstrate that the expected benefits of the recommended or requested health care service or treatment is likely to be more beneficial to the enrollee than any available standard health care services or treatments and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments.”

## 5. By amending subsection (r) to read:

“(r) Except as provided in subsection (s), within twenty days after the date it receives the opinion of the clinical reviewer pursuant to subsection (o), the assigned independent review organization, in accordance with subsection (t), shall determine whether the health care service at issue in an external review pursuant to this section shall be a covered benefit and shall notify the enrollee, the enrollee’s appointed representative, the health carrier, and the commissioner of its determination. The independent review organization shall include in the notice of its decision:

- (1) A general description of the reason for the request for external review;
- (2) The written opinion of each clinical reviewer, including the recommendation of each clinical reviewer as to whether the recommended or requested health care service or treatment should be covered and the rationale for the reviewer’s recommendation;
- (3) The date the independent review organization was assigned by the commissioner to conduct the external [ ]review[ ];
- (4) The date the external review was conducted;
- (5) The date the decision was issued;
- (6) The principal reason or reasons for its decision; and

## ACT 104

(7) The rationale for its decision.

Upon receipt of a notice of a decision reversing the adverse action, the health carrier immediately shall approve coverage of the recommended or requested health care service or treatment that was the subject of the adverse action.”

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, 2025.

(Approved June 27, 2024.)

## ACT 104

H.B. NO. 2553

A Bill for an Act Relating to Pharmacists.

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

SECTION 1. The legislature finds that on May 8, 2020, the Centers for Disease Control and Prevention reported that “the identified declines in routine pediatric vaccine ordering and doses administered might indicate that U.S. children and their communities face increased risks for outbreaks of vaccine preventable diseases” and suggested that a decrease in rates of routine childhood vaccinations were due to changes in health care access, social distancing, and other coronavirus disease 2019 (COVID-19) pandemic mitigation strategies. The legislature also finds that during the 2018-2019 flu season, nearly a third of all adult influenza vaccines were provided at a community pharmacy. Pharmacies are vital to the State’s health care system because of their convenient points of access in their communities. Additionally, pharmacists are trusted health care professionals who have established relationships with their patients and often offer extended hours and added convenience. Pharmacists are well positioned to increase access to vaccinations, particularly in medically underserved areas or for certain populations who have a limited number of pediatricians or primary care providers.

The legislature further finds that amendments made to the federal Public Readiness and Emergency Preparedness Act, Pub. L. 109-148, division C (PREP Act), during the COVID-19 pandemic authorized pharmacists and pharmacy interns to administer vaccines to persons three years of age or older. This authorization is currently slated to end on December 31, 2024. Prior to the amendments made to the PREP Act, Hawaii law only authorized pharmacists to administer a limited number of vaccines to children between the ages of eleven and seventeen and required a valid prescription before the vaccine could be administered.

The legislature finds that permanently codifying in state law the amendments to the PREP Act that authorize pharmacists to vaccinate persons three years of age or older will continue to allow and expand the role of trained and certified pharmacists to administer vaccines to their communities in Hawaii. Additionally, as the department of health has ceased offering flu vaccinations for school-aged children at department schools, permanently authorizing pharmacists to vaccinate persons three years of age or older will ensure these children continue to be protected against influenza and other highly contagious diseases.

Accordingly, the purpose of this Act is to:

- (1) Authorize licensed pharmacists to administer vaccines to persons three years of age or older;
- (2) Authorize pharmacy interns and pharmacy technicians under the direct supervision of a licensed pharmacist to administer vaccines to persons three years of age or older, if certain requirements are met; and
- (3) Authorize licensed pharmacists to order the administration of vaccines for persons three years of age or older.

SECTION 2. Section 461-1, Hawaii Revised Statutes, is amended by amending the definition of “practice of pharmacy” to read as follows:

““Practice of pharmacy” means:

- (1) The interpretation and evaluation of prescription orders; the compounding, dispensing, and labeling of drugs and devices (except labeling by a manufacturer, packer, or distributor of nonprescription drugs and commercially legend drugs and devices); the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records therefor; the responsibility for advising when necessary or where regulated, of therapeutic values, content, hazards, and use of drugs and devices; and the interpretation and evaluation of prescription orders to adjust the supply dispensed for purposes of medication synchronization pursuant to section 431:10A-606, 432:1-621, or 432D-30;
- (2) Performing the following procedures or functions as part of the care provided by and in concurrence with a [~~“health care facility”~~] health care facility and [~~“health care service”~~] health care service as defined in section 323D-2; [~~or a “pharmacy”~~]; or a pharmacy; licensed physician, [a] licensed physician assistant, or [a] licensed advanced practice registered nurse with prescriptive authority; or [a ~~“managed care plan”~~] 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;
  - (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;

- (E) Administering[;
  - (i) ~~Immunizations~~ immunizations orally, by injection, or by intranasal delivery, to persons [~~eighteen~~] three 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[;]
  - (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;
- (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 461-11.2, 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 3. Section 461-8, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) A pharmacist who administers any vaccine to persons [~~between the ages of fourteen and seventeen years or administers the human papillomavirus, Tdap (tetanus, diphtheria, pertussis), meningococcal, or influenza vaccine to persons between eleven and seventeen years of age]~~ three years of age or older pursuant to section 461-11.4 shall complete a training program approved by the board within every other biennial renewal period and submit proof of successful completion of the training program to the board[; ~~provided that the pharmacist shall meet these requirements prior to~~ before administering any vaccine to persons [~~between the ages of fourteen and seventeen years or administering the human papillomavirus, Tdap (tetanus, diphtheria, pertussis), meningococcal, or influenza vaccine to persons between eleven and seventeen years of age.~~] three years of age or older.”

SECTION 4. Section 461-11.4, Hawaii Revised Statutes, is amended by amending subsections (a) through (d) to read as follows:

“(a) A pharmacist, pharmacy intern, or pharmacy technician under the direct supervision of a pharmacist may administer[:

- (1) ~~A vaccine to persons between fourteen and seventeen years of age pursuant to a valid prescription; and~~
- (2) ~~A human papillomavirus, Tdap (tetanus, diphtheria, pertussis), meningococcal, or influenza vaccine to persons between eleven and seventeen years of age pursuant to a valid prescription.~~

~~The pharmacist]~~ a vaccine to a person three years of age or older; provided that:

- (1) The vaccine is authorized or approved by the United States Food and Drug Administration;
- (2) The vaccine has been ordered by a pharmacist and administered in accordance with the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services;
- (3) The pharmacy intern has completed a practical training program approved by the Accreditation Council for Pharmacy Education that includes hands-on injection technique, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency responses to vaccines;
- (4) The pharmacy technician has completed a practical training program approved by the Accreditation Council for Pharmacy Education that includes hands-on injection technique;
- (5) The pharmacy technician has a Certified Pharmacy Technician certification from either the Pharmacy Technician Certification Board or National Healthcareer Association;
- (6) The pharmacist, pharmacy intern, or pharmacy technician has a current certificate in basic cardiopulmonary resuscitation;
- (7) The pharmacist or pharmacy technician has completed a minimum of two credit hours in immunization-related continuing education courses during each licensing biennium;

- (8) The pharmacist is in compliance with all applicable recordkeeping and reporting requirements, including complying with adverse events reporting requirements;
- (9) The pharmacist, pharmacy intern, or pharmacy technician has reviewed the patient’s vaccination records before administering the vaccine;
- (10) The pharmacist has informed the patient and the patient’s primary guardian or caregiver of the importance of a well-child visit with a pediatrician or other licensed primary care provider and has referred the patient as appropriate; and
- (11) Where a prescription has been ordered by a person other than the pharmacist, the pharmacist, pharmacy intern, or pharmacy technician shall verify that the prescriber or the prescriber’s authorized agent is the patient’s medical home.

(b) After the vaccination is administered, the pharmacist, pharmacy intern, or pharmacy technician under the direct supervision of a pharmacist shall immediately provide to the patient a vaccination record including the following information:

- (1) The patient’s name and date of birth;
  - (2) The type of vaccine administered; and
  - (3) The date and location that the vaccine was administered.
- (c) The pharmacist, pharmacy intern, or pharmacy technician under the direct supervision of a pharmacist shall make a good faith effort to provide

within seventy-two hours to the medical home and within five business days to the department of health immunization registry the same information provided to the patient pursuant to subsection (b) as well as the following:

- (1) The name of the vaccine product that was administered, including the manufacturer, lot number, and expiration date;
- (2) The method of administration; and
- (3) The anatomical site of administration.

(d) ~~All [pharmacists who administer vaccines to persons between the ages of fourteen and seventeen years or administer human papillomavirus, Tdap (tetanus, diphtheria, pertussis), meningococcal, and influenza vaccines to persons between the ages of eleven and seventeen years shall complete a training program approved by the Accreditation Council of Pharmacy Education for which a certificate of completion is issued. The pharmacist] pharmacy interns or pharmacy technicians who administer vaccines to persons three years of age or older shall complete the training program required by subsection (a) and submit the completion certificate for the training program to the board [prior to] before administering any vaccine to persons [between the ages of fourteen and seventeen years and prior to administering any human papillomavirus, Tdap (tetanus, diphtheria, pertussis), meningococcal, or influenza vaccine to persons between the ages of eleven and seventeen years.] three years of age or older.”<sup>1</sup>~~

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, 2025.

(Approved June 27, 2024.)

**Note**

1. So in original.

## ACT 105

H.B. NO. 2577

A Bill for an Act Relating to Education.

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

SECTION 1. Act 4, First Special Session Laws of Hawaii 2021, is amended by amending section 1 to read as follows:

“SECTION 1. ~~[(a)]~~ The department of health may require the department of education [shall publish a weekly] to report on [schools that have a student, staff member, or affiliated individual who has tested positive for] coronavirus disease 2019 [(COVID-19)]. The report shall include:

- (1) ~~The school’s name;~~
- (2) ~~The date the COVID-19 positive test result was reported to the school; and~~
- (3) ~~The date that the positively tested individual was last on the school campus.~~

(b) The report shall be published weekly commencing after July 1, 2021, on the department of education’s website.] potential outbreaks or other public health emergencies and related information in a manner most appropriate to public health and safety, as determined by the department of health. The department of health shall not require the department of education to include in any report personally identifiable information or education records, as provided in title 20 United States Code section 1232g and title 34 Code of Federal Regulations section 99.3; provided that the department of education may provide personally identifiable information only after the department of education has determined that a health or safety emergency exists.”<sup>1</sup>

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

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

(Approved June 27, 2024.)

**Note**

1. So in original.

## ACT 106

S.B. NO. 3279

A Bill for an Act Relating to Mental Health.

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

SECTION 1. The legislature finds that research on health and safety reveals that mental illness is one of the most pressing challenges humanity is facing today. The prevalence of both acute and chronic mental illnesses has been on the rise in the State and globally over the past two decades. Untreated mental illness is one of the top predictors of suicide, substance abuse, incarceration, and adult disability. This is especially concerning for historically marginalized and under-resourced communities, which are at significantly higher risk of mental illness and also have more limited access to mental health education, resources, and support. Mental illness at the individual level compounds across communities and leads to negative statewide outcomes, including increased joblessness, homelessness, domestic violence, violent crime, and school dropout rates.

The legislature further finds that research conducted over the past fifty years in the fields of psychology, public health, neuroscience, and organizational development demonstrate the critical importance of a tiered approach to comprehensively address statewide mental health concerns and provide every individual with the skills and resources they need to take care of themselves, their families, and their broader ecosystems. Tier 1 mental health support services provide skills training, curricula, and programming to all stakeholders of an organization such as schools, community centers, police and fire departments, medical institutions, and other first responder facilities. Tier 1 mental health support services provide a common vocabulary and set of wellness practices that members of the organization collectively share to promote a safe and healthy organizational culture for everyone. Tier 2 mental health support services recognize that certain populations within an organization may be at higher risk for certain mental illnesses than others, and so these groups require specialized training, support, and skill-building that is culturally contextualized to best support the specific needs of the high-risk group. Tier 2 mental health support services therefore exist to provide additional specialized group support interventions. Taken together, these tiers of mental health support services cover the core mental health needs of individuals, groups, organizations, and communities.

The legislature further finds that a comprehensive system of mental health support services on a statewide level requires the seamless integration of tier 1 and tier 2 mental health support services. Tier 1 mental health support services benefit public institutions through whole-organization tier 1 mental health support training for students, school staff, firefighters, police officers, medical staff, and other first responder groups. Higher risk groups within each of these organizations benefit from tier 2 mental health support services that use culturally responsive approaches. Overall, mentally well individuals create safe and healthy communities, which further promote a safe and healthy state for all citizens.

Accordingly, the purpose of this Act is to:

- (1) Establish the state of well-being project and a timeline for the project to:
  - (A) Assess current tiers of mental health support services; and
  - (B) Enhance existing well-being programming and, when non-existent, build out culturally grounded and community-informed well-being programming to establish mental health support services for key stakeholder communities across the State; and
- (2) Appropriate funds for mental health specialist positions within the office of wellness and resilience.

SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended by adding a new section to part IX to be appropriately designated and to read as follows:

**“§27- State of well-being project; established.** (a) There is established within the office the state of well-being project to assess and enhance tier 1 and tier 2 mental health support services for key stakeholder communities across the State. The project shall:

- (1) Assess and enhance existing tier 1 and tier 2 mental health training and ongoing support services to public schools, public community centers, first responder groups, police departments, fire departments, hospitals, and medical staff and, when non-existent, build out culturally grounded and community-informed well-being programming;
- (2) Track and measure aggregate mental health trends across all populations served by the project; and



- (3) Hire and train mental health specialists and work with approved partner organizations identified by the office to lead project execution across tier 1 and tier 2 mental health support services in each key stakeholder community.
- (b) The office shall administer the state of well-being project in accordance with the following timeline:
  - (1) Beginning in 2024, initiate a landscape assessment of existing tier 1 and tier 2 mental health support services by December 31, 2025; and
  - (2) Beginning in 2025, initiate the enhancement of existing tier 1 and tier 2 mental health support services and, when non-existent, build out culturally grounded and community-informed well-being programming, with statewide implementation to be achieved by December 31, 2027.
- (c) For the purposes of this section:
 

“Tier 1 mental health support” means well-being service provisions that are aimed at the entire system and population within an organization.

“Tier 2 mental health support” means well-being service provisions that are aimed at populations within an organization that are at higher risk of mental health challenges.”

SECTION 3. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to part XXI to be appropriately designated and to read as follows:

**“§346- State of well-being project; established.** (a) There is established within the office the state of well-being project to assess and enhance tier 1 and tier 2 mental health support services for key stakeholder communities across the State. The project shall:

- (1) Assess and enhance existing tier 1 and tier 2 mental health support training and ongoing support services to public schools, public community centers, first responder groups, police departments, fire departments, hospitals, and medical staff and, when non-existent, build out culturally grounded and community-informed well-being programming;
- (2) Track and measure aggregate mental health trends across all populations served by the project; and
- (3) Hire and train mental health specialists and work with approved partner organizations identified by the office to lead project execution across tier 1 and tier 2 mental health support services in each key stakeholder community.
- (b) The office shall administer the state of well-being project in accordance with the following timeline:
  - (1) Beginning in 2024, initiate a landscape assessment of existing tier 1 and tier 2 mental health support services by December 31, 2025; and
  - (2) Beginning in 2025, initiate the enhancement of existing tier 1 and tier 2 mental health support services and, when non-existent, build out culturally grounded and community-informed well-being programming, with statewide implementation to be achieved by December 31, 2027.
- (c) For the purposes of this section:
 

“Tier 1 mental health support” means well-being service provisions that are aimed at the entire system and population within an organization.

“Tier 2 mental health support” means well-being service provisions that are aimed at populations within an organization that are at higher risk of mental health challenges.”

## ACT 107

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$876,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the establishment and implementation of the state of well-being project, to be expended as follows:

- (1) \$475,000 to establish six full-time equivalent (6.0 FTE) mental health specialist positions within the office of wellness and resilience; and
- (2) \$401,000 for the office of wellness and resilience to implement this Act.

The sum appropriated shall be expended by the office of wellness and resilience for the purposes of this Act.

SECTION 5. New statutory material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect on July 1, 2024; provided that:

- (1) Section 2 of this Act shall be repealed on June 30, 2025; and
- (2) Section 3 of this Act shall take effect on July 1, 2025.

(Approved June 27, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 107

H.B. NO. 1148

A Bill for an Act Relating to Mental Health.

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

SECTION 1. The legislature finds that there is a severe shortage of mental health providers in the State. This shortage is due to a lack of appropriately educated individuals and high rates of turnover in the field, which is exacerbated by compassion fatigue, burnout, and inadequate preparation for mental health serving positions. The legislature therefore finds that the mental health provider shortage in the State addressed by this measure is a matter of statewide concern.

The legislature further finds that the university of Hawaii Windward community college, in collaboration with the Hawaii state hospital, has developed a mental health technician certificate of competence program. The coursework for the certificate program addresses the immediate and critical workforce needs of preparing potential employees and upskilling existing employees. These certificates are also a foundation to increasingly higher qualifications, as the initial certificate of competence opens a pathway to further training and development. A one-year certificate program currently under development will build on the skills developed by the existing mental health technician certificate of competence program by adding clinical skills and knowledge necessary to perform higher job requirements in more advanced clinical settings. The coursework can also be applied toward baccalaureate degrees. These programs help to grow the State's overall capacity to address the mental health challenges and needs of Hawaii's residents.

The mental health technician certificate of competence program consists of three approved courses, which provide a basic foundation in mental health knowledge in a short-term, focused program of study available in person and online. The asynchronous online courses can be offered to mental health workers

and students across the State, with Windward community college coordinating with other community colleges in the university of Hawaii system. In order for the program to be offered statewide, additional resources are needed to provide for key personnel and establish a scholarship program to increase access to the mental health technician certificate of competence program for individuals who are unemployed, underemployed, or low-wage earners, and others interested in pursuing a career pathway in mental health.

The purpose of this Act is to appropriate funds to support the statewide expansion of the university of Hawaii Windward community college's mental health-related programs.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$210,150 or so much thereof as may be necessary for fiscal year 2024-2025 to support the statewide expansion of the university of Hawaii Windward community college's mental health-related programs, to be expended as follows:

- (1) \$75,000 for the establishment of one temporary full-time equivalent (1.0 FTE) faculty instructor position to develop and administer curriculum;
- (2) \$75,000 for the establishment of one temporary full-time equivalent (1.0 FTE) faculty outreach position to onboard new cohorts, grant scholarships, and carry out any other necessary administrative tasks; and
- (3) \$60,150 for the establishment of a scholarship program, the granting of scholarships, and other necessary administrative costs.

The sum appropriated shall be expended by the university of Hawaii for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2024.

(Approved June 27, 2024.)

## ACT 108

H.B. NO. 1533

A Bill for an Act Relating to Death Benefits.

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

SECTION 1. The legislature finds that Hawaii's mortuaries and cemeteries are inadequately compensated for cremating and storing unclaimed human remains on behalf of the State. The department of human services provides death benefits to cover cremation and disposition costs for a deceased person who was eligible for medical or financial assistance at the time of the person's death and whose body is unclaimed. However, the amount is not adequate to cover the mortuary's or cemetery's expenses. Currently, the State offers \$800 in reimbursement to cover the costs of transporting, cremating, storing, and handling the final disposition of an unclaimed body. The Hawaii Funeral and Cemetery Association estimates that the average market rate for these services is approximately \$2,400. The rising costs of fuel, labor, and materials make this pay discrepancy unsustainable for the industry. If mortuaries and cemeteries are not more fairly compensated, they may begin to decline the State's request to handle cremations paid through death benefits.

Accordingly, the purpose of this Act is to increase from \$800 to \$1,600 the amount of death benefits paid by the department of human services to cover

## ACT 109

the cremation and disposition costs for a deceased person who was eligible for medical or financial assistance at the time of the person's death and whose body is unclaimed.

SECTION 2. Section 346-15, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) All unclaimed dead human bodies shall undergo cremation as defined in section 531B-2. The department may bear the cost of the mortuary, crematory, or hydrolysis facility services for unclaimed dead human bodies furnished by any licensed provider of these services. Payments for these services shall be made to the extent of the cost, or in the sum of [~~\$800~~] \$1,600 in total, whichever is less, for each unclaimed dead human body. Individuals who have possession, charge, or control of any unclaimed dead human body to undergo cremation at public expense shall have sixty days from the date of the deceased's death to submit in writing to the department its determination that the dead human body is unclaimed and its application for payment for cremation. The county medical examiners or coroners shall have no time limitation by which to submit their written determination that the dead human body is unclaimed and their application for payment for cremation.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$277,600 or so much thereof as may be necessary for fiscal year 2024-2025 to cover the increased cremation and disposition costs for a deceased person who was eligible for medical or financial assistance at the time of the person's death and whose body is unclaimed.

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

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

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved June 27, 2024.)

## ACT 109

H.B. NO. 1932

A Bill for an Act Relating to the Department of Transportation.

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

SECTION 1. Section 26-19, Hawaii Revised Statutes, is amended to read as follows:

“**§26-19 Department of transportation.** (a) The department of transportation shall be headed by a single executive to be known as the director of transportation. The department shall establish, maintain, and operate transportation facilities of the State, including highways, airports, harbors, and [~~such~~] any other transportation facilities and activities as may be authorized by law.

(b) The department shall plan, develop, promote, and coordinate various transportation systems management programs that shall include[.] but not be limited to[.] alternate work and school hours programs, bicycling programs, and ridesharing programs.

(c) The department shall develop and promote ridesharing programs [which] that shall include but not be limited to[;] carpool and vanpool programs, and may assist organizations interested in promoting similar programs, arrange for contracts with private organizations to manage and operate these programs, and assist in the formulation of ridesharing arrangements. Ridesharing programs include informal arrangements in which two or more persons ride together in a motor vehicle.

(d) The functions and authority heretofore exercised by the department of public works with respect to highways are transferred to the department of transportation established by this chapter.

(e) On July 1, 1961, the Hawaii aeronautics commission, the board of harbor commissioners and the highway commission shall be abolished and their remaining functions, duties, and powers shall be transferred to the department of transportation.

(f) Notwithstanding any law to the contrary, the department of transportation may:

(1) Acquire, or contract to acquire, by grant or purchase any real, personal, or mixed property or any interest therein for immediate or future use for the purposes of:

(A) Climate mitigation and adaptation;

(B) Noise and visual buffer zones and barriers;

(C) Transportation projects pursuant to section 264-142;

(D) This section; or

(E) Title 15;

(2) Own, hold, improve, and rehabilitate any real, personal, or mixed property acquired pursuant to this subsection; and

(3) Sell, assign, exchange, transfer, convey, lease or otherwise dispose of, or encumber any real, personal, or mixed property acquired pursuant to this subsection. Upon making a finding that it is necessary to acquire any real property for immediate or future use for the purposes of this section or title 15, the department of transportation may acquire the property by condemnation pursuant to chapter 101; provided that the property shall not thereafter be acquired for any other public use without the consent of the department of transportation;

provided that for the purposes of this subsection, the director of transportation shall be authorized to exercise all the powers vested in the board of land and natural resources for functions subject to chapter 171; provided further that if state lands, other than public lands, under the control and management of another department or agency are required by the department of transportation for the purposes of this section or title 15, the department or agency having control and management of the required lands shall, upon a request by the department of transportation and with the approval of the governor, transfer title to or lease those lands to the department of transportation under terms and conditions as may be agreed to by the parties.”

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

“§171-2 **Definition of public lands.** “Public lands” means all lands or interest therein in the State classed as government or crown lands previous to August 15, 1895, or acquired or reserved by the government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of the right of eminent domain, or in any other manner; including lands accreted after May 20,

2003, and not otherwise awarded, submerged lands, and lands beneath tidal waters that are suitable for reclamation, together with reclaimed lands that have been given the status of public lands under this chapter, except:

- (1) Lands designated in section 203 of the Hawaiian Homes Commission Act, 1920, as amended;
- (2) Lands set aside pursuant to law for the use of the United States;
- (3) Lands being used for roads and streets;
- (4) Lands to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act before the admission of Hawaii as a state of the United States unless subsequently placed under the control of the board of land and natural resources and given the status of public lands in accordance with the state constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other laws;
- (5) Lands to which the University of Hawaii holds title;
- (6) Non-ceded lands set aside by the governor to the Hawaii housing finance and development corporation or lands to which the Hawaii housing finance and development corporation in its corporate capacity holds title;
- (7) Lands to which the Hawaii community development authority in its corporate capacity holds title;
- (8) Lands set aside by the governor to the Hawaii public housing authority or lands to which the Hawaii public housing authority in its corporate capacity holds title;
- (9) Lands to which the department of agriculture holds title by way of foreclosure, voluntary surrender, or otherwise, to recover moneys loaned or to recover debts otherwise owed the department under chapter 167;
- (10) Lands that are set aside by the governor to the Aloha Tower development corporation, lands leased to the Aloha Tower development corporation by any department or agency of the State, or lands to which the Aloha Tower development corporation holds title in its corporate capacity;
- (11) Lands that are set aside by the governor to the agribusiness development corporation, lands leased to the agribusiness development corporation by any department or agency of the State, or lands to which the agribusiness development corporation in its corporate capacity holds title;
- (12) Lands to which the Hawaii technology development corporation in its corporate capacity holds title;
- (13) Lands to which the department of education holds title;
- (14) Lands to which the stadium authority holds title; ~~and~~
- (15) Lands to which the school facilities authority holds title; and
- (16) Lands that are set aside by the governor to the department of transportation, lands leased to the department of transportation by any department or agency of the State, or lands to which the department of transportation holds title;

provided that, except as otherwise limited under federal law and except for state land used as an airport as defined in section 262-1, public lands shall include the air rights over any portion of state land upon which a county mass transit project is developed after July 11, 2005; provided further that if the lands pursuant to paragraph (6) are no longer needed for housing finance and development purposes, the lands shall be returned to the agency from which they were obtained; provided further that if the lands pursuant to paragraph (14) are no longer need-

ed for the stadium development district or related purposes, the lands shall be returned to the public land trust administered by the department.”

SECTION 3. Section 171-30, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) ~~[The]~~ Except as provided in section 26-19(f), the board [of land and natural resources] shall have the exclusive responsibility, except as provided herein, of acquiring, including by way of dedications:

- (1) All real property or any interest therein and the improvements thereon, if any, required by the State for public purposes, including real property together with improvements, if any, in excess of that needed for ~~[such]~~ the public use in cases where small remnants would otherwise be left or where other justifiable cause necessitates the acquisition to protect and preserve the contemplated improvements, or public policy demands the acquisition in connection with ~~[such]~~ the improvements~~[-]; and~~
- (2) Encumbrances, in the form of leases, licenses, or otherwise on public lands, needed by any state department or agency for public purposes or for the disposition for houselots or for economic development.

The board shall upon the request of and with the funds from the state department or agency effectuate all acquisitions as provided under this section.

The acceptance by the territorial legislature or the legislature of a dedication of land in the Kakaako community development district by a private owner is sufficient to convey title to the State.”

SECTION 4. Section 264-15, Hawaii Revised Statutes, is amended to read as follows:

**§264-15 Highway advance acquisition; source of funds.** The director may, with the approval of the governor, expend moneys appropriated by the legislature as may be necessary for the acquisition of real property when the director determines:

- (1) The acquisition of the real property is necessary for a state highway project authorized by the legislature;
- (2) Funds previously authorized by the legislature are inadequate; ~~and~~
- (3) That any delay in the acquisition of such property would unnecessarily increase the cost of the highway project; and
- (4) The acquisition, management, or maintenance of the real property as necessary for projects relating to climate mitigation and adaptation and visual and noise buffer zones and barriers;

provided that the selected corridor and alignment of the project shall have been approved by the governor.

All moneys received from the rental, sale, or lease of any property acquired under this section shall be paid into the state general fund; provided that whenever federal funds are involved in the acquisition of the property, any money received from the sale, lease, or rental of such property shall be expended toward the project for which the property was acquired.”

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

SECTION 6. This Act shall take effect on July 1, 2024.

(Approved June 27, 2024.)

A Bill for an Act Relating to Criminal History Record Checks.

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

SECTION 1. The purpose of this Act is to authorize the department of health to conduct criminal history record checks on applicants for permits to process hemp biomass or prepare a manufactured hemp product.

SECTION 2. 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 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 corrections and rehabilitation on employees and prospective employees who are directly involved with the treatment and care of persons committed to a correctional facility as provided by section 353-1.5 and the department of law enforcement on employees and prospective employees whose duties involve or may involve the exercise of police powers including the power of arrest as provided by section 353C-5;
  - (17) The board of private detectives and guards on applicants for private detective or private guard licensure as provided by section 463-9;
  - (18) Private schools and designated organizations on employees and prospective employees who may be in positions that necessitate close proximity to children; provided that private schools and designated organizations receive only indications of the states from which the national criminal history record information was provided pursuant to section 302C-1;
  - (19) The public library system on employees and prospective employees whose positions place them in close proximity to children as provided by section 302A-601.5;
  - (20) The State or any of its branches, political subdivisions, or agencies on applicants and employees holding a position that has the same type of contact with children, vulnerable adults, or persons committed to a correctional facility as other public employees who hold positions that are authorized by law to require criminal history record checks as a condition of employment as provided by section 78-2.7;
  - (21) The department of health on licensed adult day care center operators, employees, new employees, subcontracted service providers and their employees, and adult volunteers as provided by section 321-15.2;
  - (22) The department of human services on purchase of service contracted and subcontracted service providers and their employees and volunteers, as provided by 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 view-ing, handling, and engaging in law enforcement or classified meet-ings 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]:
- (A) Individual applicants or individuals acting on behalf of applying entities for hemp processor permits as provided under section 328G-2; and
  - (B) 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, 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, 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;
  - (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 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 July 1, 2027, this Act shall be repealed and section 846-2.7, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.

(Approved June 27, 2024.)

**ACT 111**

H.B. NO. 2499

A Bill for an Act Relating to Procurement for the University of Hawaii.

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

SECTION 1. The legislature finds that Act 87, Session Laws of Hawaii 2013 (Act 87), was enacted to remove the president of the university of Hawaii's full authority to act as chief procurement officer for the university for all procurement contracts under chapter 103D, Hawaii Revised Statutes; transfer authority to the administrator of the state procurement office to act as chief procurement officer with respect to university construction contracts and university professional services contracts relating to construction; and address concerns about the prudent and transparent management of public funds appropriated by the legislature and expended by the university for construction. Following its enactment, Act 87 resulted in a bifurcated procurement system at the university

wherein a different set of rules and procedures applied depending on whether the procurement involved construction or construction related professional services for university construction projects. Requirements for construction or professional services furnished by licensees under chapter 464, Hawaii Revised Statutes, had to comply with the Hawaii public procurement code and procedures governing state executive branch agencies, while requirements for goods and services had to comply with the Hawaii public procurement code and university executive and administrative procedures governing university transactions.

In January 2016, the state procurement office issued its report to the legislature as required under Act 87, which documented the extensive oversight, reviews, and coordination between the university and the state procurement office on procurements involving construction and professional services related to construction. The conclusion of the state procurement office (SPO) in the report was that “based on SPO’s review of 102 UH construction solicitations, UH’s Administrative Procedures, and 14 post-award Site Visits, SPO finds that UH is conducting construction procurements in a compliant, efficient and transparent manner.” In the report, the state procurement office further set forth minimal recommendations for improvement and mentioned several university specific procedures as “best-practices”.

Act 42, Session Laws of Hawaii 2018 (Act 42), reinstated and restored full authority to the president of the university of Hawaii to act as the university’s chief procurement officer for all procurement contracts under chapter 103D, Hawaii Revised Statutes. Act 42 also included a repeal and reenactment date of June 30, 2021. Following the conclusion of the 2021 regular session, the legislature found that on June 30, 2021, the provisions of Act 42 were repealed. During the 2021 first special session, the legislature passed Act 8, Special Session Laws of Hawaii 2021, which temporarily reenacted provisions amended by Act 42 for the purpose of extending, for three years, the authority of the president of the university of Hawaii to act as the university of Hawaii’s chief procurement officer for all procurement contracts under chapter 103D, Hawaii Revised Statutes.

The legislature finds that it is a matter of statewide concern pursuant to article X, section 6, of the Hawaii State Constitution, that the chief financial officer of the University of Hawaii simultaneously serves as the chief procurement officer for the university of Hawaii system.

Accordingly, the purpose of this Act is to:

- (1) Designate the chief financial officer of the university of Hawaii as the chief procurement officer for the university; and
- (2) Extend the sunset date for the designation of the university of Hawaii chief procurement officer to June 30, 2028.

SECTION 2. Section 103D-203, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The chief procurement officer for each of the following state entities shall be:

- (1) The judiciary—the administrative director of the courts;
- (2) The senate—the president of the senate;
- (3) The house of representatives—the speaker of the house of representatives;
- (4) The office of Hawaiian affairs—the chairperson of the board;
- (5) The University of Hawaii—the ~~president~~ chief financial officer of the University of Hawaii;
- (6) The department of education, excluding the Hawaii public library system—the superintendent of education;

## ACT 112

- (7) The Hawaii health systems corporation—the chief executive officer of the Hawaii health systems corporation; and
- (8) The remaining departments of the executive branch of the State and all governmental bodies administratively attached to them—the administrator of the state procurement office of the department of accounting and general services.”

SECTION 3. Act 8, Special Session Laws of Hawaii 2021, is amended by amending section 16 to read as follows:

“SECTION 16. This Act shall take effect upon its approval; provided that:

- (1) Parts IV and V of this Act shall apply retroactively to any actions taken after June 30, 2021, by the [~~University~~] university of Hawaii pursuant to the sections of law amended by those parts;
- (2) [~~Section~~] Sections 10 and 14 shall be repealed on June 30, 2024; and
- (3) Sections 12[.] and 13[.] and 14] shall be repealed on June 30, [~~2024,~~] 2028, and sections 103D-203(a) and 304A-2672, Hawaii Revised Statutes, shall be reenacted in the form in which they read on June 11, 2018.”

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

SECTION 5. This Act shall take effect on June 29, 2024; provided that:

- (1) The amendments made to section 103D-203, Hawaii Revised Statutes, by section 2 of this Act shall be repealed when that section is reenacted on June 30, 2028, pursuant to Act 8, Special Session Laws of Hawaii 2021, and section 3 of this Act; and
- (2) The university of Hawaii shall provide the chief financial officer a six-month transition period to hire and transfer the necessary procurement staff to effectuate the purposes of this Act; provided further that the university of Hawaii shall complete its reorganization to place the procurement staff under the control of the chief financial officer by July 1, 2025.

(Approved June 27, 2024.)

## ACT 112

S.B. NO. 2443

A Bill for an Act Relating to Highway Safety.

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

SECTION 1. The legislature finds that the prevalence of drivers who violate Hawaii’s traffic laws is intolerable, particularly drivers who speed. This dangerous behavior puts the lives of all of Hawaii’s roadway users at risk. According to state traffic data, speeding continues to be the most common contributing factor in motor vehicle fatalities. Data from the department of transportation shows that speeding contributed to almost fifty per cent of all motor vehicle fatalities.

Automated speed enforcement cameras are powerful tools that can reduce motor vehicle crashes and fatalities by augmenting traditional enforcement efforts or enforcing in locations where traffic stops are impractical or unsafe.

The purpose of this Act is to establish an automated speed enforcement program to improve enforcement of speeding laws.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to title 17 to be appropriately designated and to read as follows:

**“CHAPTER  
AUTOMATED SPEED ENFORCEMENT SYSTEMS**

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

“Automated speed enforcement system” means a device, or combination of devices, used for traffic enforcement pursuant to section 291C- , that includes a vehicle sensor working in conjunction and synchronization with a speed measuring device and camera, to automatically produce and record one or more sequenced photographs, microphotographs, video, or other recorded images of a motor vehicle and motor vehicle license plate, at the time the motor vehicle is exceeding the applicable maximum speed limit, in violation of section 291C- .

“Department” means the department of transportation.

“Motor vehicle” has the same meaning as defined in section 291C-1.

“Owner” or “registered owner” has the same meaning as defined in section 286-2.

**§ -2 Automated speed enforcement systems program; established.** There shall be established the automated speed enforcement systems program, which shall be implemented by the State to enforce the speed restriction laws of the State. The automated speed enforcement system program shall be limited to only those locations where a photo red light imaging detector system has been implemented pursuant to chapter 291J.

**§ -3 State powers and duties.** (a) The State shall establish and implement, in accordance with this chapter, an automated speed enforcement system imposing monetary liability on the registered owner of a motor vehicle for violations of section 291C- . The State shall provide for the:

- (1) Procurement, location, and oversight of an automated speed enforcement system; and
- (2) Installation, operation, maintenance, and repair of the automated speed enforcement system through a third-party contractor.

Where the automated speed enforcement system affects county property, the department shall cooperate with and assist the county as needed to install, maintain, and repair the automated speed enforcement system established pursuant to this chapter.

(b) The compensation paid by the State to establish an automated speed enforcement system under this chapter to a manufacturer or vendor of the equipment used shall be based upon the value of the equipment and services provided or rendered in support of the automated speed enforcement system and shall not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(c) Before the installation and operation of any automated speed enforcement system, for each location considered for enforcement via the automated speed enforcement system, the State shall conduct:

- (1) A comprehensive engineering review and study of each location and implement all necessary and appropriate engineering, design, and traffic-control signal measures; and

- (2) A study to acquire a baseline average of the number of motor vehicles violating the posted maximum speed limit, over a period of not less than one week; provided that the baseline average shall be determined before the installation of any signs or other official traffic-control devices that indicate that a location is being considered for an automated speed enforcement system.

(d) At least sixty days before the automated speed enforcement system becomes operational, the department, in conjunction with any county in which an automated speed enforcement systems program is implemented pursuant to this chapter, shall conduct a comprehensive informational and educational campaign to inform motorists and the general public about the program.

(e) During the first thirty days of operation of an automated speed enforcement system at a particular location, a warning shall be issued for any violation and mailed to the registered owner of the motor vehicle at the address on record at the vehicle licensing division in lieu of a summons or citation pursuant to section 264-5.

- (f) For the purposes of this section:

“Intersection” has the same meaning as defined in section 291C-1.

“Location” means the place, intersection, or roadway where an automated speed enforcement system is installed and operated.

**§ 4 Automated speed enforcement system requirements.** (a) Automated speed enforcement system equipment shall be operated from a fixed pole, post, or other fixed structure on a state highway or county highway.

(b) Signs or other traffic-control signal devices indicating that traffic signal laws are enforced by an automated speed enforcement system shall be posted on major routes entering the area in question to provide, as far as practicable, notice to drivers of the existence and operation of the automated speed enforcement system.

(c) Proof of a violation of section 291C- shall be evidenced by information obtained from an automated speed enforcement system authorized pursuant to this chapter. A certificate, sworn to or affirmed by the reviewing county police department, or a facsimile thereof, based upon inspection of any clear and unobstructed photographs, microphotographs, video, or other recorded images produced by the system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, video, or other recorded images shall be available for inspection in any proceeding to adjudicate the liability for that violation.

(d) It shall be a defense to any prosecution for a violation of exceeding the maximum motor vehicle speed limits pursuant to this chapter and section 291C- that the automated speed enforcement system was malfunctioning at the time of the alleged violation.

(e) The conditions specified in this section shall not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine or court appearance.

(f) As used in this section, “county highway” and “state highway” have the same meaning as defined in section 264-1.

**§ 5 Summons or citation.** (a) Notwithstanding any law to the contrary and except as otherwise provided in this chapter, beginning January 1, 2025, whenever any motor vehicle is determined, by means of an automated speed enforcement system, to have exceeded the posted maximum speed limit by not less than five miles per hour in violation of section 291C- , the State’s third-party contractor shall cause a summons or citation, as described in this



section, to be sent by first-class mail, that is postmarked within ten calendar days after the date of the incident, to the registered owner of the motor vehicle at the address on record at the vehicle licensing division. If the end of the ten-calendar-day period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day that is not a Saturday, Sunday, or holiday. The registered owner shall be determined by the identification of the motor vehicle license plate.

(b) The form and content of the summons or citation shall be adopted or prescribed by the administrative judge of the district courts and printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest that are designed to include all necessary information to make the summons or citation valid within the laws of the State; provided that any summons or citation issued pursuant to the automated speed enforcement systems program shall contain a clear and unobstructed photographic, digital, or other visual image of the motor vehicle license plate, and speed units measured by the speed reader that shall be used as evidence of the violation.

(c) Every summons or citation shall be consecutively numbered and each copy thereof shall bear the number of its respective original.

(d) Before mailing the summons or citation for a traffic infraction pursuant to subsection (a), the applicable county police department shall review and verify the validity of the clear and unobstructed photographic, digital, or other visual image of the license plate of the motor vehicle required under this section.

(e) Upon receipt of the summons or citation, the registered owner shall respond as provided for in section 291D-6. A record of the mailing of the summons or citation prepared in the ordinary course of business shall be prima facie evidence of notification.

(f) Procedures regarding answering a notice, court actions, and court hearings shall be pursuant to sections 291D-6, 291D-7, 291D-8, and 291D-13; provided that it shall not be a defense to any citation issued pursuant to this chapter that another person was driving the defendant's motor vehicle at the time of incident, unless the motor vehicle was stolen as documented by a police report; provided further that any reference to the defendant's commission of the traffic infraction or similar language shall be interpreted to mean commission of the traffic infraction.

**§ -6 Registered owner's responsibility for a summons or citation.** In any proceeding pursuant to this chapter, the information contained in the summons or citation mailed in accordance with section -5 shall be deemed prima facie evidence that a violation of section 291C- occurred. The registered owner shall be strictly liable for a violation of section 291C- .

**§ -7 Failure to comply with a summons or citation.** If the registered owner of the motor vehicle fails to respond to a summons or citation within thirty days from the date of the mailing of the summons or citation, the district court shall issue a notice of entry of judgment of default to the registered owner of the motor vehicle pursuant to section 291D-7(e).

**§ -8 Liability for rental or U-drive motor vehicle.** Notwithstanding any law to the contrary, any registered owner of record who is the lessor of a rental or U-drive motor vehicle, including those defined in section 286-2, shall be liable for any summons or citation issued pursuant to this chapter. The registered owner shall not be precluded from pursuing reimbursement from any applicable renter or lessee.

**§ -9 Fines for unauthorized disclosure.** All personal and confidential information made available by an automated speed enforcement system to an officer, employee, or agent of the State or any county, including third-party contractors, shall be kept confidential and shall be used only for the purposes for which the information was furnished. Any officer, employee, or agent of the State or any county, including a third-party contractor, who intentionally discloses or provides a copy of personal and confidential information obtained from an automated speed enforcement system to any person or agency without authorization shall be fined not more than \$500; provided that the fine shall not preclude the application of penalties or fines otherwise provided for by law.

**§ -10 Automated speed enforcement systems program special fund; established.** (a) There is established in the state treasury an automated speed enforcement systems program special fund to be administered by the department, into which shall be deposited all fines collected pursuant to this chapter and section 291C-

(b) Moneys in the automated speed enforcement systems program special fund shall be expended by the department in the county in which the fine was imposed, for the establishment, implementation, operation, oversight, management, maintenance, and repair of an automated speed enforcement system and implementation of the automated speed enforcement systems program.

**§ -11 Rules.** The department shall adopt rules pursuant to chapter 91 to effectuate the purposes of this chapter; provided that the department may adopt interim rules to carry out the purposes of this chapter without regard to chapter 91 or 201M; provided further that:

- (1) The department shall hold at least one public hearing before the adoption of the interim rules; and
- (2) The interim rules shall be effective for not more than two years after adoption.”

SECTION 3. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to part X to be appropriately designated and to read as follows:

**“§291C- Noncompliance with maximum speed limit under automated speed enforcement system.** (a) Whenever a motor vehicle travels through a location actively monitored by an automated speed enforcement system, all registered owners of all motor vehicles in vehicular traffic shall be held strictly liable for their motor vehicle’s compliance with the maximum speed limit, to the extent that registered owners may be cited and held accountable for their motor vehicle traveling at a speed not less than five miles per hour over the posted maximum speed limit, via civil traffic infractions pursuant to chapter . The department may increase the minimum speed threshold for issuance of a citation pursuant to administrative rules adopted pursuant to chapter 91.

(b) In the event a registered owner is cited pursuant to chapter , and the driver of the motor vehicle is cited pursuant to another section in this part for the same incident, the citation issued pursuant to chapter shall be dismissed.

(c) If the maximum speed limit is exceeded by more than ten miles per hour, an additional surcharge of \$10 shall be imposed, and shall be deposited into the neurotrauma special fund.

(d) If the motor vehicle is traveling at a speed exceeding:

- (1) The maximum speed limit by thirty miles per hour or more; or
- (2) Eighty miles per hour or more irrespective of the maximum speed limit,

the registered owner shall pay a fine of \$250.

(e) To the extent a registered owner's motor vehicle fails to comply with any other law or ordinance related to traffic-control signals, the registered owner of a motor vehicle shall not be held strictly liable unless otherwise provided by law.

(f) For purposes of this section, "maximum speed limit" means the maximum speed limit established by county ordinance or by official signs placed by the director of transportation on highways under the director's jurisdiction."

SECTION 4. Section 291C-161, Hawaii Revised Statutes, is amended to read as follows:

**“§291C-161 Penalties; photo red light imaging detector system fines[;]; automated speed enforcement system fines.** (a) It shall be a violation for any person to violate any of the provisions of this chapter, except as otherwise specified in subsections (c) and (d) and unless the violation is by other law of this State declared to be a felony, misdemeanor, or petty misdemeanor.

(b) Except as provided in subsections (c) and (d), every person who is determined to have violated any provision of this chapter for which another penalty is not provided shall be fined[;] **not more than:**

- (1) ~~[Not more than \$200]~~ **\$250** for a first violation thereof;
- (2) ~~[Not more than]~~ \$300 for a second violation committed within one year after the date of the first violation; and
- (3) ~~[Not more than]~~ \$500 for a third or subsequent violation committed within one year after the date of the first violation.

(c) Every person convicted under or found in violation of section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14, 291C-15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103, 291C-104, or 291C-105 shall be sentenced or fined in accordance with those sections.

(d) Every person who violates section 291C-13 or 291C-18 shall:

- (1) Be fined not more than ~~[\$200]~~ **\$250** or imprisoned not more than ten days for a first conviction thereof;
- (2) Be fined not more than \$300 or imprisoned not more than twenty days or both for conviction of a second offense committed within one year after the date of the first offense; and
- (3) Be fined not more than \$500 or imprisoned not more than six months or both for conviction of a third or subsequent offense committed within one year after the date of the first offense.

(e) The court may assess a sum not to exceed \$50 for the cost of issuing a penal summons upon any person who fails to appear at the place within the time specified in the citation issued to the person for any traffic violation.

(f) Fines collected for a violation of section 291C-32(c) pursuant to the photo red light imaging detector system established pursuant to chapter 291J shall be deposited into the photo red light imaging detector systems program special fund established under section 291J-12 and shall be expended in the county in which the fine was imposed, for purposes that include the establishment, implementation, operation, oversight, management, repair, and maintenance of a photo red light imaging detector system.

**(g) Notwithstanding any other law to the contrary, fines collected pursuant to chapter and section 291C- shall be deposited into the automated speed enforcement systems program special fund established under section -10 and shall be expended in the county in which the fine was imposed, for purposes that include the establishment, implementation, operation, oversight, management, maintenance, and repair of an automated speed enforcement system and implementation of the automated speed enforcement systems program.**

~~(g)~~ (h) The court may require a person who violates any of the provisions of this chapter to attend a course of instruction in driver retraining as deemed appropriate by the court, in addition to any other penalties imposed.”

SECTION 5. Section 291C-165, Hawaii Revised Statutes, is amended to read as follows:

“§291C-165 **Summons or citation.** (a) There shall be provided for use by authorized police officers, or county employees designated by the county chiefs of police, a form of summons or citation for use in citing violators of those traffic laws that do not mandate the physical arrest of violators. The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the district courts and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State.

(b) In every case when a citation is issued, the original of the citation shall be given to the violator; provided that:

- (1) In the case of an unattended vehicle, the original of the citation shall be affixed to the vehicle as provided for in section 291C-167; or
- (2) In the case of:
  - (A) A vehicle utilizing the high occupancy vehicle lane illegally; or
  - (B) A vehicle illegally utilizing a parking space reserved for persons with disabilities, where the violator refuses the citation[;],

the original of the citation shall be sent by certified or registered mail, with a return receipt that is postmarked within forty-eight hours of the time of the incident, as provided in section 291C-223 for vehicles illegally utilizing the high occupancy vehicle lane, or within seventy-two hours of the time of the incident for vehicles illegally utilizing a parking space reserved for persons with disabilities, to the registered owner of the vehicle at the address on record at the vehicle licensing division. If the end of the applicable forty-eight or seventy-two hour period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day ~~[which]~~ that is not a Saturday, Sunday, or holiday; provided that the administrative judge of the district courts may allow a carbon copy of the citation to be given to the violator or affixed to the vehicle and provide for the disposition of the original and any other copies of the citation.

(c) In the case of a motor vehicle determined by means of a photo red light imaging detector system established pursuant to chapter 291J to have disregarded a steady red signal in violation of section 291C-32(c); the original of the citation shall be sent by ~~[first-class]~~ first-class mail within ten calendar days from the time of the incident for motor vehicles disregarding a steady red light signal in violation of section 291C-32(c), as determined by means of a photo red light imaging system, to the registered owner of the motor vehicle at the address on record at the vehicle licensing division. If the end of the applicable ~~[ten-calendar day]~~ ten-calendar-day period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day ~~[which]~~ that is not a Saturday, Sunday, or holiday.

(d) In the case of a motor vehicle determined by means of a speed enforcement system established pursuant to chapter 291K to have exceeded a maximum speed limit in violation of section 291C-32(c), the original of the citation shall be sent by first-class mail within ten calendar days from the time of the incident, to the registered owner of the motor vehicle at the address on record at the vehicle licensing division. If the end of the applicable ten-calendar-day period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day that is not a Saturday, Sunday, or holiday.

~~[(d)]~~ (e) Every citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.”

SECTION 6. Section 291C-194, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Any person who is convicted of violating this section shall be subject to penalties as provided under section 291C-161(b) and ~~[(g)-]~~ (h).”

SECTION 7. Section 321H-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There ~~[is]~~ shall be established the neurotrauma special fund to be administered by the department with advisory recommendations from the neurotrauma advisory board. The fund shall consist of:

- (1) Moneys raised pursuant to the surcharges levied under sections 291-11.5, 291-11.6, 291C-12, 291C-12.5, 291C-12.6, 291C-102, 291C-105, ~~291C-~~ and 291E-61;
- (2) Federal funds granted by Congress or executive order, for the purpose of this chapter; provided that the acceptance and use of federal funds shall not commit state funds for services and shall not place an obligation upon the legislature to continue the purpose for which the federal funds are made available; and
- (3) Funds appropriated by the legislature for the purpose of this chapter.”

SECTION 8. There is appropriated out of the state highway fund the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2024-2025 to be deposited into the automated speed enforcement systems program special fund.

SECTION 9. There is appropriated out of the automated speed enforcement systems program special fund the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2024-2025 for ten radar devices and for the operation of the automated speed enforcement program.

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

SECTION 10. The appropriations authorized by this Act shall not lapse at the end of the fiscal biennium for which the appropriations are made; provided that all moneys from the appropriations unencumbered as of June 30, 2026, shall lapse as of that date.

SECTION 11. 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 12. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 14. This Act shall take effect on July 1, 2024.

(Approved June 27, 2024.)

## Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 113

S.B. NO. 2536

A Bill for an Act Relating to Procurement Preferences and Reciprocity.

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

SECTION 1. The legislature finds that Hawaii service businesses are an important aspect of the State's economy. They boost the economy by employing Hawaii residents who spend their earnings in the State. Therefore, when expending public funds, the term "buy local" should apply to the State's purchase of services in the same way as it does to the purchase of goods.

The legislature further finds that many of the State's residents who earn college degrees either leave the State or do not return due to the lack of career opportunities. Public accounting firms with offices in the State help to address these needs by offering professional career paths that allow residents to remain in the State. These public accounting firms are committed to helping residents develop the professional and technical skills necessary to succeed in the public accounting industry; however, the high cost of operating a business and the high cost of living in Hawaii makes it difficult to compete for government contracts against firms without offices in Hawaii that operate out of low-cost jurisdictions.

The legislature also finds that procurement preferences can encourage the growth and sustainability of businesses that employ Hawaii residents by providing them with a competitive advantage in government contracts. This, in turn, can lead to the creation of new jobs or the retention of existing ones and increase economic activity within the State.

Accordingly, the purpose of this Act is to:

- (1) Establish a new accounting services procurement preference for certain Hawaii accounting service businesses and add it to the list of selection criteria for the procurement of professional services; and
- (2) Clarify that the existing reciprocity procurement preference includes offerors under sections 103D-302 and 103D-303, Hawaii Revised Statutes.

SECTION 2. Chapter 103D, Hawaii Revised Statutes, is amended by adding a new section to part X to be appropriately designated and to read as follows:

**"§103D- Accounting service businesses.** (a) In any expenditure of public funds for accounting services, the use of Hawaii accounting service businesses shall be preferred. Where a package bid or response to a request for proposal contains Hawaii and non-Hawaii accounting service businesses, for the purpose of selecting the lowest bid or purchase price only, the bid or offer by a non-Hawaii accounting service business shall be increased by a preference percentage of twenty per cent; provided that the Hawaii accounting service business shall provide a self-certification that:

- (1) Not less than eighty per cent of the labor for accounting services, with respect to time and expenses incurred, will be performed in the State by persons domiciled in the State; and

- (2) With respect to the size of the physical location, the commercial place of business is of sufficient capacity to accommodate every person performing accounting services under any contract subject to chapter 103D.

(b) This section shall not apply when precluded by federal requirements for competitive bidding or offers.”

SECTION 3. Section 103D-1001, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

“Accounting service” means the art of recording, classifying, and summarizing, in a significant manner and in terms of money, transactions and events that are, at least in part, of a financial character, and interpreting the results. “Accounting service” includes assurance services, such as the performance of an audit.

“Commercial place of business” means a physical location in the State, such as an office, suite, or unit, where business is regularly conducted. A “commercial place of business” shall not include a dwelling or any physical location in which a person resides or a physical location used for business purposes in violation of the applicable land use or zoning laws.

“Hawaii accounting service business” means any person, agency, corporation, or other business entity engaged in the business of accounting services with a commercial place of business located in the State.”

SECTION 4. Section 103D-304, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

(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) For accounting services, whether the accounting service business is located in the State, with a preference for Hawaii accounting service businesses; provided that the Hawaii accounting service business shall provide a self-certification that:

(A) Not less than eighty per cent of the labor for accounting services, with respect to time and expenses incurred, will be performed in the State by persons domiciled in the State; and

(B) With respect to the size of the physical location, the commercial place of business is of sufficient capacity to accommodate every person performing accounting services under any contract subject to this chapter; and

- [4] (5) 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.”

SECTION 5. Section 103D-1004, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

## ACT 114

“(a) To ensure fair and open competition for Hawaii businesses engaged in contracting with other states, the chief procurement officer may impose a reciprocal preference against bidders and offerors pursuant to sections 103D-302 and 103D-303 from those states which apply preferences. The amount of the reciprocal preference shall be equal to the amount by which the non-resident preference exceeds any preference applied by this State.

In determining whether a bidder or offeror qualifies as a resident bidder~~[;]~~ or offeror, the definition used by the other state in applying a preference shall apply.”

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

SECTION 7. This Act shall take effect on July 1, 2024, and shall be repealed on June 30, 2028; provided that sections 103D-304, 103D-1001, and 103D-1004, Hawaii Revised Statutes, shall be reenacted in the forms in which they read on the day before the effective day of this Act.

(Approved June 27, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 114

S.B. NO. 3157

A Bill for an Act Relating to Direct Negotiation for Public Land Leases.

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

SECTION 1. The legislature finds that the public auction process that is normally used to dispose of public land leases has become too protracted, cumbersome, and uncertain to the extent that it has deterred participation by potential lessees. The result is that properties have remained vacant, generating no income and serving no public benefit.

The legislature also finds that expediting the leasing process would potentially make properties more attractive to prospective lessees and result in the creation of a long-term income stream.

The purpose of this Act is to expand the disposition of public land leases through direct negotiation to include commercial and industrial purposes.

SECTION 2. Section 171-59, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Disposition of public lands for uses related to ~~airline , aircraft, and airport-related~~~~[;]~~ operations; ~~agricultural processing~~~~[;]~~ cattle feed production~~[;]~~; ~~aquaculture~~~~[;]~~ commercial use on parcels of up to five acres; ~~industrial use on parcels of up to five acres~~; and ~~marine, maritime, and maritime-related operations~~ may be negotiated without regard to the limitations set forth in subsection (a) and section 171-16(c); provided that:

- (1) The disposition encourages competition within the ~~[aeronautical, airport-related, agricultural, aquaculture, maritime, and maritime-related operations;]~~ relevant industries;
- (2) The disposition shall not exceed a maximum term of thirty-five years, except in the case of:



- (A) Maritime and maritime-related operations, which may provide for a maximum term of seventy years; and
- (B) Aquaculture operations, which may provide for a maximum term of sixty-five years; provided further that aquaculture operations in good standing may seek to renew a lease issued under this section and, during the lease term, may engage in supportive activities that are related to or integrated with aquaculture; ~~and~~
- (3) The method of disposition of public lands for cattle feed production as set forth in this subsection shall not apply after December 31, 1988~~[-]; and~~
- (4) After holding at least two public hearings, the board approves the disposition.

For the purposes of this subsection:

“Agricultural processing” means the processing of agricultural products, including dairying, grown, raised, or produced in Hawaii.

“Airport-related” means a purpose or activity that requires air transportation to achieve that purpose or activity; or an activity that generates revenue for the airport system as provided in section 261-7.

“Aquaculture” means the propagation, cultivation, or farming of aquatic plants and animals in controlled or selected environments for research, commercial, or stocking purposes, including aquaponics or any growing of plants or animals with aquaculture effluents.

“Maritime-related” means a purpose or activity that requires and is directly related to the loading, off-loading, storage, or distribution of goods and services of the maritime industry.”

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; provided that on June 30, 2029, this Act shall be repealed and section 171-59(b), Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.

(Approved June 27, 2024.)

## ACT 115

S.B. NO. 3191

A Bill for an Act Relating to Technology Transfer at the University of Hawaii.

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

SECTION 1. Act 38, Session Laws of Hawaii 2017, as amended by section 8 of Act 8, Special Session Laws of Hawaii 2021, is amended by amending section 5 to read as follows:

“SECTION 5. This Act shall take effect upon its approval~~[-]; provided that this Act shall be repealed on June 30, 2024].~~”

## ACT 116

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

SECTION 3. This Act shall take effect on June 29, 2024.

(Approved June 27, 2024.)

## ACT 116

S.B. NO. 3192

A Bill for an Act Relating to University of Hawaii Research.

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

SECTION 1. Act 8, Special Session Laws of Hawaii 2021, is amended by amending section 16 to read as follows:

“SECTION 16. This Act shall take effect upon its approval; provided that:

(1) Parts IV and V of this Act shall apply retroactively to any actions taken after June 30, 2021, by the University of Hawaii pursuant to the sections of law amended by those parts;

~~[(2) Section 10 shall be repealed on June 30, 2024;]~~ and

~~[(3)]~~ (2) Sections 12, 13, and 14 shall be repealed on June 30, 2024, and sections 103D-203(a) and 304A-2672, Hawaii Revised Statutes, shall be reenacted in the form in which they read on June 11, 2018.”

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

SECTION 3. This Act shall take effect on June 29, 2024.

(Approved June 27, 2024.)

## ACT 117

S.B. NO. 3220

A Bill for an Act Relating to Motor Carriers.

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

SECTION 1. Section 269-1, Hawaii Revised Statutes, is amended by amending the definition of “enforcement officer” to read as follows:

““Enforcement officer” means any person employed and authorized by the commission to investigate any matter on behalf of the commission. ~~[The term also means a motor vehicle safety officer employed and assigned, pursuant to section 271-38, by the department of transportation to enforce sections 271-8, 271-12, 271-13, 271-19, and 271-29 through assessment of civil penalties as provided in section 271-27(h), (i), and (j).]”~~

SECTION 2. Section 271-4, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: ““Department” means the department of transportation.”

2. By amending the definition of “enforcement officer” to read: ““Enforcement officer” means [any];

- (1) Any person employed and authorized by the [commission] department to investigate any matter on behalf of the [commission. The term also means a] department; and
- (2) A motor vehicle safety officer employed and assigned, pursuant to section 271-38, by the department [of transportation] to enforce [sections 271-8, 271-12, 271-13, 271-19, and 271-29 through the assessment of civil penalties as provided in section 271-27(h), (i), and (j).] this chapter.”

SECTION 3. Section 271-27, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:

“(c) Any special agent, accountant, or examiner who knowingly and wilfully divulges any fact or information which may come to the special agent’s, accountant’s, or examiner’s knowledge during the course of any examination or inspection made under authority of sections 271-9(a)(4), 271-23, and 271-25, except as the special agent, accountant, or examiner may be directed by the [commission] department or by a court or judge thereof, shall be guilty of a misdemeanor.”

2. By amending subsections (f) through (j) to read:

“(f) Any motor carrier or any officer, agent, employee, or representative thereof, who wilfully fails or refuses to make a report to the [commission] department as required by this chapter, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the [commission,] department, or to keep accounts, records, and memoranda in the form and manner prescribed by the [commission,] department, or knowingly and wilfully falsifies, destroys, mutilates, or alters any report, account, record, or memorandum or knowingly and wilfully files with the [commission] department any false report, account, record, or memorandum, or knowingly and wilfully neglects or fails to make full, true, and correct entries in the accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this chapter to keep the same, or knowingly and wilfully keeps accounts, records, or memoranda contrary to the rules, regulations, or orders of the [commission] department with respect thereto, shall be deemed guilty of a misdemeanor. As used in this subsection, the words “keep” and “kept” mean made, prepared, or compiled, as well as retained.

(g) Except when required by state law to take immediately before a district judge a person arrested for violation of this chapter, including any rule adopted pursuant to this chapter, any enforcement officer, other than a motor vehicle safety officer employed and assigned, pursuant to section 271-38, by the department [of transportation] to assess civil penalties, upon arresting a person for violation of this chapter, including any rule adopted pursuant to this chapter shall issue to the alleged violator a summons or citation printed in the form hereinafter described, warning the alleged violator to appear and answer to the charge against the alleged violator at a certain place within seven days after the arrest.

- (1) The summons or citation shall be printed in a form comparable to that of other summonses and citations used for arresting offenders and shall include all necessary information. The form and content shall be adopted or prescribed by the district courts.
- (2) The original of a summons or citation shall be given to the alleged violator and any other copies distributed in the manner prescribed by the district courts; provided that the district courts may prescribe

alternative methods of distribution for the original and any other copies.

- (3) Summonses and citations shall be consecutively numbered and any other copies of each shall bear the same number.
- (4) Any person who fails to appear at the place and within the time specified in the summons or citation shall be guilty of a misdemeanor.
- (5) If any person fails to comply with a summons or citation or fails or refuses to deposit bail as required, the enforcement officer shall cause a complaint to be entered against the person and secure the issuance of a warrant for the person's arrest.
- (6) When a complaint is made to any prosecuting officer of a violation of this chapter or any rule, the enforcement officer who issued the summons or citation shall subscribe to it under oath administered by another official whose name has been submitted to the prosecuting officer and who has been designated by the ~~[commission]~~ department to administer the same.

(h) Any motor carrier or lessor, or any officer, agent, employee, or representative thereof, who fails or refuses to comply with any provision of this chapter, or any rule, requirement, or order thereunder, and any person located in this State, or any officer, agent, employee, or representative of any ~~[such]~~ the person, who engages the services of any motor carrier or lessor, or any officer, agent, employee, or representative thereof, who fails or refuses to comply with any provision of this chapter, or any rule, requirement, or order, may be assessed a civil penalty for an amount determined by the ~~[commission]~~ department subject to this section payable to the State in a sum:

- (1) Up to \$1,000 for each offense;
- (2) In the case of a continuing violation, not less than \$50 and not more than \$500 for each additional day during which the failure or refusal continues; and
- (3) Up to \$5,000 for each fourth or subsequent violation within one calendar year.

(i) Notwithstanding subsection (h), a motor carrier who fails to file, within the prescribed time, a financial report with the ~~[commission]~~ department pursuant to its rules may be assessed a civil penalty payable to the State up to the sum of one-sixteenth of one per cent of the gross revenues from the motor carrier's business during the preceding calendar year, if the failure is for not more than one month, with an additional one-sixteenth of one per cent for each additional month or fraction thereof during which the failure continues, but in no event shall the total civil penalty be less than the sum of \$50.

(j) In addition to any other remedy available, the ~~[commission]~~ department or its enforcement officer, including a motor vehicle safety officer employed and assigned by the department ~~[of transportation]~~ pursuant to section 271-38, may issue citations to persons acting in the capacity of or engaging in the business of a motor carrier within this State, without having a certificate of public convenience and necessity or other authority previously obtained under and in compliance with this chapter and rules adopted, or to any shipper or consignee located in this State, or any officer, employee, agent, or representative thereof who engages the services of those persons.

- (1) The citation may contain an order of abatement and an assessment of civil penalties as provided in subsection (h). 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 certified mail,

restricted delivery, sent to the last known business or residence address of the person cited.

- (2) Any person served with a citation under this subsection may submit a written request to the ~~[commission]~~ department 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 notifies the ~~[commission]~~ department of the request for a hearing in time, the ~~[commission]~~ department shall afford the person an opportunity for a hearing under chapter 91. The hearing shall be conducted by the ~~[commission,]~~ department, or the ~~[commission]~~ department may designate a hearings officer to hold the hearing.
- (3) If the person cited under this subsection does not submit a written request to the ~~[commission]~~ department for a hearing in time, the citation shall be deemed a final order of the ~~[commission-]~~ department. The ~~[commission]~~ department may apply to the appropriate court for a judgment to enforce the provisions of any final order issued by the ~~[commission]~~ department or designated hearings officer pursuant to this subsection, including the provisions for abatement and civil penalties imposed. In any proceeding to enforce the final order, the ~~[commission]~~ department need only produce a certified copy of the final order and show that the notice was given and that a hearing was held or the time granted for requesting the hearing has run without a request.
- (4) If any party is aggrieved by the decision of the ~~[commission]~~ department 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 sanctions and disposition authorized under this subsection shall be separate and in addition to all other remedies either civil or criminal provided by law. The ~~[commission]~~ department may adopt any rules under chapter 91 that may be necessary to fully effectuate this subsection.”

SECTION 4. Section 271-37, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§271-37]]~~ **Attorney general; aid in enforcement.** Upon written request of the ~~[public utilities commission,]~~ department, the attorney general shall prosecute all violations on behalf of the ~~[commission]~~ department for the enforcement of the provisions of this chapter.”

SECTION 5. Section 271-38, Hawaii Revised Statutes, is amended to read as follows:

“~~§271-38~~ **Enforcement.** ~~[At the request of the public utilities commission, the department of transportation]~~ The department shall assign a motor vehicle safety officer employed by the department ~~[of transportation]~~ to assist in the enforcement of ~~[sections 271-8, 271-12, 271-13, 271-19, and 271-29, through the assessment of civil penalties as provided in section 271-27(h), (i), and (j)]~~ this chapter.”

SECTION 6. The full transfer of enforcement responsibilities of the motor carrier law from the public utilities commission to the department of transportation pursuant to this Act shall be completed before December 31, 2024.

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, 2024.

(Approved June 27, 2024.)

ACT 118

S.B. NO. 2289

A Bill for an Act Relating to Kalaupapa.

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

SECTION 1. Section 326-25.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§§326-25.5~~ **Annual report.** The department of health shall submit a report to the legislature no later than twenty days prior to the convening of each regular session that addresses the following with regard to Kalaupapa Settlement:

- (1) The department’s provision of medical and basic living needs of the patients;
- (2) The department’s progress toward defining and addressing the non-medical needs of patients;
- (3) The department’s progress toward promoting a positive living environment;
- (4) The department’s management of state resources, including benefits given to employees that are not statutorily defined;
- (5) The department’s progress toward establishing written policies and procedures for Kalaupapa store;
- (6) The department’s progress toward establishing and maintaining a complaint file and adequately addressing complaints;
- (7) The performance of the administrator, including compliance with job duties;
- (8) The department’s progress toward adequate accountability of state property; ~~and~~
- (9) Details and justification of approved employee air travel requests and trail pay[-];
- (10) Details and updated information, as available, regarding the permanent transfer to other governmental or qualified non-governmental entities of the powers and duties of the department and any other state agency over Kalaupapa Settlement; and
- (11) Details including efforts of engagement by the department with Molokai community groups, including the addition of Ka Ohana O Kalaupapa and a non-governmental organization from the non-peninsular area of Molokai to be selected by the department in consultation with the non-peninsular area of the Molokai community.”

SECTION 2. After all of the powers and duties of the department of health over Kalaupapa Settlement have been permanently transferred to other

governmental agencies or qualified non-governmental organizations, the governor shall issue a proclamation to affirm the date of completion of the transfer. The governor shall also immediately deliver a copy of the proclamation to the revisor of statutes.

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 the first June 30 that occurs after the revisor of statutes receives a copy of the governor's proclamation, as described in section 2 of this Act, section 1 of this Act shall be repealed and section 326-25.5, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.

(Approved June 28, 2024.)

## ACT 119

S.B. NO. 2591

A Bill for an Act Relating to Burial Sites.

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

SECTION 1. The purpose of this Act is to impose a fine of \$1,000 on any private landowner who fails to disclose and record the existence of burial or archaeological sites on their property that the landowner knew or should have known of.

SECTION 2. Chapter 508D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§508D- Failure to disclose or record a burial or archaeological site; penalty.** There shall be imposed by a court of competent jurisdiction a fine of \$1,000 on any private landowner who fails to disclose and record with the bureau of conveyances, or in documents used to offer real property for sale, burial or archaeological sites located on the landowner's property that the landowner knew of or should have known of. All fines collected under this section shall be deposited into the Hawaii historic preservation special fund established under section 6E-16.”

SECTION 3. Section 6E-16, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There ~~[is]~~ shall be established a Hawaii historic preservation special fund into which shall be deposited the following moneys:

- (1) Appropriations by the legislature to the special fund;
- (2) Gifts, donations, and grants from public agencies and private persons;
- (3) All proceeds collected by the department derived from historic preserve user fees, historic preserve leases or concession fees, fees charged to carry out the purposes of this chapter, or the sale of goods; ~~[and]~~
- (4) Civil, criminal, and administrative penalties, fines, and other charges collected under this chapter or any rule adopted pursuant to this chapter~~[-]; and~~
- (5) Fines collected under section 508D- .

## ACT 120

All interest earned or accrued on moneys deposited in the fund shall become part of the fund. The fund shall be administered by the department; provided that the department may contract with a public or private agency to provide the day-to-day management of the fund.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

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

(Approved June 28, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 120

S.B. NO. 2657

A Bill for an Act Relating to Makahiki Commemoration Day.

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

SECTION 1. Section 8-19, Hawaii Revised Statutes, is amended to read as follows:

**“~~§8-19~~ Makahiki Commemoration Day.** ~~[November 20th]~~ One of the kapu Hua days of Mōhala, Hua, or Akua of the lunar month of ‘Ikuā of each year shall be known and designated as Makahiki Commemoration Day[-] to recognize the Makahiki, a season and New Year festival of Hawaiian tradition celebrating harvest, bounty, and the god Lono. The calendar date on which the State should commemorate the Makahiki season shall be projected yearly using various technologies that track celestial phenomena to determine and publicize the equivalent day of the Gregorian calendar. This day is not and shall not be construed as a state holiday.”

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 28, 2024.)

## ACT 121

S.B. NO. 3236

A Bill for an Act Relating to the Land Trust Act.

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

SECTION 1. Section 558-7, Hawaii Revised Statutes, is amended to read as follows:

**“~~§558-7~~ Personal property.** In all cases where the recorded instrument contains a provision defining and declaring the interest of beneficiaries to be personal property only, the provision shall be controlling for all purposes where the determination ~~[shall become]~~ becomes an issue under the laws or in the



courts of this State. If no personal property designation appears in the recorded instrument, the interest of the beneficiaries shall be real property.”

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 28, 2024.)

## ACT 122

S.B. NO. 3123

A Bill for an Act Relating to Access to Vital Records for the Department of Hawaiian Home Lands.

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

SECTION 1. Section 338-18, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The department of health shall not permit inspection of public health statistics records, or issue a certified copy of any record or part thereof, unless it is satisfied that the applicant has a direct and tangible interest in the record. The following persons or agencies shall be considered to have a direct and tangible interest in a public health statistics record:

- (1) The registrant;
- (2) The spouse of the registrant;
- (3) A parent of the registrant;
- (4) A descendant of the registrant;
- (5) A person having a common ancestor with the registrant;
- (6) A legal guardian of the registrant;
- (7) A person or agency acting on behalf of the registrant;
- (8) A personal representative or trustee of the registrant’s estate or trust;
- (9) A person whose right to inspect or obtain a certified copy of the record is established by an order of a court of competent jurisdiction;
- (10) Adoptive parents who have filed a petition for adoption and who need to determine the death of one or more of the prospective adopted child’s natural or legal parents;
- (11) A person who needs to determine the marital status of a former spouse to determine the payment of alimony;
- (12) A person, an agency, or a beneficiary of a will or trust who needs to determine the death of a co-owner of property; ~~and~~
- (13) A person or agency who seeks access to vital statistics records for a public health purpose, as reviewed by the department of health’s institutional review committee and approved by the director of health[-]; and
- (14) The department of Hawaiian home lands for purposes of verifying eligibility for native Hawaiian beneficiary programs with the permission of the registrant or the descendants of the registrant; provided that the department of health and department of Hawaiian

home lands shall enter into a memorandum of agreement to ensure appropriate handling of records before allowing the department of Hawaiian home lands to access the subject records.”

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 28, 2024.)

## ACT 123

H.B. NO. 1529

A Bill for an Act Relating to Burial Councils.

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

SECTION 1. The legislature finds that delays in nominating and appointing, or reappointing, members to island burial councils may affect the ability of councils to function effectively. If a member’s term expires and the member’s reappointment is delayed or a successor is not timely appointed, the burial council may lack the quorum necessary to conduct business.

Accordingly, the purpose of this Act is to allow a burial council member whose term has expired to continue in office as a holdover member until the member’s reappointment to a second term is confirmed or a successor is nominated and appointed.

SECTION 2. Section 6E-43.5, Hawaii Revised Statutes, is amended to read as follows:

**“§6E-43.5 Island burial councils; creation; appointment; composition; duties.** (a) There [are] shall be established within the department five island burial councils, one each for Hawai‘i, Maui/Lāna‘i, Moloka‘i, O‘ahu, and Kaua‘i/Ni‘ihau, to implement section 6E-43. Each council shall consist of nine members, except the Moloka‘i council, which shall consist of five members. Each council shall consist of no more than three representatives of development and large landowner interests; provided that the Moloka‘i council shall consist of no more than one representative of development and large landowner interests. The remaining council members shall represent the geographic regions identified in paragraphs (1) through (5). At all times, at least two of the regional representatives of each council shall have been appointed from a list of nominees submitted to the governor by the office of Hawaiian affairs, as provided under subsection (b). Each council shall include at least one representative for each geographic region identified as follows:

- (1) The Hawai‘i council shall include the following geographic regions: Kohala, Kona, Ka‘ū, Puna, Hilo, and Hāmākua;
- (2) The Maui/Lāna‘i council shall include the following geographic regions: Honua‘ula, Lahaina, Wailuku, Makawao, Hāna, and Lāna‘i;
- (3) The Moloka‘i council shall include the following geographic regions: West Moloka‘i, Central Moloka‘i, East Moloka‘i, and Kalawao;
- (4) The O‘ahu council shall include the following geographic regions: Wai‘ānae, ‘Ewa, Kona, Ko‘olaupoko, Ko‘olauloa, and Waialua; and

- (5) The Kaua'i/Ni'ihau council shall include the following geographic regions: Waimea/Na Pali, Kōloa, Līhu'e, Kawaihau, Hanalei, and Ni'ihau.

Regional representatives shall be selected from the Hawaiian community on the basis of the representatives' understanding of the culture, history, burial beliefs, customs, and practices of native Hawaiians in the region they each represent.

(b) Appointment of members to the councils shall be made by the governor, in accordance with section 26-34 and subsection (a), from lists for each council submitted by the department and the office of Hawaiian affairs. Lists to fill vacancies on the councils shall be submitted as follows:

- (1) For vacancies attributable to the expiration of terms, the list shall be submitted on the first business day of December ~~prior to~~ before the expiration of the terms, except as provided in subsection (c); and
- (2) For a vacancy that occurs during a council representative's term, the list shall be submitted within thirty business days after the vacancy occurs, except as provided in subsection (c).

(c) The department may submit any list to fill a vacancy up to fifteen days after the office of Hawaiian affairs submits its list for the same vacancy; provided that the failure of the department to submit any list by any relevant deadline or fifteen days after the office of Hawaiian affairs submits its list, whichever occurs later, shall be construed as a waiver of the department's right to submit a list.

(d) Notwithstanding section 26-34(b) or any other law to the contrary, any council member whose term has expired may continue in office as a holdover member until the member's reappointment to a second term is confirmed or a successor is nominated and appointed; provided that a holdover member shall not hold office beyond the end of the fourth regular session of the legislature following the expiration of the member's term of office.

~~[(d)]~~ (e) The department, in consultation with the councils, office of Hawaiian affairs, representatives of development and large landowner interests, and appropriate Hawaiian organizations, such as Hui Malama I Na Kupuna O Hawai'i Nei, shall adopt rules pursuant to chapter 91 necessary to carry out the purposes of this section. The council members shall serve without compensation, but shall be reimbursed for necessary expenses incurred during the performance of their duties. The councils shall be a part of the department for administrative purposes.

~~[(e)]~~ (f) The councils shall hold meetings and acquire information as they deem necessary and shall communicate their findings and recommendations to the department. Notwithstanding section 92-3, whenever the location and description of burial sites are under consideration, the councils may hold closed meetings. A majority of all members to which each council is entitled shall constitute a quorum to do business. Concurrence of a majority of the members present at a meeting shall be necessary to make any action of a council valid.

~~[(f)]~~ (g) Department records relating to the location and description of historic sites, including burial sites, if deemed sensitive by a council or the Hawai'i historic places review board, shall be confidential.

~~[(g)]~~ (h) The councils shall:

- (1) Determine the preservation or relocation of previously identified native Hawaiian burial sites;
- (2) Assist the department in the inventory and identification of native Hawaiian burial sites;

- (3) Make recommendations regarding appropriate management, treatment, and protection of native Hawaiian burial sites, and on any other matters relating to native Hawaiian burial sites;
- (4) Elect a chairperson for a four-year term who shall serve for ~~not~~ no more than two consecutive terms; and
- (5) Maintain a list of appropriate Hawaiian organizations, agencies, and offices to notify regarding the discovery of remains.”

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 28, 2024.)

**ACT 124**

H.B. NO. 2626

A Bill for an Act Relating to Fishponds.

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

SECTION 1. Section 171-28, Hawaii Revised Statutes, is amended to read as follows:

**“§171-28 Government-owned Hawaiian fishponds; sale prohibition.** (a) The board may investigate and develop scientific commercial management practices for government-owned Hawaiian fishponds and reconstruct, rehabilitate, improve, and stock the fishponds; and expend moneys from the special land and development fund. All revenues derived from any government-owned Hawaiian fishpond shall be deposited in the fund.

(b) The board may lease government-owned Hawaiian fishponds with legislative authorization as provided under section 171-53(c); provided that in lieu of legislative authorization, the board may lease ~~such~~ fishponds if:

- (1) A public hearing is conducted on the proposed lease on the island where the fishpond is located;
- (2) The board finds that the proposed lease does not cause a substantial adverse environmental or ecological impact on the fishpond or surrounding area; and
- (3) The proposed lease is not in violation of applicable federal, state, or county laws.

(c) For lease of a government-owned Hawaiian fishpond, the board shall find:

- (1) That the applicant has provided a management plan demonstrating the use and knowledge of traditional native Hawaiian practices and protocols as the primary component of the applicant’s tenancy, including kilo, kia’i loko, and uhaul humu pōhaku (for rock walled fishponds); and
- (2) The proposed lease does not cause a substantial adverse environmental or ecological impact on the fishpond or surrounding areas.

~~[(e)]~~ (d) Any law to the contrary notwithstanding, the board may not sell the fee interest in public lands on which government-owned Hawaiian fishponds are located.”

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 28, 2024.)

## ACT 125

S.B. NO. 3109

A Bill for an Act Relating to the Department of Hawaiian Home Lands.

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

SECTION 1. The legislature finds that Act 279, Session Laws of Hawaii 2022 (Act 279), appropriated out of the general revenues of the State of Hawaii the sum of \$600,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 to provide a multi-pronged approach to reducing the over twenty-eight thousand applicants on the department of Hawaiian home lands waitlist.

The legislature further finds that Act 279 stipulated that any moneys not encumbered for specific purposes shall lapse to the general fund on June 30, 2025. Article VII, section 11, of the Hawaii State Constitution provides in part that no general fund appropriation shall be for a period exceeding three years. This provision therefore permits the encumbrance of biennial appropriations one year beyond the biennial period, or no later than June 30, 2024, for the fiscal biennium 2021-2023. Accordingly, unencumbered funds appropriated by Act 279 will lapse on June 30, 2024.

The purpose of this Act is to:

- (1) Give practical effect to the legislature’s intent for the appropriation in Act 279 by depositing certain unexpended or unencumbered funds appropriated through Act 279 that are set to lapse on June 30, 2024, into an Act 279 special fund and appropriating funds out of the Act 279 special fund; and
- (2) Provide that monies from the appropriation out of the Act 279 special fund that are unencumbered as June 30, 2026, shall lapse as of that date.

SECTION 2. (a) There is established in the state treasury the Act 279 special fund to be administered by the department of Hawaiian home lands and into which shall be deposited:

- (1) Appropriations made by the legislature to the special fund;
- (2) Grants provided by governmental agencies or any other source;
- (3) Donations and contributions made by private individuals or organizations for deposit into the special fund;
- (4) Interest accrued on all amounts in the special fund; and
- (5) Any other moneys made available to the special fund from other sources.

(b) Moneys in the special fund shall be used by the department of Hawaiian home lands to fulfill its fiduciary duties to beneficiaries of this Act and Act 279, Session Laws of Hawaii 2022, including:

## ACT 125

- (1) Developing lots or units;
- (2) Purchasing available land or units;
- (3) Providing funding for an applicant on the waiting list or a qualified relative of the applicant similar to the qualified relative of a lessee as referenced in section 208(5) of the Hawaiian Home Commission Act of 1920, as amended, who does not own a principal residence to purchase;
- (4) Providing a mortgage or rental subsidy to the applicant on the waiting list for the applicant's principal residence in the State;
- (5) Exploring and developing opportunities to generate additional revenue from lands the department controls to fulfill the fiduciary duties required by this section; and
- (6) Other services as necessary to address the waiting list.

SECTION 3. Act 279, 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 \$600,000,000 or so much thereof as may be necessary for fiscal year 2021-2022 for the purposes of this Act; provided that any moneys not expended or encumbered for specific purposes shall lapse to the ~~[general fund]~~ Act 279 special fund established pursuant to Act \_\_\_\_\_, Session Laws of Hawaii 2024, on June 30, [2025:] 2024.

The sum appropriated shall be expended by the department of Hawaiian home lands for the purposes of this Act.”

SECTION 4. There is appropriated out of the Act 279 special fund the sum of \$129,100,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the purposes of the special fund; provided that the appropriation made 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 unexpended or unencumbered as of June 30, 2026, shall lapse as of that date.

The sum appropriated shall be expended by the department of Hawaiian home lands for the purposes of Act 279, Session Laws of Hawaii 2022.

SECTION 5. On June 30, 2026, the Act 279 special fund shall be abolished and any unexpended and unencumbered balance as of the close of business on June 30, 2026, shall lapse to the general fund on that date.

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

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

SECTION 8. This Act shall take effect on June 29, 2024; provided that:

- (1) Section 4 shall take effect on July 1, 2024; and
- (2) Section 2 shall be repealed on June 30, 2026.

(Approved June 28, 2024.)

## ACT 126

H.B. NO. 2074

A Bill for an Act Relating to Kaiapuni Education.

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

SECTION 1. The legislature finds that the department of education has experienced significant growth in the demand for Hawaiian language immersion education to be provided in Hawaii's Kaiapuni schools. Over the past decade, enrollment has grown by approximately one thousand four hundred students, yet resources dedicated to supporting Kaiapuni education programming have consistently declined since 2008. In response, the department of education, as outlined in its 2023-2029 strategic implementation plan, is taking proactive measures to address this increased demand. The objective is to ensure that the department of education can effectively monitor the academic success of all its students, including those enrolled in any of its twenty-two Kaiapuni program schools.

As part of Desired Outcome 1.1.4, action step 2 of the department of education's Strategic Plan Phase II Implementation Plan, the department is mandated to develop a strategic plan for Kaiapuni education during the 2023-2024 school year. Essential resources are required, specifically individuals having the expertise in delivering classroom-level instruction to Kaiapuni program students, as well as expertise in Kaiapuni pedagogy and curriculum development. This expertise is crucial to continue expanding and strengthening the educational foundation of learning that leads to successful cultural, linguistic, and academic achievement for Kaiapuni students.

Accordingly, the purpose of this Act is to address the immediate and long-term requirements in response to the growing demand for Kaiapuni education access by appropriating funds to establish multiple full-time equivalent Kaiapuni staff positions. The funding will support positions distributed at the state level, reinforcing educational support to ensure the successful cultural, linguistic, and academic achievement of Kaiapuni students. Additionally, at the school level, these positions will be designated to provide new Kaiapuni program school sites and classrooms with the faculty necessary to facilitate daily student instruction, thereby strengthening the overall educational foundation.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$3,544,683 or so much thereof as may be necessary for fiscal year 2024-2025 for Kaiapuni programs and the establishment of three full-time equivalent (3.0 FTE) Kaiapuni education curriculum specialist II positions and ten full-time equivalent (10.0 FTE) Kaiapuni classroom teacher positions.

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

SECTION 3. This Act shall take effect on July 1, 2024.

(Approved June 28, 2024.)

A Bill for an Act Relating to Access to Learning.

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

SECTION 1. The purpose of this Act is to clarify and make adjustments to part V of Act 46, Session Laws of Hawaii 2020, based on data and information from the university of Hawaii at Hilo college of Hawaiian language program.

SECTION 2. Act 46, Session Laws of Hawaii 2020, as amended by section 9 of Act 210, Session Laws of Hawaii 2021, is amended by amending section 16 to read as follows:

“SECTION 16. The standards, assessments, performance ratings, staff qualifications, and staff training requirements established by this Act shall not apply to any laboratory school program of the Hawaiian language college at the [University] university of Hawaii at Hilo [~~until July 1, 2026~~]; provided that all child care centers at any applicable college shall be licensed by the department of human services [~~prior to~~] before accepting children into care.”

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 28, 2024.)

A Bill for an Act Relating to Regenerative Tourism.

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

SECTION 1. Chapter 201B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§201B- Tourism functional plan.** Pursuant to section 226-55, the authority, in coordination with the office of planning and sustainable development, shall prepare and periodically update the tourism functional plan to include tourism economic goals set out in chapter 226, the authority’s strategic plan, and the Hawaii 2050 sustainability plan.”

SECTION 2. Section 226-8, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) To achieve the visitor industry objective, it shall be the policy of [this] the State to:

- (1) Support and assist in the promotion of Hawaii’s visitor attractions and facilities[-];
- (2) Ensure that visitor industry activities are in keeping with the social, economic, and physical needs and aspirations of Hawaii’s people[-];
- (3) Improve the quality of existing visitor destination areas by utilizing Hawaii’s strengths in science and technology[-];
- (4) Encourage cooperation and coordination between the government and private sectors in developing and maintaining well-designed, ad-



- equately serviced visitor industry and related developments ~~[which that are sensitive to neighboring communities and activities[-];~~
- (5) Develop the industry in a manner that will [continue];
    - (A) Continue to provide new job opportunities and steady employment for Hawaii's people[-];
    - (B) Commit to building the capacity of Hawaii's people; and
    - (C) Offer career opportunities to ultimately increase the percentage of Hawaii's people who hold management and leadership positions in the visitor industry;
  - (6) Provide opportunities for Hawaii's people to obtain job training and education that will allow for upward mobility within the visitor industry[-];
  - (7) Foster a recognition of the contribution of the visitor industry to Hawaii's economy and the need to perpetuate the aloha spirit[-];
  - (8) Foster an understanding by visitors of the aloha spirit and of the unique and sensitive character of Hawaii's cultures and values[-];
  - (9) Form community partnerships to ensure Native Hawaiian cultural integrity by:
    - (A) Supporting Hawaii's people and communities and their efforts to care for the land and protect the cultural and natural resources of the land, oceans, streams, and skies;
    - (B) Strengthening the relationships between the place and Hawaii's people and visitors alike;
    - (C) Engaging in collaborative efforts that provide visitors with genuine and meaningful experiences in Hawaii;
    - (D) Ensuring that kapu (prohibited) and environmentally sensitive contexts are protected from visitor traffic;
    - (E) Positioning local business owners and entrepreneurs in the economic value chain to ensure more meaningful visitor and resident engagement as well as economic benefit to local communities; and
    - (F) Acknowledging and, where appropriate, protecting Native Hawaiian cultural intellectual property, traditional knowledge, and traditional cultural expressions that contribute to Hawaii's economy;
  - (10) Apply innovative financial policies as well as data collection and analysis to incentivize and facilitate a shift to a regenerative visitor industry that has a smaller ecological footprint by implementing policies such as decreasing the impacts on beaches, reefs, and ocean life, and that aims to sustain and improve the quality of life for Hawaii's people by implementing policies such as decreasing the impacts of transient accommodations, vacation rentals, bed and breakfast operations, and rental cars;
  - (11) Target markets that have a high probability of alignment with the goal of cultivating a regenerative visitor industry;
  - (12) Actively support and encourage other economic sectors and clusters to reduce the State's dependence on tourism to support Hawaii's overall economic prosperity;
  - (13) Minimize negative economic, environmental, and social impacts to the State;
  - (14) Generate greater economic benefits for Hawaii's people, enhance the well-being of Hawaii's indigenous communities, and improve the working conditions of and access to the visitor industry;

- (15) Involve Hawaii’s people in decisions that affect their lives and life changes;
- (16) Make positive contributions to the conservation of natural and cultural heritage for the maintenance of Hawaii’s diversity;
- (17) Provide more enjoyable experiences and a greater understanding of local cultural, social, and environmental issues for visitors through more meaningful connections with Hawaii’s people; and
- (18) Provide equitable access for individuals with disabilities and socio-logically disadvantaged people that is culturally sensitive, engenders respect between visitors and Hawaii’s people, and builds pride and confidence in Hawaii.”

SECTION 3. Once the Hawaii tourism authority prepares and submits an updated tourism functional plan pursuant to this Act and section 226-56, Hawaii Revised Statutes, the governor shall transmit the approved tourism functional plan to the legislature no later than twenty days prior to the convening of the regular session of 2025.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

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

(Approved June 28, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 129**

S.B. NO. 3154

A Bill for an Act Relating to Regulation of Archaeological Activities.

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

SECTION 1. Section 6E-11, Hawaii Revised Statutes, is amended to read as follows:

**“§6E-11 Civil and administrative violations.** (a) It shall be a civil and administrative violation for any person to take, appropriate, excavate, injure, destroy, or alter any historic property or aviation artifact located upon the private lands of any owner thereof without the owner’s written permission being first obtained. It shall be a civil and administrative violation for any person to take, appropriate, excavate, injure, destroy, or alter any historic property or aviation artifact located upon lands owned or controlled by the State or any of its political subdivisions, except as permitted by the department, or to knowingly violate the conditions set forth in an approved mitigation plan that includes monitoring and preservation plans.

(b) It shall be a civil and administrative violation for any person to knowingly take, appropriate, excavate, injure, destroy, or alter any burial site, or the contents thereof, located on private lands or lands owned or controlled by the State or any of its political subdivisions, except as permitted by the department, to knowingly fail to re-inter human remains discovered on the lands in a reasonable period of time as determined by the department, or to know-

ingly violate the conditions set forth in an approved mitigation plan that includes monitoring and preservation plans.

(c) It shall be a civil and administrative violation for any person to take, appropriate, excavate, injure, destroy, or alter any historic property or burial site during the course of land development or land alteration activities to which section 6E-42 applies, without obtaining the required approval.

(d) It shall be a civil and administrative violation for any person who inadvertently discovers a burial site to fail to stop work in the immediate area and report the discovery, as required by section 6E-43.6.

(e) It shall be a civil and administrative violation for any person to:

- (1) Fail to comply with agreed upon archaeological mitigation commitments;
- (2) Fail to conduct an archaeological inventory survey as specified in an archaeological inventory survey plan or archaeological monitoring plan approved by the department;
- (3) Alter an approved archaeological inventory survey plan or archaeological monitoring plan without prior written approval of the department;
- (4) Carry out project development activities within a preservation area or burial preserve approved by the department without prior written approval of the department, including project equipment transiting through, within, or across a preservation area or burial preserve; or
- (5) Fail to complete and submit required reports.

~~(e)~~ (f) It shall be a civil and administrative violation for any person to knowingly glue together any human skeletal remains, label any human skeletal remains with any type of marking pen, or conduct any tests that destroy human skeletal remains, as defined in section 6E-2, except as permitted by the department.

~~(f)~~ (g) Any person who violates this section shall be fined not more than \$20,000 for each separate violation. If the violator directly or indirectly has caused the loss of, or damage to, any historic property or burial site, the violator shall be fined an additional amount determined by the environmental court or an administrative adjudicative authority to be equivalent to the value of the lost or damaged historic property or burial site. Each day of continued violation of this provision shall constitute a distinct and separate violation for which the violator may be punished. Any landowner or developer responsible for any project where violations are found to have occurred shall execute any mitigation and preservation measures ordered by the department and shall be jointly and severally liable for any costs of mitigation and preservation. Equipment used by a violator for the taking, appropriation, excavation, injury, destruction, or alteration of any historic property or burial site, or for the transportation of the violator to or from the historic property or burial site, shall be subject to seizure and disposition by the State without compensation to its owner or owners.

~~(g)~~ (h) Any person who knowingly violates this chapter with respect to burial sites shall also be prohibited from participating in the construction of any state or county funded project for ten years.

~~(h)~~ (i) Nothing in this section shall apply to land altering activities relating to family burial plots under section 441-5.5.

~~(i)~~ (j) The civil and administrative penalties imposed pursuant to this chapter shall be in addition to the criminal penalties provided by this chapter and any other penalties that may be imposed pursuant to law.”

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 28, 2024.)

ACT 130

H.B. NO. 2218

A Bill for an Act Relating to the Hawaiian Homes Commission Act.

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

SECTION 1. The legislature finds that the department of Hawaiian home lands provides direct loans for the repair, maintenance, purchase, and erection of a dwelling; however, the Hawaiian Homes Commission Act of 1920, as amended, stipulates that these loans cannot exceed fifty per cent of the maximum single residence loan amount allowed in Hawaii by the United States Department of Housing and Urban Development's Federal Housing Administration.

The purpose of this Act is to amend the Hawaiian Homes Commission Act of 1920, as amended, to increase the loan limit for direct loans provided by the department of Hawaiian home lands to seventy-five per cent of the maximum single residence loan amount allowed in Hawaii by the United States Department of Housing and Urban Development's Federal Housing Administration, instead of fifty per cent.

SECTION 2. Section 215 of the Hawaiian Homes Commission Act, 1920, as amended, is amended to read as follows:

“**§215. Conditions of loans.** Except as otherwise provided in section 213(c), each contract of loan with the lessee or any successor or successors to the lessee's interest in the tract or with any agricultural, mercantile, or aquacultural cooperative association composed entirely of lessees shall be held subject to the following conditions whether or not stipulated in the contract loan:

- (1) At any<sup>1</sup> time, the outstanding amount of loans made to any lessee, or successor or successors in interest, for the repair, maintenance, purchase, and erection of a dwelling and related permanent improvements shall not exceed [~~fifty~~] seventy-five per cent of the maximum single residence loan amount allowed in Hawaii by the United States Department of Housing and Urban Development's Federal Housing Administration (FHA), for the development and operation of a farm, ranch, or aquaculture operation shall not exceed \$200,000, except that when loans are made to an agricultural or aquacultural cooperative association for the purposes stated in section 214(a)(4), the loan limit shall be determined by the department on the basis of the proposed operations and the available security of the association, and for the development and operation of a mercantile establishment shall not exceed the loan limit determined by the department on the basis of the proposed operations and the available security of the lessee or of the organization formed and controlled by lessees; provided that upon the death of a lessee leaving no relative quali-

fied to be a lessee of Hawaiian home lands, or the cancellation of a lease by the department, or the surrender of a lease by the lessee, the department shall make the payment provided for by section 209(a), the amount of any such payment shall be considered as part or all, as the case may be, of any such loan to the successor or successors, without limitation as to the above maximum amounts; provided further that in case of the death of a lessee, or cancellation of a lease by the department, or the surrender of a lease by the lessee, the successor or successors to the tract shall assume any outstanding loan or loans thereon, if any, without limitation as to the above maximum amounts but subject to paragraph (3).

- (2) The loans shall be repaid in periodic installments, such installments to be monthly, quarterly, semiannual, or annual as may be determined by the department in each case. The term of any loan shall not exceed thirty years. Payments of any sum in addition to the required installments, or payment of the entire amount of the loan, may be made at any time within the term of the loan. All unpaid balances of principal shall bear interest at the rate of two and one-half per cent a year for loans made directly from the Hawaiian home loan fund, or at the rate of two and one-half per cent or higher as established by law for other loans, payable periodically or upon demand by the department, as the department may determine. The payment of any installment due shall be postponed in whole or in part by the department for such reasons as it deems good and sufficient and until such later date as it deems advisable. Such postponed payments shall continue to bear interest on the unpaid principal at the rate established for the loan.
- (3) In the case of the death of a lessee the department shall, in any case, permit the successor or successors to the tract to assume the contract of loan subject to paragraph (1). In case of the cancellation of a lease by the department or the surrender of a lease by the lessee, the department may, at its option declare all installments upon the loan immediately due and payable, or permit the successor or successors to the tract to assume the contract of loan subject to paragraph (1). The department may, in such cases where the successor or successors to the tract assume the contract of loan, waive the payment, wholly or in part, of interest already due and delinquent upon the loan, or postpone the payment of any installment thereon, wholly or in part, until such later dates as it deems advisable. Such postponed payments shall, however, continue to bear interest on the unpaid principal at the rate established for the loan. Further, the department may, if it deems it advisable and for the best interests of the lessees, write off and cancel, wholly or in part, the contract of loan of the deceased lessee, or previous lessee, as the case may be, where such loans are delinquent and deemed uncollectible. Such write off and cancellation shall be made only after an appraisal of all improvements and growing crops or improvements and aquaculture stock, as the case may be, on the tract involved, such appraisal to be made in the manner and as provided for by section 209(a). In every case, the amount of such appraisal, or any part thereof, shall be considered as part or all, as the case may be, of any loan to such successor or successors, subject to paragraph (1).
- (4) No part of the moneys loaned shall be devoted to any purpose other than those for which the loan is made.

- (5) The borrower or the successor to the borrower's interest shall comply with such other conditions, not in conflict with any provision of this Act, as the department may stipulate in the contract of loan.
- (6) The borrower or the successor to the borrower's interest shall comply with the conditions enumerated in section 208, and with section 209 of this Act in respect to the lease of any tract.
- (7) Whenever the department shall determine that a borrower is delinquent in the payment of any indebtedness to the department, it may require such borrower to execute an assignment to it, not to exceed, however, the amount of the total indebtedness of such borrower, including the indebtedness to others the payment of which has been assured by the department of all moneys due or to become due to such borrower by reason of any agreement or contract, collective or otherwise, to which the borrower is a party. Failure to execute such an assignment when requested by the department shall be sufficient ground for cancellation of the borrower's lease or interest therein.
- (8) The department shall provide financial literacy education for all borrowers."

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 with the consent of the United States Congress; provided that the amendments made to section 215, Hawaiian Homes Commission Act, 1920, as amended, by this Act shall not be repealed when Act 107, Session Laws of Hawaii 2000, or Act 85, Session Laws of Hawaii 2008, take effect with the consent of the United States Congress.

(Approved June 28, 2024.)

**Note**

1. Prior to amendment "one" appeared here.

**ACT 131**

H.B. NO. 2457

A Bill for an Act Relating to the Department of Law Enforcement.

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

SECTION 1. Act 278, Session Laws of Hawaii 2022, established a new department of law enforcement to consolidate and administer state criminal law enforcement and investigations functions for the purpose of providing the highest level of law enforcement service for the public, state employees, and state properties by centralizing state law enforcement functions to increase public safety, improve decision making, promote accountability, streamline communication, decrease costs, reduce duplication of efforts, and provide uniform training and standards.

The department of law enforcement has also been given the mandate to establish a statewide law enforcement training center within the department to provide core and continuing education and training that would be made available to state and county law enforcement agencies. The statewide law enforcement training center and its curriculum are intended to ensure individuals trained there have the highest levels of education, training, knowledge, and skills to pro-

tect and serve the public. The training will also ensure that all officers meet the standards set by the law enforcement standards board established in chapter 139, Hawaii Revised Statutes, and are held accountable if they do not uphold those standards. Section 353C-9, Hawaii Revised Statutes, requires the department of law enforcement to “pursue and obtain accreditation for the sheriff division from the Commission on Accreditation for Law Enforcement Agencies, Inc.”

The purpose of this Act is to:

- (1) Require the department of law enforcement to pursue and obtain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc., for all divisions and sections within the department of law enforcement, not just the sheriff division; and
- (2) Establish Commission on Accreditation for Law Enforcement Agencies, Inc., coordinator positions, exempt from civil service, within the department of law enforcement to ensure the department meets and maintains the standards and accreditation of the Commission on Accreditation for Law Enforcement Agencies, Inc., and that law enforcement officers of the department of law enforcement meet the standards set by the law enforcement standards board.

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, and 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, and 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; 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; 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~~ 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~~ no more than twenty-six per cent of the authority's workforce in any housing project main-

- tained 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 Hawaii 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, 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;<sup>1</sup>
  - (34) Positions in the Mauna Kea stewardship and oversight authority;
  - (35) In the office of homeland security of the department of law enforcement, the statewide interoperable communications coordinator; ~~and~~
  - (36) In the social services division of the department of human services, the business technology analyst~~[-]; and~~
  - (37) In the department of law enforcement, five Commission on Accreditation for Law Enforcement Agencies, Inc., coordinator positions.

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 353C-9, Hawaii Revised Statutes, is amended to read as follows:

~~“§353C-9”~~ **Department accreditation required.** The department shall pursue and obtain accreditation ~~[for the sheriff division]~~ from the Commission on Accreditation for Law Enforcement Agencies, Inc., for all divisions and sections within the department.”

SECTION 4. Five full-time equivalent (5.0 FTE) Commission on Accreditation for Law Enforcement Agencies, Inc., coordinator positions shall be established within the department of law enforcement to ensure the department meets and maintains the standards and accreditation of the Commission on Accreditation for Law Enforcement Agencies, Inc., and that law enforcement officers of the department of law enforcement meet the standards set by the law enforcement standards board established in chapter 139, Hawaii Revised Statutes. These positions shall be appointed and terminated by the director without regard to chapter 76, Hawaii Revised Statutes. The director may fix the compensation of these positions.

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 1, 2024.)

**Note**

1. Prior to amendment a period appeared here.

**ACT 132**

H.B. NO. 2458

A Bill for an Act Relating to the Department Of Law Enforcement.

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

SECTION 1. The legislature finds that Act 278, Session Laws of Hawaii 2022, established a new department of law enforcement to consolidate and administer state criminal law enforcement and investigations of various state departments. The legislature further finds that for the department of law enforcement to fully exercise investigative powers, it must have subpoena powers.

The purpose of this Act is to:

- (1) Require the director of law enforcement to investigate alleged violations of the law when directed to do so by the governor or when the director determines that an investigation would be in the public interest; and
- (2) Authorize the director of law enforcement to issue subpoenas as part of the investigative powers of the department of law enforcement.

SECTION 2. Chapter 353C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§353C- Investigations.** (a) The director shall investigate alleged violations of the law when directed to do so by the governor or when the director determines that an investigation would be in the public interest.

(b) The director, when conducting a civil, administrative, or criminal investigation, may, subject to the privileges enjoyed by all witnesses in the State, subpoena witnesses, examine them under oath, and require the production of any books, papers, documents, or other objects designated therein or any other record however maintained, including those electronically stored that are relevant or material to the investigation.

(c) A subpoena issued under subsection (b):

(1) Shall state the name of the issuing authority and command each person to whom it is directed to attend and give testimony at the time and place specified therein, and may also command the person to whom it is directed to produce books, papers, documents, or other objects specifically designated therein;

(2) May be served by any law enforcement officer as defined in section 139-1 at any place within the State but subject to the jurisdiction of the issuing law enforcement officer serving the subpoena;

(3) Shall require attendance of the witness only in the county wherein the witness is served with the subpoena or at any other place as is agreed upon by the witness and department; provided that, if the subpoena is served in a county other than that in which the witness resides, is employed, or transacts the witness' business in person, the department shall bear the expense of travel by the witness to and attendance at the place named in the subpoena to the same extent as provided by the rules of court; and

(4) Shall contain a short, plain statement of the recipient's rights and the procedure for enforcing and contesting the subpoena.

(d) The department shall pay to a financial institution that is served a subpoena issued under this section a fee for reimbursement of the costs as are necessary and that have been directly incurred in searching for, reproducing, or transporting books, papers, documents, or other objects designated by the subpoena. Reimbursement shall be paid at the rate of \$15 per hour for research time and 50 cents per page for reproduction.

(e) Upon application by the attorney general on behalf of the department, a circuit court of the county wherein the witness resides or is found may compel obedience to the subpoena; provided that the court, on motion promptly made, may quash or modify the subpoena if compliance would be unreasonable, oppressive, or violate any privilege the witness may be entitled to exercise in a court proceeding.

(f) Compliance with a subpoena issued pursuant to this section shall not give rise to a civil action for damages by an individual or entity as to whom testimony has been given or books, papers, documents, or other objects provided in compliance with the subpoena.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved July 1, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

## ACT 133

H.B. NO. 2480

A Bill for an Act Relating to the Certification of Documents.

*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  
APOSTILLES AND CERTIFICATIONS**

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

“Apostille” means a certification issued to authenticate documents pursuant to the Hague Treaty.

“Hague Treaty” refers to the convention, adopted in the Hague in 1961, that created a simplified form of document certification for countries that joined the convention.

“Non-apostille certification” means a certification issued by the lieutenant governor to authenticate a document for a country that does not recognize the Hague Treaty.

**§ -2 Fee.** (a) The office of the lieutenant governor shall charge and collect a fee for each apostille or non-apostille certification issued. The office of the lieutenant governor shall establish fees pursuant to section -4.

(b) Moneys collected for the issuance of apostilles or non-apostille certifications shall be deposited into the apostilles and certifications special fund established pursuant to section -3.

**§ -3 Apostilles and certifications special fund; established.** (a) There is established in the state treasury the apostilles and certifications special fund, which shall be administered by the office of the lieutenant governor.

(b) The following shall be deposited into the special fund:

(1) All fees collected pursuant to section -2;

(2) Any interest earned or accrued on moneys in the special fund; and

(3) Moneys appropriated by the legislature.

(c) The office of the lieutenant governor may expend moneys in the apostilles and certifications special fund for operational and administrative expenses of the apostille and certification of document services, including but not limited to modernization, postage, and supplies.

**§ -4 Rules.** The office of the lieutenant governor shall adopt rules pursuant to chapter 91 to implement this chapter, including setting a fee for the issuance of an apostille or a non-apostille certification.”

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$12,000 or so much thereof as may be necessary for fiscal year 2024-2025 to be deposited into the apostilles and certifications special fund established pursuant to section -3, Hawaii Revised Statutes.

SECTION 3. There is appropriated out of the apostilles and certifications special fund established pursuant to section -3, Hawaii Revised Statutes, the sum of \$12,000 or so much thereof as may be necessary for fiscal year 2024-

## ACT 134

2025 for operational and administrative expenses of the apostille and certification of document services.

The sum appropriated shall be expended by the office of the lieutenant governor for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved July 1, 2024.)

## ACT 134

H.B. NO. 2481

A Bill for an Act Relating to Time Share Commissioners of Deeds.

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

SECTION 1. Chapter 503B, Hawaii Revised Statutes, is repealed.

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

(Approved July 1, 2024.)

## ACT 135

H.B. NO. 2491

A Bill for an Act Relating to Commercial Driver's Licenses.

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

SECTION 1. The purpose of this Act is to bring state law penalties for commercial driver's licenses violations in compliance with required federal penalties under the Federal Motor Carrier Safety Regulations, title 49 Code of Federal Regulations part 383.

SECTION 2. Section 286-234, Hawaii Revised Statutes, is amended to read as follows:

**“§286-234 Employer responsibilities.** (a) Each employer shall require the applicant to provide the information specified in section 286-233.

(b) No employer shall knowingly allow, require, permit, or authorize a driver to drive a commercial motor vehicle:

- (1) During any period in which the driver has a driver's license or permit suspended, revoked, or canceled by a state, has lost the privilege to drive a commercial motor vehicle in a state, or has been disqualified from driving a commercial motor vehicle;
- (2) During any period in which the driver has more than one driver's license;
- (3) During any period in which the driver, or the commercial motor vehicle the driver is driving, or<sup>l</sup> motor carrier operation, is subject to an out-of-service order;
- (4) During any period in which the driver does not have a current commercial learner's permit or commercial driver's license or does not have the proper class, restrictions, and endorsements; or
- (5) In violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

(c) Any employer who violates subsection (a) or (b)(1) or (2) shall for a first conviction be fined ~~not~~ no more than \$100; for conviction of a second offense committed within one year after the date of the prior conviction, the employer shall be fined ~~not~~ no more than \$300; and for conviction of a third or subsequent offense committed within two years after the date of the second conviction, the employer shall be fined ~~not~~ no more than \$1,000.

(d) Any employer who is convicted of a violation of subsection (b)(3) shall be subject to ~~[a fine of not less than \$2,750 nor more than \$25,000.]~~ a civil penalty of no less than \$6,974 or more than \$38,612.

(e) Any employer who is convicted of a violation of subsection (b)(4) shall be subject to a civil penalty of ~~not~~ no more than \$10,000.

(f) Any employer who is convicted of a violation of subsection (b)(5) shall be subject to a civil penalty of no more than \$20,017.”

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 no less than \$2,500 nor more than \$4,000 for a first conviction and no less than \$5,000 nor more than \$7,500 for a second or subsequent conviction,] subject to a civil penalty of no less than \$3,861 for a first conviction and no less than \$7,723 for a second or subsequent conviction, in addition to the driving disqualification of subsection (a)(1) and section 286-240(i) and (j).”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

(Approved July 1, 2024.)

#### Note

1. Prior to amendment “the” appeared here.

## ACT 136

H.B. NO. 2492

A Bill for an Act Relating to Commercial Driver’s Licenses.

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

SECTION 1. The purpose of this Act is to amend existing law to meet new federal requirements relating to the issuance, renewal, transfer, or upgrade of commercial driver’s licenses and commercial learner’s permits.

SECTION 2. Section 286-236, Hawaii Revised Statutes, is amended to read as follows:

**“§286-236 Commercial driver’s license qualification standards.** (a) No person shall be issued a commercial driver’s license unless that person:

- (1) Meets the qualification standards of title 49 Code of Federal Regulations, part 391, subparts B and E;

- (2) Has passed a knowledge and driving skills test for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in title 49 Code of Federal Regulations, part 383, subparts G and H;
- (3) Is domiciled in ~~[this]~~ the State as defined in title 49 Code of Federal Regulations, part 383.5; and
- (4) Has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986, Public Law 99-570, title XII, in addition to other requirements imposed by state law or federal regulation.

The tests shall be prescribed by the director and administered by the respective county examiner of drivers. The test examiners shall communicate with the applicant only in English during the skills test. As of January 30, 2012, the examiner of drivers shall verify that the medical certification status of a driver who self-certified according to title 49 Code of Federal Regulations section 383.71(b)(1)(i), non-excepted interstate, is certified. If a driver submits a current medical examiner's certificate, the examiner of drivers shall date-stamp the certificate and post all required information to the commercial driver's license information system pursuant to title 49 Code of Federal Regulations section 383.73(b)(5) and in accordance with title 49 Code of Federal Regulations section 383.73(o). A person who is not physically qualified to drive under title 49 Code of Federal Regulations section 391.41(b)(1) or (2) and who is otherwise qualified to drive a motor vehicle may be granted an intrastate waiver by the director. The process for granting intrastate waivers shall be the same as that for interstate waivers in title 49 Code of Federal Regulations section 391.49~~[-except]~~; provided that the intrastate waiver requests shall be submitted to the director.

(b) The examiner of drivers may waive the driving skills test specified in this section for a commercial driver's license applicant who meets the requirements of title 49 Code of Federal Regulations section 383.77 or 383.123(b).

(c) A commercial driver's license or commercial learner's permit, including a provisional or temporary license or permit, shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state; or while the person holds a driver's license issued by any other state unless the person first surrenders that license.

(d) A commercial learner's permit may be issued to an individual who holds a valid driver's license, is at least eighteen years of age, meets the qualification standards of title 49 Code of Federal Regulations, part 391, subparts B and E, and has passed the written tests required for the desired class of a commercial driver's license.

(e) The commercial learner's permit shall not be valid for a period in excess of one hundred eighty days from the date that the applicant passes the general and all required endorsement knowledge tests; provided that, if the applicant is not required to take a knowledge test, the period shall start when the permit is issued. When driving a commercial motor vehicle, the holder of a commercial learner's permit shall be accompanied by a person with a valid commercial driver's license to operate that category of commercial motor vehicle with the proper endorsements. The licensed person shall occupy the seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle. The commercial learner's permit may be renewed no more than an additional one hundred eighty days without requiring the commercial learner's permit holder to retake the general or endorsement knowledge tests, and the applicant requalifies meeting the requirements of subsection (d). The commercial learner's permit holder is eligible to take the commercial driver's license skills test no earlier than fourteen days after obtaining the permit.



(f) The examiner of drivers may waive the knowledge and skills tests specified in this section for any person who is at least twenty-one years of age and who possesses a valid commercial driver's license issued by any state of the United States, Mexico, or a province of Canada that issues licenses in accordance with the minimum federal standards for the issuance of commercial driver's licenses. The examiner of drivers shall accept the test scores of a Hawaii commercial learner's permit holder who completes training in another state in the United States and is tested in compliance with federal motor carrier safety regulations by that state in association with the training. The testing state shall electronically transmit in a secure manner the skills test results directly to the examiner of drivers, and if the applicant passed, and meets all other requirements, a Hawaii commercial driver's license shall be issued. To retain a hazardous materials endorsement, the applicant shall pass the knowledge test for a hazardous materials endorsement and be determined by the federal Transportation Security Administration not to pose a security risk warranting denial of the endorsement.

(g) Every applicant shall successfully complete the commercial driver's license general knowledge test before being issued a commercial learner's permit. A driver holding a valid commercial driver's license who seeks an upgrade for which a skills test is required shall also pass the appropriate knowledge test before obtaining a commercial learner's permit. Beginning February 7, 2022, except for a driver holding a valid ~~commercial learner's permit or~~ commercial driver's license or commercial learner's permit that was obtained before February 7, 2022, every applicant shall complete the entry-level driver training requirements as specified in title 49 Code of Federal Regulations part 380, subpart F, and be verified with the Federal Motor Carrier Safety Administration Training Provider Registry before taking the skills test for a class A or class B commercial driver's license, passenger endorsement, or school bus endorsement, and before taking the knowledge test for a hazardous materials endorsement.

(h) Beginning November 18, 2024, the examiner of drivers shall not issue, renew, transfer, or upgrade a commercial driver's license; renew the hazardous materials endorsement; or issue, renew, or upgrade a commercial learner's permit; if the results of a query to the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse is that the driver is prohibited from operating a commercial motor vehicle."

SECTION 3. 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<sup>1</sup> 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 ~~not~~ no<sup>2</sup> less than one year.

(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.

(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) Beginning November 18, 2024, the State shall, upon receiving notification from the Federal Motor Carrier Safety Administration’s Drug and Alcohol Clearinghouse that a commercial driver’s license or commercial learner’s permit holder is prohibited from operating a commercial motor vehicle, begin the process to downgrade the commercial driver’s license or commercial learner’s permit. The downgrade shall be completed and recorded on the commercial driver’s license information system driver record within sixty days of the State’s receipt of the notification as stated in title 49 Code of Federal Regulations section 383.73(q).

~~[(e)]~~ (p) 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 the act has not attained eighteen years of age; ~~[(e)]~~ 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 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 1, 2024.)

Notes

- 1. Prior to amendment “learner’s” appeared here.
- 2. So in original.

ACT 137

H.B. NO. 2493

A Bill for an Act Relating to Commercial Driver’s Licenses.

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

SECTION 1. Section 286-239, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Commercial drivers’ licenses may be issued with any one or more of the following endorsements and restrictions:

- (1) “E” - Restricts the driver to vehicles not equipped with any manual transmission;
- ~~[(4)]~~ (2) “H” - Authorizes the driver to drive a vehicle transporting hazardous materials;
- (3) “K” - Restricts the driver from operating in interstate commerce as defined in title 49 Code of Federal Regulations section 390.5;
- ~~[(2)]~~ (4) “L” - Restricts the driver to vehicles not equipped with air brakes;
- (5) “M” - Restricts the driver from operating a class A passenger vehicle;
- ~~[(3)]~~ “T” - Authorizes driving double and triple trailers;
- ~~(4)~~ “P” - Authorizes driving vehicles carrying passengers;
- ~~(5)]~~ (6) “N” - Authorizes driving tank vehicles;
- ~~[(6)]~~ “X” - Represents a combination of hazardous materials and tank vehicle endorsements;]
- (7) “N” - Restricts the driver from operating a class A and B passenger vehicle;
- (8) “O” - Restricts the driver to non-tractor trailer commercial motor vehicles;
- (9) “P” - Authorizes driving vehicles carrying passengers;
- ~~(10)]~~ (10) “Q” - Restricts the driver from operating a commercial motor vehicle in excess of eighteen thousand pounds gross vehicle weight rating;
- ~~(11)]~~ (11) “R” - Restricts the driver to operating a commercial motor vehicle on Lanai and Molokai only;
- ~~[(7)]~~ (12) “S” - Authorizes driving school buses;
- ~~(13)]~~ (13) “T” - Authorizes driving double and triple trailers;
- ~~[(8)]~~ (14) “V” - Indicates there is information about a medical variance on the commercial driver’s license information system driver record;
- ~~[(9)]~~ “K” - Restricts the driver from operating in interstate commerce as defined in title 49 Code of Federal Regulations section 390.5;]
- (15) “X” - Represents a combination of hazardous materials and tank vehicle endorsements; and
- ~~[(40)]~~ (16) “Z” - Restricts the driver to vehicles not equipped with full air brakes;]
- ~~(11)]~~ “E” - Restricts the driver to vehicles not equipped with any manual transmission;
- ~~(12)]~~ “O” - Restricts the driver to non-tractor trailer commercial motor vehicles;
- ~~(13)]~~ “M” - Restricts the driver from operating a class A passenger vehicle; and
- ~~(14)]~~ “N” - Restricts the driver from operating a class A and B passenger vehicle].”

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 1, 2024.)

A Bill for an Act Relating to Transportation.

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

## PART I

SECTION 1. The legislature finds that traffic fatalities and injuries in Hawaii have increased, with a record high of one hundred seventeen traffic fatalities and five hundred seventy serious traffic-related injuries in 2022. In the first six months of 2023, Hawaii had forty-three traffic fatalities, with two deaths occurring immediately outside of public schools. The legislature recognizes that these tragic events demonstrate the need for greater safeguards and deterrents to improve safety on Hawaii's streets and better protect Hawaii's residents.

The legislature further finds that repeated violations of the State's minimum motor vehicle insurance policy requirements have increased, burdening innocent victims of motor vehicle accidents with the cost of accidents caused by repeat offenders. Motor vehicle insurance minimums have remained unamended for nearly twenty-five years, making the required liability insurance minimums insufficient to protect Hawaii residents from repeat offenders.

The legislature also finds that with rising inflation, failure to increase motor vehicle insurance will operate as a financial burden imposed on tort victims throughout Hawaii. The legislature notes that the State is experiencing medical inflation, which has substantially increased the average cost of motor vehicle accident-related injuries since the required motor vehicle insurance minimums were last amended. The legislature also notes that Hawaii's outdated liability insurance minimum requirements disproportionately impact residents injured in motor vehicle accidents, and are no longer sufficient to protect law-abiding drivers and pedestrians. The legislature believes that it is necessary to mitigate these impacts on Hawaii residents through legislation to increase certain traffic fines and required motor vehicle insurance minimums.

Accordingly, the purpose of this part is to amend the penalties for repeated driving without motor vehicle liability insurance and required motor vehicle insurance.

SECTION 2. Section 431:10C-117, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

- “(a)(1) Any person subject to this article in the capacity of the operator, owner, or registrant of a motor vehicle operated in this State, or registered in this State, who violates any applicable provision of this article, shall be subject to citation for the violation by any county police department in a form and manner approved by the traffic and emergency period violations bureau of the district court of the first circuit;
- (2) Notwithstanding any provision of the Hawaii Penal Code:
- (A) Each violation shall be deemed a separate offense and shall be subject to a fine of [~~no~~] not less than \$100 nor more than \$5,000 which shall not be suspended except as provided in subparagraph (B); and
- (B) If the person is convicted of not having had a motor vehicle insurance policy in effect at the time the citation was issued, the fine shall be \$500 for the first offense and a minimum of [~~\$1,500~~] \$2,000 for each subsequent offense that occurs within

- a five-year period from any prior offense; provided that the court:
- (i) Shall have the discretion to suspend all or any portion of the fine if the defendant provides proof of having a current motor vehicle insurance policy; provided further that upon the defendant's request, the court may grant community service in lieu of the fine, of no less than seventy-five hours and no more than one hundred hours for the first offense, and ~~no~~ not less than two hundred hours nor more than two hundred seventy-five hours for the second offense; and
  - (ii) May grant community service in lieu of the fine for subsequent offenses at the court's discretion;
- (3) In addition to the fine in paragraph (2), the court shall either:
    - (A) Suspend the driver's license of the driver or of the registered owner for:
      - (i) Three months for the first conviction; and
      - (ii) One year for any subsequent offense within a five-year period from a previous offense;
 

provided that the driver or the registered owner shall not be required to obtain proof of financial responsibility pursuant to section 287-20; or
    - (B) Require the driver or the registered owner to keep a nonrefundable motor vehicle insurance policy in force for six months;
  - (4) Any person subject to a fine under this section and who fails to timely pay the fine shall be given an opportunity to petition the court to demonstrate that the person's nonpayment or inability to pay is not wilful; provided that if the person petitions the court, the court shall make an individualized assessment of the person's ability to pay based upon the totality of the circumstances, including the person's disposable income, financial obligations, and liquid assets; provided further that if the court determines that the person's nonpayment or inability to pay is not wilful, the court may enter an order that allows additional time for payment; reduces the amount of each installment; revokes the fee or fine, or unpaid portion thereof, in whole or in part; or converts any outstanding fine to community service;
  - (5) Any person cited under this section shall have an opportunity to present a good faith defense, including lack of knowledge or proof of insurance; provided that the general penalty provision of this section shall not apply to:
    - (A) Any operator of a motor vehicle owned by another person if the operator's own insurance covers such driving;
    - (B) Any operator of a motor vehicle owned by that person's employer during the normal scope of that person's employment; or
    - (C) Any operator of a borrowed motor vehicle if the operator holds a reasonable belief that the subject vehicle is insured;
  - (6) In the case of multiple convictions for driving without a valid motor vehicle insurance policy within a five-year period from any prior offense, the court, in addition to any other penalty, shall impose the following penalties:
    - (A) Imprisonment of no more than thirty days;

- (B) Suspension or revocation of the motor vehicle registration plates of the vehicle involved;
  - (C) Impoundment, or impoundment and sale, of the motor vehicle for the costs of storage and other charges incident to seizure of the vehicle, or any other cost involved pursuant to section 431:10C-301; or
  - (D) Any combination of those penalties; and
- (7) Any violation as provided in paragraph (2)(B) shall not be deemed to be a traffic infraction as defined by chapter 291D.”

PART II

SECTION 3. Section 431:10C-301, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A motor vehicle insurance policy shall include:

- (1) Liability coverage of not less than ~~[\$20,000]~~ \$40,000 per person, with an aggregate limit of ~~[\$40,000]~~ \$80,000 per accident, for all damages arising out of accidental harm sustained as a result of any one accident and arising out of the ownership, maintenance, use, loading, or unloading of a motor vehicle;
- (2) Liability coverage of not less than ~~[\$10,000]~~ \$20,000 for all damages arising out of damage to or destruction of property including motor vehicles and including the loss of use thereof, but not including property owned by, being transported by, or in the charge of the insured, as a result of any one accident arising out of the ownership, maintenance, use, loading, or unloading, of the insured vehicle;
- (3) With respect to any motor vehicle registered or principally garaged in this State, liability coverage provided therein or supplemental thereto, in limits for bodily injury or death set forth in paragraph (1) under provisions filed with and approved by the commissioner, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, resulting therefrom; provided that the coverage required under this paragraph shall not be applicable where any named insured in the policy shall reject the coverage in writing; and
- (4) Coverage for loss resulting from bodily injury or death suffered by any person legally entitled to recover damages from owners or operators of underinsured motor vehicles. An insurer may offer the underinsured motorist coverage required by this paragraph in the same manner as uninsured motorist coverage; provided that the offer of both shall:
  - (A) Be conspicuously displayed so as to be readily noticeable by the insured;
  - (B) Set forth the premium for the coverage adjacent to the offer in a manner that the premium is clearly identifiable with the offer and may be easily subtracted from the total premium to determine the premium payment due in the event the insured elects not to purchase the option; and
  - (C) Provide for written rejection of the coverage by requiring the insured to affix the insured’s signature in a location adjacent to or directly below the offer.”



SECTION 4. 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 is insured under a motor vehicle insurance policy that provides:

- (1) Primary insurance coverage for each shared car available and used through a peer-to-peer car-sharing program in amounts no less than [~~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 shared car driver;
    - (ii) Disclose to the 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 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 forms intended to be used, shall be filed with the commissioner within fifteen days of providing the disclosure to the shared car driver. The insurer or the peer-to-peer car-sharing program shall also send to the shared car driver every modified disclosure form within fifteen days of the filing of the modified disclosure form and comply with paragraph (3). The disclosures and acknowledgement may be sent and received by electronic means.”

PART III

SECTION 5. The insurance commissioner shall issue a memorandum to solicit rate filings from motor vehicle insurers to reflect amendments made to section 431:10C-301(b)(1) and (2), Hawaii Revised Statutes, by section 3 of this Act no later than January 1, 2025. Rate filings shall be due no later than July 1, 2025, and the relevant rate changes shall be effective for new and renewal policies on or after January 1, 2026.

PART IV

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

SECTION 7. This Act shall take effect on July 1, 2024; provided that part II shall take effect on January 1, 2026.

(Approved July 1, 2024.)

ACT 139

S.B. NO. 2497

A Bill for an Act Relating to Taxation.

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

SECTION 1. Section 235-110.91, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) All references to Internal Revenue Code sections within sections 41 and 280C(c) of the Internal Revenue Code shall be operative for purposes of this section[; ~~provided that references to the base amount in section 41 of the Internal Revenue Code shall not apply, and credit for all qualified research expenses may be taken without regard to the amount of expenses for previous years].”~~

2. By amending subsections (n) and (o) to read:

“(n) This section shall not apply to taxable years beginning after December 31, ~~[2024.]~~ 2029.

(o) As used in this section:

“Qualified high technology business” ~~[shall have the same meaning as in section 235-7.3(e).]~~ means a small business that conducts more than fifty per cent of its activities in qualified research in the State and is registered to do business in the State.

“Qualified research” shall have the same meaning as in section 41(d) of the Internal Revenue Code.

“Qualified research expenses” shall have the same meaning as in section 41(b) of the Internal Revenue Code; provided that it shall not include research expenses incurred outside of the State.

“Small business” means a company with no more than five hundred employees.”

SECTION 2. Act 261, Session Laws of Hawaii 2019, is amended by amending section 5 to read as follows:

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

- (1) Section 2 shall apply to taxable years beginning after December 31, 2019; and
- (2) Part II shall take effect on [~~December 31, 2024,~~] January 1, 2030.”

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

SECTION 4. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2023.

(Approved July 1, 2024.)

**ACT 140**

S.B. NO. 2516

A Bill for an Act Relating to the Department of Accounting and General Services.

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

SECTION 1. Section 26-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The department shall:

- (1) Preaudit and conduct after-the-fact audits of the financial accounts of all state departments to determine the legality of expenditures and the accuracy of accounts;
- (2) Report to the governor and to each regular session of the legislature as to the finances of each department of the State;
- (3) Administer the state risk management program;
- (4) Establish and manage motor pools;
- (5) Manage the preservation and disposal of all records of the State;
- (6) Undertake the program of centralized engineering and office leasing services, including operation and maintenance and lease buy-back processing pursuant to subsection (d) of public buildings, for departments of the State;
- (7) Undertake the functions of the state surveyor;
- (8) Establish accounting and internal control systems;
- (9) [~~Under the direction of the chief information officer, provide~~] Provide centralized computer information management and processing services[;] through the chief information officer;
- (10) Establish a program to provide a means for public access to public information and develop an information network for state government;
- (11) Assume administrative responsibility for the office of information practices; and
- (12) Approve state fleet acquisitions; provided that:
  - (A) Beginning January 1, 2022, all new light-duty motor vehicles that are passenger cars purchased for the State’s fleet shall be zero-emission vehicles;
  - (B) Beginning as soon as practicable but no later than January 1, 2030, all new light-duty motor vehicles that are multipurpose passenger vehicles and trucks for the State’s fleet shall be zero-emission vehicles; and
  - (C) The comptroller may authorize an exemption for new fleet vehicle purchases if zero-emission vehicles are demonstrated to

be cost-prohibitive on a lifecycle basis or unsuitable for the vehicles' planned purpose, or if funds are unavailable.

For the purposes of this subsection:

"Light-duty motor vehicle" ~~[shall have]~~ has the same meaning as ~~[contained]~~ defined in title 10 Code of Federal Regulations part 490.

"Multipurpose passenger vehicle" ~~[shall have]~~ has the same meaning as ~~[contained]~~ defined in title 49 Code of Federal Regulations section 571.3.

"Passenger car" ~~[shall have]~~ has the same meaning as ~~[contained]~~ defined in title 49 Code of Federal Regulations section 571.3.

"Truck" ~~[shall have]~~ has the same meaning as ~~[contained]~~ defined in title 49 Code of Federal Regulations section 571.3.

"Zero-emission vehicle" ~~[shall have]~~ has the same meaning as ~~[contained]~~ specified in title 40 Code of Federal Regulations section ~~[88.102-94.]~~ 88.1."

SECTION 2. Section 27-43, Hawaii Revised Statutes, is amended to read as follows:

**"§27-43 Office of enterprise technology services; chief information officer; information technology steering committee; establishment; responsibilities.**

(a) There is established within the department of accounting and general services the office of enterprise technology services, which shall be headed by a full-time chief information officer to organize, manage, and oversee statewide information technology governance. The chief information officer shall be appointed by the governor as provided in section 26-34. The chief information officer shall report ~~[directly]~~ to the ~~[governor]~~ comptroller and shall:

- (1) Develop, implement, and manage statewide information technology governance;
- (2) Develop, implement, and manage the state information technology strategic plans;
- (3) Develop and implement statewide technology standards;
- (4) Work with each executive branch department and agency to develop and maintain its respective multi-year information technology strategic and tactical plans and road maps that are part of the State's overall information technology strategic plans, road maps, and directions;
- (5) Coordinate each executive branch department and agency's information technology budget request, forecast, and procurement purchase to ensure compliance with the department or agency's strategic plan and road map and with the office of enterprise technology services' information technology governance processes and enterprise architecture policies and standards, including policies and standards for systems, services, hardware, software, and security management;
- (6) Report annually to the governor and the legislature on the status and implementation of the state information technology strategic plan;
- (7) Update the state information technology strategic plan every four years;
- (8) Perform other necessary or desirable functions to facilitate the intent of this section;
- (9) Employ persons exempt from chapters 76 and 89;
- (10) Provide centralized computer information management and processing services, coordination in the use of all information processing equipment, software, facilities, and services in the executive branch of the State, and consultation and support services in the use of information processing and management technologies to improve

the efficiency, effectiveness, and productivity of state government programs;

- (11) Establish, coordinate, and manage a program to provide a means for public access to public information and develop and operate an information network in conjunction with overall plans for establishing a communication backbone for state government; and
- (12) Adopt rules, pursuant to chapter 91, necessary for the purposes of this part.

(b) The salary of the chief information officer shall be established by the governor.

~~[(b)]~~ (c) There is established an information technology steering committee to assist the chief information officer in developing the State's information technology standards and policies, including but not limited to:

- (1) Assisting the chief information officer in developing and implementing the state information technology strategic plans;
- (2) Assessing executive branch departments' progress in meeting the objectives defined in the state information technology strategic plans and identifying best practices for shared or consolidated services;
- (3) Ensuring technology projects are selected based on their potential impact and risk to the State, as well as their strategic value;
- (4) Ensuring that executive branch departments maintain sufficient tools to assess the value and benefits of technology initiatives;
- (5) Assisting the chief information officer in developing state information technology standards and policies; and
- (6) Clarifying the roles, responsibilities, and authority of the office of enterprise technology services, specifically as it relates to its state-wide duties.

The information technology steering committee shall consist of thirteen members, with four members to be appointed by the senate president, four members to be appointed by the speaker of the house of representatives, one member to be appointed by the chief justice, one member to be appointed by the governor, one member to be appointed by the superintendent of education, and one member to be appointed by the president of the ~~[University]~~ university of Hawaii, and may include representatives from executive branch departments, the legislature, and private individuals. The chief information officer shall serve as an ex officio member and as the chair of the committee. The committee shall select a vice chair from among its members. Each member shall be appointed for four-year terms; provided that each member shall hold office until reappointed by the member's respective appointing authority at the end of the member's term or until the member's successor is appointed.

~~[(e)]~~ (d) There is established within the department of accounting and general services a special fund to be known as the shared services technology special fund to be administered and expended by the chief information officer for the purposes of this subsection. Three per cent of the receipts collected from special funds pursuant to section 36-27 shall be deposited into the shared services technology special fund. Any law to the contrary notwithstanding, the moneys in the fund shall be used to fund the operations of the chief information officer and the information technology steering committee, including the employment and training of staff and any other activities deemed necessary by the chief information officer to carry out the purposes of this section.

~~[(d)]~~ (e) The chief information officer and the comptroller may raise funds to defray administrative costs and may accept donations of money and personal property on behalf of the information technology steering committee; provided that all donations accepted from private sources shall be expended in

## ACT 141

the manner prescribed by the contributor, and all moneys received shall be deposited into the information technology trust account. The chief information officer may also directly receive donated personal services and personal property for which funding is not required.

~~[(e)]~~ (f) The chief information officer shall present an annual report of the office of enterprise technology services to the information technology steering committee for public comment and shall thereafter, but no later than twenty days prior to the convening of each regular session of the legislature, submit the annual report to the governor and legislature. The annual report shall include updates on the activities and programs under the authority of the chief information officer and the information technology steering committee, and the expenditures of all moneys received from all sources and deposited into the information technology trust account and the shared services technology special fund.

~~[(f)]~~ (g) The chief information officer shall submit the updated state information technology strategic plan, revised pursuant to subsection (a)(7), to the governor and the legislature no later than twenty days prior to the convening of every fourth regular session of the legislature; provided that the chief information officer shall submit the first updated state information technology strategic plan to the governor and the legislature no later than twenty days prior to the convening of the regular session of 2021.”

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

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

(Approved July 1, 2024.)

## ACT 141

S.B. NO. 2718

A Bill for an Act Related to Administrative Procedures.

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

SECTION 1. The legislature finds that the Hawaii labor relations board is a quasi-judicial administrative agency that oversees collective bargaining, unfair labor practices, and contests involving citations or orders of the director of labor and industrial relations regarding the State’s occupational safety and health laws. Existing law appears to contradict itself with regard to whether the Hawaii labor relations board is permitted to admit or consider hearsay evidence in its proceedings. Under existing law, the Hawaii labor relations board is prohibited from considering hearsay evidence, meaning it is unable to consider all evidence presented in its deliberations and assign the evidence the proper weight. However, there are a myriad of exceptions in the Hawaii Rules of Evidence that allow certain types of hearsay evidence to be admissible, meaning certain evidence could be properly introduced in any other court or administrative proceeding under a hearsay exception. Furthermore, the restriction imposed on the Hawaii labor relations board conflicts with general principles that proceedings before administrative boards are more flexible and should not be bound by the rules of technical evidence.

Accordingly, the purpose of this Act is to allow the Hawaii labor relations board to admit and consider hearsay evidence.

SECTION 2. Section 377-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) A full and complete record shall be kept of all proceedings had before the board and all testimony and proceedings shall be taken down by a reporter engaged for such purpose or by use of a mechanical recording device. It shall not be necessary to transcribe the record unless requested for purposes of rehearing or court review. In the proceedings the board shall not be bound by technical rules of evidence. ~~[No hearsay evidence, however, shall be admitted or considered.]”~~

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

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved July 1, 2024.)

## ACT 142

S.B. NO. 2974

A Bill for an Act Relating to Economic Development.

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

SECTION 1. The legislature finds that while new business formations have grown by thirty-seven per cent in Hawaii since the beginning of 2020, this rate is well below the national average and among the bottom ten nationally. In the latest comprehensive entrepreneurial study from the Kauffman Foundation, the early survival rate for startups in Hawaii is the lowest in the country. Self-employment in Hawaii has consistently been lower than in the United States as a whole, and in 2020, Hawaii ranked fortieth for the percentage of self-employed individuals.

The legislature further finds that tax rates are a factor in business investment decisions and often affect the movement of individuals. Recent reports show both companies and individuals are more likely to move to a location with lower taxes. Hawaii currently ranks the sixth highest for state and local taxes per capita and was ranked forty-second for business climate by the Tax Foundation.

The purpose of this Act is to establish a task force to identify methods to improve Hawaii’s general economic competitiveness and business climate, including the mitigation of regulatory and tax burdens.

SECTION 2. (a) There is established a business revitalization task force within the department of business, economic development, and tourism for administrative purposes.

(b) The task force shall consist of the following members:

- (1) The director of business, economic development, and tourism or the director’s designee;
- (2) The director of commerce and consumer affairs or the director’s designee;
- (3) The director of taxation or the director’s designee;
- (4) The director of labor and industrial relations or the director’s designee;
- (5) A member of the small business regulatory review board, to be appointed by the chair of the board;

- (6) The dean of the university of Hawaii at Manoa Shidler college of business or the dean's designee; and
- (7) The director of each county agency with jurisdiction over economic development or each respective director's designee.

(c) The chair of the house of representatives standing committee with primary jurisdiction over economic development and the chair of the senate standing committee with primary jurisdiction over economic development may invite one person from each of the following entities to join the task force:

- (1) One representative of the construction industry;
- (2) One representative of the agriculture industry;
- (3) One representative of the visitor industry;
- (4) One representative of the food industry;
- (5) One representative of the retail industry;
- (6) One representative of the high technology industry;
- (7) One representative of the regional and ethnic chambers of commerce; and
- (8) One representative from the Chamber of Commerce Hawaii.

(d) The task force shall select a chairperson from among the members listed in subsection (b) and a vice chairperson from among any of its members.

(e) Local business community members of the task force shall serve without compensation.

(f) The task force shall meet as necessary but not less than quarterly. The task force may conduct its meetings by teleconference or other similar means.

(g) The task force shall:

- (1) Identify methods to improve Hawaii's general economic competitiveness and business climate, including the mitigation of regulatory and tax burdens;
- (2) Develop and recommend legislation to increase Hawaii's general economic competitiveness; and
- (3) Develop recommendations for improving governmental operations and reducing costs.

(h) Staff to assist the task force in performing its duties shall be assigned by the department of business, economic development, and tourism or the president of the senate, speaker of the house of representatives, and governor.

(i) In performing its duties as required by subsection (g), the task force shall consider reports issued by the auditor; state ethics commission; department of business, economic development, and tourism; and university of Hawaii economic research organization and any other relevant reports.

(j) 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 2026; provided that the task force may submit all or parts of its recommendations to the legislature prior to the submission of its report.

(k) The task force shall be dissolved on June 30, 2026.

SECTION 3. This Act shall take effect on July 1, 2024.

(Approved July 1, 2024.)



## ACT 143

S.B. NO. 2991

A Bill for an Act Relating to Collective Bargaining Unit Creation.

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

SECTION 1. The purpose of this Act is to amend chapter 89, Hawaii Revised Statutes, to establish the authority of the Hawaii labor relations board to develop the criteria for and to assess requests for creating new bargaining units.

SECTION 2. Chapter 89, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§89- Establishment of new bargaining units.** (a) The board shall adopt rules pursuant to chapter 91 establishing criteria and procedures for the establishment of a new bargaining unit. The rules shall include a requirement that any employee who is not included in an existing bargaining unit under section 89-6(a) and not excluded under section 89-6(f), employer, or exclusive representative proposing to establish a new bargaining unit petition the board and submit an application along with any relevant supporting documents. Any employee who is not included in an existing bargaining unit under section 89-6(a) and not excluded under section 89-6(f), employer, or executive representative may petition the board to determine the appropriateness of a new bargaining unit.

(b) In determining the appropriateness of a new bargaining unit, the board shall consider, at a minimum:

- (1) The principles of efficient administration of government and the effect of over fragmentation;
- (2) The number of employee organizations with which the employer jurisdictions might have to negotiate;
- (3) An identifiable, compelling, community of interest among the employees to be included in the bargaining unit, considering:
  - (A) The wages, hours, and other working conditions of the public employees involved;
  - (B) The similarity of duties, responsibilities, skills, knowledge, and other working conditions of the public employees;
  - (C) The method by which jobs classifications and salary range designations are determined;
  - (D) The interdependence of jobs and interchange of employees; and
  - (E) The feasibility and appropriateness of placement in existing bargaining units; and
- (4) Other factors normally or traditionally taken into consideration in determining the appropriateness of bargaining units in the public sector;

provided that notwithstanding bargaining unit (8), no bargaining unit shall be established or approved for purposes of collective bargaining that includes both professional and non-professional employees.

(c) Upon making a determination of whether or not to approve a petition to establish a new bargaining unit, the board shall issue a decision and order. If the petition is approved, the board shall submit a report to the legislature, including proposed legislation for the legislature to consider and enact the establishment of the new bargaining unit, which shall be accompanied by the decision and order issued by the board.”

## ACT 144

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$95,000 or so much thereof as may be necessary for fiscal year 2024-2025 to establish one full-time equivalent (1.0 FTE) staff attorney position (LBR 161), exempt from chapter 76, Hawaii Revised Statutes, within the Hawaii labor relations board to implement the criteria and procedures established by section 2 of this Act.

The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act.

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.<sup>1</sup>

SECTION 6. This Act shall take effect on July 1, 2024, and shall be repealed on July 1, 2027.

(Approved July 1, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 144

S.B. NO. 2245

A Bill for an Act Relating to the Child Protective Act.

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

SECTION 1. Section 587A-4, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: ““Exigent circumstances” means that, based on specific and articulable evidence, there is reasonable cause to believe that immediately assuming protective custody and temporary foster custody of a child is necessary to protect the child from serious harm that is likely to occur before a court order can be obtained.”

2. By amending the definitions of “harm” and “imminent harm” to read: ““Harm” [means damage or injury to a child’s physical or psychological health or welfare, where:

- (1) The child exhibits evidence of injury, including, but not limited to:
  - (A) Substantial or multiple skin bruising;
  - (B) Substantial external or internal bleeding;
  - (C) Burn or burns;
  - (D) Malnutrition;
  - (E) Failure to thrive;
  - (F) Soft tissue swelling;
  - (G) Extreme pain;
  - (H) Extreme mental distress;
  - (I) Gross degradation;
  - (J) Poisoning;
  - (K) Fracture of any bone;
  - (L) Subdural hematoma; or
  - (M) Death;

and the injury is not justifiably explained, or the history given concerning the condition or death is not consistent with the degree or type of the condition or death, or there is evidence that the condition or death may not be the result of an accident;

- (2) The child has been the victim of sexual contact or conduct, including sexual assault; sodomy; molestation; sexual fondling; incest; prostitution; obscene or pornographic photographing, filming, or depiction; or other similar forms of sexual exploitation, including but not limited to acts that constitute an offense pursuant to section 712-1202(1)(b);
- (3) The child's psychological well-being has been injured as evidenced by a substantial impairment in the child's ability to function;
- (4) The child is not provided in a timely manner with adequate food; clothing; shelter; supervision; or psychological, physical, or medical care;
- (5) The child is provided with dangerous, harmful, or detrimental drugs as defined in section 712-1240, except when a child's family administers drugs to the child as directed or prescribed by a practitioner as defined in section 712-1240; or
- (6) The child has been the victim of labor trafficking under chapter 707;] has the same meaning as "child abuse or neglect" as defined in section 350-1.

"Imminent harm" means that [without intervention within the next ninety days,] there is reasonable cause to believe that harm to the child will occur or reoccur[;] and no reasonable efforts other than removal of the child from the family home will adequately prevent the harm."

SECTION 2. Section 587A-8, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

**"[§587A-8] Protective custody by police officer [without court order].**

(a) A police officer shall assume protective custody of a child [without a court order and without the consent of the child's family, if in the discretion of the police officer, the officer determines that]:

- (1) The child is subject to imminent harm while in the custody of the child's family;
- (2) The child has no parent, as defined in this chapter, who is willing and able to provide a safe family home for the child;
- (3) The child has no caregiver, as defined in this chapter, who is willing and able to provide a safe and appropriate placement for the child; or
- (4) The child's parent has subjected the child to harm or threatened harm and the parent is likely to flee with the child.]
  - (1) With the consent of the child's family;
  - (2) Upon order of the court; or
  - (3) Without the consent of the child's family and without a court order if, in the discretion of the police officer, the officer determines that exigent circumstances are present."

SECTION 3. Section 587A-9, Hawaii Revised Statutes, is amended to read as follows:

**"§587A-9 Temporary foster custody [without court order].** (a) [When the department receives protective custody of a child from the police, the department shall:] The department shall assume temporary foster custody of a child:

- (1) ~~[Assume temporary foster custody of the child if, in the discretion of the department, the department determines that the child is subject to imminent harm while in the custody of the child's family;]~~  
With the consent of the child's family;
- (2) Upon order of the court; or
- (3) Without the consent of the child's family and without a court order, upon the transfer of protective custody from a police officer if, in the discretion of the department, the department determines that exigent circumstances are present.
- (b) If the department assumes temporary foster custody of a child, the department shall:
  - [(2)] (1) Make every reasonable effort to inform the child's parents of the actions taken, unless doing so would put another person at risk of harm;
  - [(3)] (2) Unless the child is admitted to a hospital or similar institution, place the child in emergency foster care while the department conducts an appropriate investigation, with placement preference being given to an approved relative;
  - [(4)] (3) With authorized agencies, make reasonable efforts to identify and notify all relatives within thirty days of assuming temporary foster custody of the child; and
  - [(5)] (4) Within three days, excluding Saturdays, Sundays, and holidays:
    - (A) Relinquish temporary foster custody, return the child to the child's parents, and proceed pursuant to section 587A-11(4), (5), or (6);
    - (B) Secure a voluntary placement agreement from the child's parents to place the child in foster care, and proceed pursuant to section 587A-11(6) or (8); or
    - (C) File a temporary foster custody petition with the court.
- [(b)] (c) Upon the request of the department and without regard to parental consent, any physician licensed or authorized to practice medicine in the State shall perform an examination to determine the nature and extent of harm or threatened harm to the child under the department's temporary foster custody."

SECTION 4. Section 587A-11, Hawaii Revised Statutes, is amended to read as follows:

**“§587A-11 Investigation; department powers.** Upon receiving a report that a child is subject to imminent harm, has been harmed, or is subject to threatened harm, and when an assessment is required by this chapter, the department shall cause ~~[such]~~ an investigation to be made as it deems to be appropriate. In conducting the investigation, the department may:

- (1) Enlist the cooperation and assistance of appropriate state and federal law enforcement authorities, who may conduct an investigation and, if an investigation is conducted, shall provide the department with all preliminary findings, including the results of a criminal history record check of an alleged perpetrator of harm or threatened harm to the child;
- (2) Conduct a criminal history record check of an alleged perpetrator and all adults living in the family home, with or without consent, to ensure the safety of the child;
- (3) Interview the child without the presence or prior approval of the child's family and temporarily assume protective custody of the child for the purpose of conducting the interview;

- (4) Resolve the matter in an informal fashion that it deems appropriate under the circumstances;
- (5) Close the matter if the department finds, after an assessment, that the child is residing with a caregiver who is willing and able to meet the child's needs and provide a safe and appropriate placement for the child;
- (6) Immediately enter into a service plan~~[-]~~ to:
  - (A) ~~[To safely]~~ Safely maintain the child in the family home; or
  - (B) ~~[To place]~~ Place the child in voluntary foster care pursuant to a written agreement with the child's parent.

If the child is placed in voluntary foster care and the family does not successfully complete the service plan within three months after the date on which the department assumed physical custody of the child, the department shall file a petition. The department ~~[is]~~ shall not be required to file a petition if the parents agree to adoption or legal guardianship of the child and the child's safety is ensured; provided that the adoption or legal guardianship hearing is conducted within six months of the date on which the department assumed physical custody of the child;

- (7) Assume temporary foster custody of the child and file a petition with the court within three days, excluding Saturdays, Sundays, and holidays, after the date on which the department assumes temporary foster custody of the child, with placement preference being given to an approved relative; ~~[or]~~
- (8) File a petition or ensure that a petition is filed by another appropriate authorized agency in court under this chapter~~[-]~~; or
- (9) File a petition pursuant to section 587A-12 and seek an order for protective custody if there is reasonable cause to believe that the child is subject to imminent harm, as follows:
  - (A) The department may contemporaneously file an ex parte motion for protective custody and the court may issue an order for protective custody without notice and without a hearing;
  - (B) If an ex parte motion for protective custody is filed contemporaneously with a petition pursuant to this paragraph, the initial reports in section 587A-18(b)(1) and (2) shall not be required at the time the petition is filed; provided that the ex parte motion shall be accompanied by a written declaration setting forth the facts establishing reasonable cause to believe that a child is subject to imminent harm. The initial reports required by section 587A-18(b)(1) and (2) shall be filed on or before the next hearing date unless required sooner by the court;
  - (C) If the court finds reasonable cause to believe that the child is subject to imminent harm, the court shall issue a written order that a police officer immediately take the child into protective custody and transfer custody of the child to the department, which will then assume temporary foster custody of the child pursuant to section 587A-8(b);
  - (D) If an order for protective custody is issued under this paragraph, the court shall order that a police officer make every reasonable effort to personally serve the child's parents and any person who has physical custody of the child with copies of the ex parte motion and order; and
  - (E) After the court rules on the ex parte motion, the case shall proceed pursuant to section 587A-12(c)."

SECTION 5. Section 587A-21, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) ~~[H]~~ For orders for protective custody or in temporary foster custody hearings, in deciding [in temporary foster custody hearings] whether there is reasonable cause to believe that a child is subject to imminent harm, the court may consider relevant hearsay evidence when direct testimony is unavailable or when it is impractical to subpoena witnesses who will be able to testify to facts based on personal knowledge.”

SECTION 6. Section 588-2, Hawaii Revised Statutes, is amended to read as follows:

“**§588-2 Definitions of child abuse.** For purposes of this chapter:

“Child sexual abuse” means any of the offenses described under chapter 707, part V, when committed against a person under the age of eighteen years or ~~[as set forth in paragraph (2) of the definition of “harm” in section 587A-4.]~~ that damage or injure a child’s physical or psychological health or welfare, where the child has been the victim of sexual contact or conduct, including sexual assault; sodomy; molestation; sexual fondling; incest; prostitution; obscene or pornographic photographing, filming, or depiction; or other similar forms of sexual exploitation, including but not limited to acts that constitute an offense pursuant to section 712-1202(1)(b).

“Serious physical child abuse” means any of the offenses ~~[described in paragraph (1) of the definition of “harm” set forth in section 587A-4]~~ that damage or injure a child’s physical or psychological health or welfare, where the child exhibits evidence of injury, including but not limited to:

- (1) Substantial or multiple skin bruising;
- (2) Substantial external or internal bleeding;
- (3) Burn or burns;
- (4) Malnutrition;
- (5) Failure to thrive;
- (6) Soft tissue swelling;
- (7) Extreme pain;
- (8) Extreme mental distress;
- (9) Gross degradation;
- (10) Poisoning;
- (11) Fracture of any bone;
- (12) Subdural hematoma; or
- (13) Death; and

the injury is not justifiably explained, the history given concerning the condition or death is not consistent with the degree or type of the condition or death, or there is evidence that the condition or death may not be the result of an accident; when the offense rises to the degree of a felony as defined in section 701-107.”

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, 2025.

(Approved July 1, 2024.)

## ACT 145

H.B. NO. 470

A Bill for an Act Relating to Minors.

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

SECTION 1. Section 346-17.6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (e) to read:

“(e) Any provider who renders no cost emergency shelter and related services to a minor pursuant to subsections (a) and (b) [~~of this section~~] and can demonstrate compliance with this section shall be immune from any civil or criminal liability based on the provider’s determination to provide the shelter and related services; provided that if a provider’s assessment and determination, or conduct in providing no cost emergency shelter and related services, is the result of the provider’s gross negligence or wilful or wanton acts or omissions, the provider may be held liable for the provider’s gross negligence or wilful or wanton acts or omissions.”

2. By amending subsection (h) to read:

“(h) For purposes of this section:

“Minor” means a person less than eighteen years of age.

“No cost emergency shelter and related services” means accommodation at no cost for a continuous period of no more than thirty days, unless extended for emergency purposes and in compliance with subsection (b), including beds, meals, individual showering facilities, transportation to and from the place of shelter, and any of the following services as deemed appropriate by the provider:

- (1) Assistance with reunification with the family, legal guardian, or legal custodian of the minor;
- (2) Referral to safe housing;
- (3) Individual, family, and group counseling;
- (4) Assistance in obtaining clothing;
- (5) Access to medical and dental care, and mental health counseling;
- (6) Education and employment services;
- (7) Recreational activities;
- (8) Case management, advocacy, and referral services;
- (9) Independent living skills training; and
- (10) Aftercare services, as those services are defined in title 45 Code of Federal Regulations section 1351.1.

“Provider” means any child placing organization, or child caring institution authorized by the department under section 346-17 to receive or place minor children for care and maintenance and to provide related services, health care, or supplies to these minors. “Provider” includes an organization that is not a child placing organization or child caring institution that:

- (1) Conducts criminal history clearances, child abuse and neglect (CA/N) registry checks, background, employment, and any other checks as may be required by state or federal law on an annual basis for all employees and volunteers;
- (2) Maintains separate sleeping areas for unrelated adults and minor children;
- (3) Serves no more than five minor children per day;
- (4) Keeps a current register of all minors admitted; and
- (5) Coordinates with the department to provide shelter or other services for a minor child.”

## ACT 146

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 and shall be repealed on June 30, 2029; provided that section 346-17.6, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act.

(Approved July 1, 2024.)

## ACT 146

H.B. NO. 2227

A Bill for an Act Relating to Child Care.

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

SECTION 1. The legislature recognizes that military child care certification enhances the quality of life and economic security of both the providers and military families seeking qualified child care options.

The legislature notes that under existing administrative rules, the process of issuing a registration for family child care could take up to one hundred eighty days from the date of submission of the application for registration. This delay occurs at a time when both civilian and military families frequently encounter waitlists and capacity issues for family child care.

The legislature finds that both civilian and military families are often in urgent need of qualified child care options. The legislature further finds that by exempting family child care providers who are already certified through the military service process from state laws governing child care, the State can improve the quality of life and economic security for both providers and families.

Accordingly, the purpose of this Act is to expand the existing state exemption for United States Department of Defense-certified child care providers to those operating off federal property.

SECTION 2. Section 346-152, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Nothing in this part shall be construed to include:

- (1) A person caring for children who is related to each child by blood, marriage, or adoption as:
  - (A) ~~[An aunt, uncle,]~~ A parent’s sibling; grandparent[;]; great-grandparent[;]; great-great grandparent[;]; first cousin[; niece, nephew, grandniece, grandnephew, great aunt, or great uncle]; sibling’s child; sibling’s grandchild; or grandparent’s sibling;
  - (B) ~~A [stepfather, stepmother, stepbrother, or stepsister;]~~ stepparent or stepsibling; or
  - (C) The spouse of a person named in subparagraph (A) or (B), even if the marriage is terminated by death, separation, or divorce;
- (2) A person, group of persons, or facility caring for a child less than six hours a week;



- (3) A kindergarten, school, or child care program licensed or certified by the department of education ~~for the United States Department of Defense and located on federal property, or a classroom administered by the executive office on early learning pursuant to section 302L-7~~];
- (4) A program that provides exclusively for a specialized training or skill development for children who are eligible pupils in grades kindergarten through twelve in public or private schools, including but not limited to programs providing activities including athletic sports, foreign language, the Hawaiian language, dance, drama, music, or martial arts;
- (5) A multiservice organization or community association, duly incorporated under the laws of the State, that operates for the purpose of promoting recreation, health, safety, or social group functions for eligible pupils in public and private schools through seventeen years of age;
- (6) Programs for children four years of age and older that operate for no more than two consecutive calendar weeks in a three-month period;
- (7) A provider agency operating or managing a homeless facility or any other program for homeless persons authorized under part XVII;
- (8) After-school, weekend, and summer recess programs conducted by the department of education pursuant to section 302A-408;
- (9) Child care programs conducted by counties pursuant to section 302A-408; provided that each county adopts rules for its programs;
- (10) Any person who enters a home in a child caring capacity and only cares for children who are of that household;
- (11) A person caring for two or fewer children unrelated to the caregiver by blood, marriage, or adoption as described in paragraph (1); ~~and~~
- (12) A child care program licensed by the Hawaii council of private schools. A child care program claiming an exemption under this paragraph shall submit an application for the exemption on a form provided by the department and shall provide to the department evidence that the licensing standards of the Hawaii council of private schools meet or exceed the department's standards for a comparable program, including a monitoring component. Upon application of a child care program for the exemption under this paragraph, the department shall have the discretion to determine whether the licensing standards of the Hawaii council of private schools meet or exceed the department's standards~~[-]~~;
- (13) A kindergarten, school, or child care program certified by the United States Department of Defense; and
- (14) A classroom administered by the executive office on early learning pursuant to section 302L-7."

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

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

(Approved July 1, 2024.)

A Bill for an Act Relating to the Child Abuse and Neglect Central Registry.

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

### PART I

SECTION 1. Section 350-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:  
“Aggravated circumstances” means the same as defined in section 587A-4.

“Harm” means the same as defined in section 587A-4.

“Threatened harm” means the same as defined in section 587A-4.”

### PART II

SECTION 2. Chapter 350, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and read as follows:

**§350- Central registry; expungement.** (a) The department shall maintain a central registry of reported child abuse or neglect cases. When the department confirms a report by a preponderance of the evidence that a person is the perpetrator of child abuse or neglect, harm, or threatened harm, the person’s name shall be included in the central registry.

(b) The department shall promptly expunge a person’s name from the central registry if:

- (1) The report is determined not confirmed by the department, including after administrative proceedings conducted pursuant to chapter 91; provided that in an administrative appeal hearing, the department shall have the burden of proving by a preponderance of the evidence that the confirmation was correct; or
- (2) The family court determines that the report is not confirmed after:
  - (A) A petition arising from the report filed pursuant to section 587A-12 has been dismissed by order of the family court because the court did not find sufficient evidence based upon a preponderance of the evidence to assume jurisdiction pursuant to section 587A-5; or
  - (B) A written report with the disposition is submitted to the family court pursuant to a referral under section 586-10.5, and the family court finds that the facts supporting the confirmation were not proven by a preponderance of the evidence.

The family court shall retain exclusive jurisdiction for purposes of determining that a report was correctly confirmed under this paragraph as long as the family court matter is pending. The person whose name is included in the central registry shall not request an administrative appeal hearing to contest the confirmation unless the family court dismisses or closes the related matter without making findings as to the facts supporting the confirmation.

(c) A person who has been confirmed as the perpetrator of abuse or neglect, harm, or threatened harm, whose name has not been expunged from the central registry pursuant to subsection (b), may submit a request for expungement to the department; provided that:

- (1) The confirmation is more than five years old;

- (2) The record does not involve aggravated circumstances or conduct described in paragraph (1)(B) of the definition of child abuse or neglect in section 350-1; and
- (3) There are no other reports of abuse or neglect subsequent to the confirmation.

Requests submitted that do not meet these minimum requirements shall be denied.

(d) A person seeking to have the person's own name expunged pursuant to subsection (c) shall submit a request for expungement to the department on a form prescribed by the department. The request for expungement shall be reviewed in accordance with rules adopted by the department pursuant to chapter 91 that shall consider, at minimum, the following criteria:

- (1) Length of time since the report was confirmed;
- (2) Severity of the abuse or neglect, harm, or threatened harm;
- (3) Age of the child at the time of the report;
- (4) Age of the confirmed perpetrator at the time of the report;
- (5) Evidence of the confirmed perpetrator's rehabilitation; and
- (6) Any other relevant information received and deemed credible by the department.

(e) Upon review of a request for expungement, the department may grant the request for expungement based on a finding of good cause shown that the expungement would serve the interests of justice. A person whose request for expungement is denied shall not submit another request for expungement for a period of five years from the date of the denial or five years from the date the denial is affirmed on appeal, whichever is later.

(f) Notwithstanding any other provision of law to the contrary, the department may review reports on its own action and, in its discretion, may expunge a person's name from the central registry based on criteria established in rules adopted pursuant to chapter 91.

(g) Records and information contained in a report for which a person's name is expunged from the central registry shall be retained by the department solely for future risk and safety assessment purposes."

SECTION 3. Section 350-2, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) The department shall maintain a central registry of reported child abuse or neglect cases ~~and shall promptly expunge the reports in cases if:~~

- (1) ~~The report is determined not confirmed by the department, an administrative hearing officer, or a Hawaii state court on appeal; or~~
- (2) ~~The petition arising from the report has been dismissed by order of the family court after an adjudicatory hearing on the merits pursuant to chapter 587A.~~

~~Records and information contained in a report that is expunged may be retained by the department solely for future risk and safety assessment purposes.] in accordance with section 350-~~"

### PART III

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved July 1, 2024.)

## Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 148

H.B. NO. 2426

A Bill for an Act Relating to Relative Resource Caregivers.

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

SECTION 1. Section 587A-10, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department shall provide ~~[the]~~ a child’s relative an application to be licensed as the child’s resource family within fifteen days of the relative’s request to provide foster placement for the child. The department shall issue a license only if the relative submits an application and meets the licensing standards for a child-specific license established in rules adopted by the department pursuant to chapter 91 and the child is placed with the relative. If the application is submitted and:

- (1) The license is denied[-] due to the failure of the applicant to meet the licensing standards set out in rules adopted by the department, the department shall provide the applicant with the specific reasons for the denial and an explanation of the procedures for an administrative appeal[-] to contest the denial based on the licensing standards;  
or
- (2) The applicant meets the licensing standards set out in rules adopted by the department, and the department does not issue a child-specific license because the child is not placed with the applicant, the applicant shall not have a right to an administrative appeal to contest the placement decision; provided that the applicant may seek judicial review by the family court with exclusive jurisdiction to review placement determinations for the child pursuant to the provisions of this chapter.”

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

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

(Approved July 1, 2024.)

## ACT 149

S.B. NO. 3207

A Bill for an Act Relating to Education.

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

SECTION 1. Section 26-52, Hawaii Revised Statutes, is amended to read as follows:

“~~§26-52~~ **Department heads and executive officers.** The salaries of the following state officers shall be as follows:

- (1) The salary of the superintendent of education shall be set by the board of education ~~[at a rate no greater than \$250,000 a year].~~ The

superintendent shall be subject to an annual performance evaluation that is in alignment with other employee evaluations within the department of education and are based on outcomes determined by the board of education; provided that nothing shall prohibit the board of education from conditioning a portion of the salary on performance;

- (2) The salary of the president of the ~~[University]~~ university of Hawaii shall be set by the board of regents;
- (3) Effective July 1, 2004, the salaries of all department heads or executive officers of the departments of accounting and general services~~[-];~~ agriculture~~[-];~~ attorney general~~[-];~~ budget and finance~~[-];~~ business, economic development, and tourism~~[-];~~ commerce and consumer affairs~~[-];~~ corrections and rehabilitation~~[-];~~ Hawaiian home lands~~[-];~~ health~~[-];~~ human resources development~~[-];~~ human services~~[-];~~ labor and industrial relations~~[-];~~ land and natural resources~~[-];~~ law enforcement~~[-];~~ taxation~~[-];~~ and transportation shall be as last recommended by the executive salary commission. Effective July 1, 2007, and every six years thereafter, the salaries shall be as last recommended by the commission on salaries pursuant to section 26-56, unless rejected by the legislature; and
- (4) The salary of the adjutant general shall be \$85,302 a year. Effective July 1, 2007, and every six years thereafter, the salary of the adjutant general shall be as last recommended by the commission on salaries pursuant to section 26-56, unless rejected by the legislature, except that if the state salary is in conflict with the pay and allowance fixed by the tables of the regular Army or Air Force of the United States, the latter shall prevail.”

SECTION 2. Act 90, Session Laws of Hawaii 2014, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect upon its approval~~[-]; provided that this Act shall be repealed on June 30, 2024, and section 26-52, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the approval date of this Act; provided further that any contracts entered into prior to June 30, 2024, shall remain in effect for the duration of the contract].”~~

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, 2024.

(Approved July 1, 2024.)

**ACT 150**

S.B. NO. 2070

A Bill for an Act Relating to the Department of Education.

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

SECTION 1. The legislature finds that career and technical education utilizes a wide range of activities and equipment to provide students with industry-based skills and makes academic content accessible to students in a hands-on context. Examples of career and technical education equipment include anatomy tables, flight simulators, and welding simulators. These types of equipment allow

for student learning simulations that can be too expensive or not pragmatic for students to perform in a regular classroom setting. While students are encouraged to explore career options and acquire the technical skills and knowledge to work toward industry-recognized certifications and high-demand careers, lack of access to these types of equipment are severely limiting students in the degree to which they can acquire these technical skills and knowledge, requiring them to wait to gain those skills upon employment or in other secondary licensure programs after high school.

The legislature further finds that in the department of education's State of Hawaii Public Education 2023-2029 Strategic Plan, one of the stated goals is that all students graduate high school prepared for college, career success, and community and civic engagement. One avenue to achieve this goal is through expanding work-based learning experiences that are often offered through career and technical education. As educational teaching tools have become more advanced, they have also become increasingly expensive to procure, with long lead times for delivery.

The legislature also finds that despite the advantages and opportunities that these pieces of equipment can provide, the process to procure them can be lengthy, complicated, and can deter schools from purchasing them. Books and maps are exempted from the Hawaii public procurement code as it is not advantageous to the State to procure these materials by competitive means. In a similar manner, career and technical education equipment should be exempt, as procurement by competitive means is adversely affecting the opportunities for students to acquire technical skills and knowledge.

The purpose of this Act is to exempt from the Hawaii public procurement code educational materials and related training for direct student instruction in career and technical education programs within the department of education, subject to certain conditions.

SECTION 2. Section 103D-102, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Notwithstanding subsection (a), this chapter shall not apply to contracts by governmental bodies:

- (1) Solicited or entered into before July 1, 1994, unless the parties agree to its application to a contract solicited or entered into prior to July 1, 1994;
- (2) To disburse funds, irrespective of their source:
  - (A) For grants as defined in section 42F-101, made by the State in accordance with standards provided by law as required by article VII, section 4, of the state constitution; or by the counties pursuant to their respective charters or ordinances;
  - (B) To make payments to or on behalf of public officers and employees for salaries, fringe benefits, professional fees, or reimbursements;
  - (C) To satisfy obligations that the State is required to pay by law, including paying fees, permanent settlements, subsidies, or other claims, making refunds, and returning funds held by the State as trustee, custodian, or bailee;
  - (D) For entitlement programs, including public assistance, unemployment, and workers' compensation programs, established by state or federal law;
  - (E) For dues and fees of organizations of which the State or its officers and employees are members, including the National As-

- sociation of Governors, the National Association of State and County Governments, and the Multi-State Tax Commission;
- (F) For deposit, investment, or safekeeping, including expenses related to their deposit, investment, or safekeeping;
  - (G) To governmental bodies of the State;
  - (H) As loans, under loan programs administered by a governmental body; and
  - (I) For contracts awarded in accordance with chapter 103F;
- (3) To procure goods, services, or construction from a governmental body other than the [University] university of Hawaii bookstores, from the federal government, or from another state or its political subdivision;
- (4) To procure the following goods or services [~~which~~] that are available from multiple sources but for which procurement by competitive means is either not practicable or not advantageous to the State:
- (A) Services of expert witnesses for potential and actual litigation of legal matters involving the State, its agencies, and its officers and employees, including administrative quasi-judicial proceedings;
  - (B) Works of art for museum or public display;
  - (C) Research and reference materials including books, maps, periodicals, and pamphlets, which are published in print, video, audio, magnetic, or electronic form;
  - (D) Meats and foodstuffs for the Kalaupapa settlement;
  - (E) Opponents for athletic contests;
  - (F) Utility services whose rates or prices are fixed by regulatory processes or agencies;
  - (G) Performances, including entertainment, speeches, and cultural and artistic presentations;
  - (H) Goods and services for commercial resale by the State;
  - (I) Services of printers, rating agencies, support facilities, fiscal and paying agents, and registrars for the issuance and sale of the State's or counties' bonds;
  - (J) Services of attorneys employed or retained to advise, represent, or provide any other legal service to the State or any of its agencies, on matters arising under laws of another state or foreign country, or in an action brought in another state, federal, or foreign jurisdiction, when substantially all legal services are expected to be performed outside [~~this~~] the State;
  - (K) Financing agreements under chapter 37D; [~~and~~]
  - (L) Educational materials and related training for direct student instruction in career and technical education programs as defined in section 302A-101, including supplies, implements, tools, machinery, electronic devices, or other goods purchased by the department of education; provided that:
    - (i) The department of education shall acquire three written quotes for purchases that exceed \$100,000 made pursuant to this subparagraph;
    - (ii) Awards over \$2,500 shall comply with section 103D-310(c); and
    - (iii) Awards over \$500,000 shall be approved by the superintendent of education; and
  - (~~L~~) (M) Any other goods or services [~~which~~] that the policy board determines by rules or the chief procurement officer determines

in writing is available from multiple sources but for which procurement by competitive means is either not practicable or not advantageous to the State; and

- (5) ~~Which~~ That are specific procurements expressly exempt from any or all of the requirements of this chapter by:
  - (A) References in state or federal law to provisions of this chapter or a section of this chapter, or references to a particular requirement of this chapter; and
  - (B) Trade agreements, including the Uruguay Round General Agreement on Tariffs and Trade (GATT) ~~which~~, that require certain non-construction and non-software development procurements by the comptroller to be conducted in accordance with its terms.”

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 July 1, 2027, this Act shall be repealed and section 103D-102(b), Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.

(Approved July 1, 2024.)

**ACT 151**

S.B. NO. 2257

A Bill for an Act Relating to Education.

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

SECTION 1. Section 302A-803, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In addition to establishing standards for the issuance and renewal of licenses and certificates and any other powers and duties authorized by law, the board’s powers shall also include:

- (1) Setting and administering its own budget;
- (2) Adopting, amending, or repealing the rules of the board in accordance with chapter 91;
- (3) Receiving grants or donations from private foundations, and state and federal funds;
- (4) Submitting an annual report to the governor, the legislature, and the board of education on the board’s operations and expenditures, and from the 2007-2008 school year, submitting a summary report every five years of the board’s accomplishment of objectives, efforts to improve or maintain teacher quality, and efforts to keep its operations responsive and efficient;
- (5) Conducting a cyclical review of standards and suggesting revisions for their improvement;
- (6) Establishing licensing and certification fees in accordance with chapter 91 and determining the manner by which fees are collected and subsequently deposited into the state treasury and credited to the general fund;
- (7) Establishing penalties in accordance with chapter 91;



- (8) Issuing, renewing, forfeiting, restoring, conditioning, revoking, suspending, and reinstating licenses and certificates;
- (9) Developing criteria for a full career and technical education license, limited to career and technical education teaching assignments, allowing qualified individuals with at least an associate's degree~~[-]~~ or high school diploma with comparable education and coursework, industry experience, and content expertise to teach;
- (10) Reviewing reports from the department and commission on individuals hired on an emergency basis;
- (11) Applying licensing and certification standards on a case-by-case basis and conducting licensing and certification evaluations;
- (12) Preparing and disseminating teacher licensing and certification information to schools and operational personnel;
- (13) Approving teacher preparation programs;
- (14) Establishing policies and procedures for approving alternative pathways to teaching;
- (15) Administering reciprocity agreements with other states relative to licensing;
- (16) Conducting research and development on teacher licensure systems, beginning teacher programs, the assessment of teaching skills, and other related topics;
- (17) Participating in efforts relating to teacher quality issues, professional development related to the board's standards, and promotion of high teacher standards and accomplished teaching;
- (18) Upon declaration of a state of emergency pursuant to section 127A-14, extending the expiration date of any license, certificate, or permit until June 30 of the following school year;
- (19) Adopting applicable rules and procedures;
- (20) Adopting, amending, repealing, or suspending the policies and standards of the board; and
- (21) Issuing and renewing an optional certificate for those who teach or intend to teach at private schools.”

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, 2024.

(Approved July 1, 2024.)

## ACT 152

S.B. NO. 3087

A Bill for an Act Relating to Early Learning.

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

SECTION 1. Section 302A-1151.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) and (b) to read:

“(a) When the department considers whether to close any particular public school, it shall simultaneously give reasonable consideration to making all or portions of the facilities of the public school available to charter schools and ~~[pre-plus]~~ early learning programs; provided that the facilities may be used for any other purpose the board deems appropriate.

(b) The department shall identify unused public school facilities that may be appropriate for:

- (1) Charter schools;
- (2) Early learning programs~~[-, such as the pre-plus program];~~ and
- (3) Any other purpose the board deems appropriate.

Suitable empty classrooms, as determined by the department, shall be inventoried for potential use by charter schools, early learning programs, ~~[such as the pre-plus program,]~~ or for any other purpose the board deems appropriate. Priority shall be given to facilities on sites with sufficient space for three or more classrooms.”

2. By amending subsection (e) to read:

“(e) Upon receipt of a notice pursuant to subsection (b), the executive office on early learning shall solicit applications from ~~[pre-plus]~~ early learning programs interested in using and occupying all or portions of the facilities of the public school and submit a prioritized list of ~~[pre-plus]~~ early learning programs to the department for final determination of which ~~[pre-plus]~~ early learning program, if any, shall be authorized to use and occupy the public school facilities.”

SECTION 2. Section 302D-35, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Each department shall provide notice to the superintendent and ~~[state public charter school]~~ the commission identifying suitable unused facilities that may be appropriate for:

- (1) Public charter schools; and
- (2) Early learning programs~~[-, including the pre-plus program,]~~ that are affiliated with a public charter school.

The department of accounting and general services shall inventory the suitable facilities, and, in determining suitability for educational reuse, priority shall be given to facilities on sites with sufficient space for three or more classrooms.”

SECTION 3. Section 302L-1.7, Hawaii Revised Statutes, is amended to read as follows:

“~~§302L-1.7~~ **Early learning [facilities; pre-plus] programs.** (a) There is established ~~[the pre-plus]~~ a program within the office to expand access to affordable and high-quality early learning for children from low-income families who are not otherwise eligible for kindergarten, by allowing ~~[preschool]~~ early learning programs to be established on public school campuses and other available public buildings through public-private partnerships.

(b) The office~~[-, the department of education, and the department of human services]~~ shall work collaboratively with other applicable public agencies to ~~[develop suitable pre-plus classrooms on department of education campuses]~~ contract with early learning programs statewide~~[-, including charter<sup>1</sup> conversion charter school campuses]~~. The ~~[executive]~~ office ~~[on early learning, with the department of education and department of human services,]~~ and other applicable public agencies shall coordinate site selection for additional ~~[pre-plus programs at]~~ early learning programs on public school sites~~[-]~~ and other available public buildings, with priority given to ~~[public school sites that serve at-risk children as defined in section 302L-1, including]~~ sites located in areas with limited access to early learning programs and services.”

SECTION 4. Section 302L-7, Hawaii Revised Statutes, is amended by amending subsection (p) to read as follows:

“(p) The department of education may use available classrooms for public preschool programs statewide. Preschool classrooms established pursuant to this section shall be in addition to any classrooms used for ~~[the pre-plus program]~~ early learning programs established pursuant to section 302L-1.7.”

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 1, 2024.)

**Note**

1. So in original.

**ACT 153**

S.B. NO. 3116

A Bill for an Act Relating to the Preschool Open Doors Program.

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

SECTION 1. The legislature finds that the preschool open doors program serves certain three- and four-year old children with priority extended to certain categories of children. There is currently no priority application period established for each state fiscal year. A priority application period would ensure that the preschool open doors program maximizes the funding appropriated to the program to serve the greatest number of three- and four-year-old children in a more timely fashion.

Accordingly, the purpose of this Act is to explicitly establish that the priority of selection for preschool open doors program participation applies only during the priority application period between February 1 and the start of each state fiscal year.

SECTION 2. 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:]~~ during a priority application period established for each upcoming state fiscal year:

- (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;
- (2) Underserved or at-risk four-year-old children who were previously served as ~~[a] three-year-old [child, as defined by rules adopted by the department;]~~ children;
- (3) Four-year-old children who were previously served as ~~[a] three-year-old [child;]~~ children;
- (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~~[;]~~;

## ACT 154

provided that the department shall adopt rules, pursuant to chapter 91, to determine a child's underserved or at-risk status, if not duplicative of the rules already adopted under chapter 17-799, Hawaii Administrative Rules; and applications received after the end of the priority application period and through January 31 of each year shall be processed on a first-come, first-served basis for the remainder of the state fiscal year."

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

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

(Approved July 1, 2024.)

## ACT 154

S.B. NO. 3305

A Bill for an Act Relating to Education.

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

SECTION 1. Chapter 302D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§302D- Schools exclusively offering prekindergarten programs; statutory requirements; exemptions.** Notwithstanding any other law to the contrary, any public charter school that exclusively offers prekindergarten programs shall be subject to this chapter, and shall be exempt from sections 302D-28(a), (c), (e), and (f); 302D-29; 302D-31; 302D-34(c); 302D-40; and 302D-41."

SECTION 2. New statutory material is underscored.<sup>1</sup>

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

(Approved July 1, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 155

H.B. NO. 2430

A Bill for an Act Relating to Summer Electronic Benefits Transfer for Children Program.

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

SECTION 1. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to part II, subpart C, to be appropriately designated and to read as follows:

**"§302A- Summer electronic benefits transfer for children program.** The department shall:

- (1) Work with the department of human services to maximize participation in the federal summer electronic benefits transfer for children

- program established pursuant to the federal Consolidated Appropriations Act, 2023, P.L. 117-328;
- (2) Share all data determined by the departments to be necessary to adhere to the requirements of title 42 United States Code section 1762 and section 346- ; and
  - (3) Follow the federal guidelines and regulations established pursuant to title IV, division HH, section 502 of the Consolidated Appropriations Act, 2023, P.L. 117-328, to maximize flexibility to distribute summer meals through non-congregate distribution.”

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“**§346- Summer electronic benefits transfer for children program.** (a) Subject to the availability of funds, the department may implement the federal summer electronic benefits transfer for children program. To implement the program, the department shall work with the department of education to maximize participation in the federal summer electronic benefits transfer for children program established pursuant to the federal Consolidated Appropriations Act, 2023, P.L. 117-328.

(b) To the extent that appropriations or private funds are made available, the department may contract with one or more providers to administer the summer electronic benefits transfer for children program.

(c) The department may accept grants, donations, and contributions from private or public sources for the purposes of this section, which may be expended consistent with the grantors’ or donors’ wishes.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$53,500 or so much thereof as may be necessary for fiscal year 2024-2025 for the summer electronic benefits transfer for children program, including:

- (1) The establishment of one permanent full-time equivalent (1.0 FTE) program specialist position SR-24; and
- (2) The hiring of staff, system modifications, and operating expenses.

The sum appropriated shall be expended by the department of education for the purposes of this Act; provided that no funds shall be expended unless matched by federal funds on a dollar-for-dollar basis.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,050,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the summer electronic benefits transfer for children program, including:

- (1) The establishment of one permanent full-time equivalent (1.0 FTE) program specialist position SR-24; and
- (2) The hiring of staff, system modifications, and operating expenses.

The sum appropriated shall be expended by the department of human services for the purposes of this Act; provided that no funds shall be expended unless matched by federal funds on a dollar-for-dollar basis.

SECTION 5. New statutory material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect upon its approval; provided that sections 3 and 4 shall take effect on July 1, 2024.

(Approved July 1, 2024.)

## Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 156

S.B. NO. 2475

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 Hawaii's preschools and K-12 schools have increasingly served as safe havens for persons who aim to exploit their positions at schools to carry out acts that harm children, violating the trust inherent in those positions. Recent investigations and reports indicate that offenses, including sexual abuse, physical assault, and other forms of harassment, have been committed against students at various public and private preschools and K-12 campuses throughout the State. The school personnel involved in these offenses often seek to continue harming children by taking advantage of the inability of educational institutions to effectively share information.

The legislature further finds that, all too often, based on real or perceived legal restrictions, schools fail to provide vital information to one another to consider in rendering their decisions. This lack of communication allows these perpetrators continued contact with students and creates a revolving door for the perpetrators at preschools and K-12 schools in the State.

The legislature recognizes that it is essential to prevent the presence of these individuals on any preschool and K-12 campus and to prevent them from serving in any capacity that requires interaction with, or close proximity to, students. Action is required to ensure the safety of both private and public preschools and K-12 campuses and to bolster efforts to protect students from harm.

Accordingly, the purpose of this Act is to create a registry for all preschools and K-12 educational institutions within the State containing information on school employees, contractors, or volunteers for whom, as a result of an investigation, a final finding has been issued that the individual has inflicted harm on a student, with the goal of preventing those individuals from subsequently gaining employment in any other public or private preschools and K-12 institutions in Hawaii.

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to part IV, subpart B, to be appropriately designated and to read as follows:

**“§302A- Harm to students registry; requirements; due process; immunity.** (a) The department shall establish a harm to students registry, which shall be a database of employees found to have inflicted harm on a student in the State. The harm to students registry shall contain:

- (1) The employee's full legal name and any prior names used, such as maiden name or married name;
- (2) The employee's date of birth;
- (3) The employee's photograph;
- (4) The employee's last known address; and
- (5) The name of the reporting institution.

(b) The reporting institution shall certify to the department that any employee whose name and information has been transmitted to the department

for inclusion on the harm to students registry has been afforded appropriate due process, as set forth in this section.

(c) The reporting institution shall certify that there has been a final finding, including the date of the institution's final finding, resulting from the institution's investigation into whether the institution's employee engaged in acts or omissions that resulted in the infliction of harm to a student, notwithstanding whether the employee was terminated, retired, resigned, or was banned from the school pending completion of the investigation. Each institution shall complete an investigation without regard to the employment status of the employee under investigation or the status of the employee's future involvement with the institution.

(d) For purposes of this section, in order for an employee's name to be placed on the harm to students registry, the investigation conducted by the reporting institution that rendered a final finding of infliction of harm to a student shall involve, at a minimum:

- (1) An investigator who was not a party or witness to the incident under investigation and who does not report to a complaining party or accused party;
- (2) An opportunity for the complaining party and accused party to provide information to the investigator regarding the alleged misconduct or other circumstances that caused initiation of the investigation;
- (3) Representation for the accused party if required by law or any applicable collective bargaining agreement; provided that the department shall not provide representation for an accused party that is not entitled to representation pursuant to a collective bargaining agreement;
- (4) Consideration of the information provided by all parties and witnesses who participated in the investigation; and
- (5) Reasoned findings based on the information gathered that support the conclusion, by a preponderance of the evidence, that the accused party inflicted harm on a student.

(e) The reporting institution shall certify, before transmitting the employee's name and other information to the department, that:

- (1) The employee whose name is transmitted to the department for inclusion on the harm to students registry was given prior written notice of the institution's decision to transmit the employee's name for this purpose;
- (2) The employee was given the opportunity to appeal the decision; and
- (3) The employee either waived the right to appeal or lost the appeal.

The department shall rely on an institution's certification that the employee was provided due process in accordance with this section.

(f) Each institution in the State, when requested by another institution, shall share with that institution the existence of any employee investigation that includes allegations of infliction of harm to a student, including ongoing investigations.

(g) An institution that provides information or an opinion about an employee's job performance to a prospective employing institution shall be presumed to be acting in good faith and shall have qualified immunity from civil or criminal liability for disclosing the information and for the consequences of the disclosure.

(h) The good faith presumption under subsection (g) shall be rebuttable upon a showing, by a preponderance of the evidence, that the information or opinion disclosed was:

- (1) Knowingly false; or
- (2) Knowingly misleading.

(i) Nothing in subsections (g) and (h) shall affect the rights, obligations, remedies, liabilities, or standards of proof under chapters 89, 92F, 368, and 378.

(j) The harm to students registry shall be made accessible to all institutions within the State.

(k) A person whose name is listed on the harm to students registry may request the reporting institution to submit a certified request to the department to remove the person's name from the registry if new information is discovered that proves that the person has not inflicted harm on a student such that the person's name does not belong on the registry. The department shall remove the person's name from the harm to students registry upon receiving a certified request from the reporting institution to remove the person's name from the registry.

(l) Any institution certifying the inclusion of an employee on or removal of an employee from the harm to students registry, or refusing to certify the removal of an employee from the harm to students registry, shall defend and indemnify the department from any liability resulting from any claim or cause of action relating to the employee's inclusion on or removal from the registry, or relating to the institution's refusal to certify the removal of the employee from the registry.

(m) As part of the procedures followed pursuant to section 302A-601.5, the department shall consult the harm to students registry to determine whether a candidate for employment is listed on the registry.

(n) The department shall consult the harm to students registry before authorizing a volunteer's assistance in a role that involves the volunteer's interaction with, or close proximity to, a student or students.

(o) If a candidate for employment or a potential volunteer's name is listed on the harm to students registry, the department shall cease to consider the candidate for employment or shall prohibit the volunteer's assistance in a role that involves interaction with, or close proximity to, a student or students.

(p) The harm to students registry shall be exempt from disclosure under chapter 92F.

(q) As used in this section:

"Employee" means a person currently or formerly employed by the institution and includes contractors and volunteers for an institution.

"Final finding" means the conclusion of an institution's investigation that results in a determination by the institution.

"Harm to students registry" or "registry" means a database of employees and any related documents compiled by the department that a reporting institution certifies and transmits to the department.

"Inflicted harm on a student" or "infliction of harm on a student" means the act of subjecting a student to abusive acts or sexual exploitation, whether with, to, or in the presence of a student, including any:

- (1) Sexual act;
- (2) Solicitation of a sexual act, whether written, visual, verbal, or physical;
- (3) Inappropriate sexual contact or conduct, whether written, visual, verbal, or physical;
- (4) Act of child abuse;
- (5) Intentional solicitation, encouragement, or consummation of a romantic or physical relationship, which includes dating a student; or
- (6) Acts of abuse or violence, including assault, torture, or physical punishment or restraint that results in serious bodily injury.



“Institution” means any public or private educational institution that services students in early learning programs or schools, and from kindergarten through twelfth grade within the State.

“Investigation” means any fact finding by an institution relating to an accusation of infliction of harm on a student that meets the requirements of subsection (d).”

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

**“§302C- Investigation of misconduct; reporting to the department of education; harm to students registry; due process; indemnity.** (a) Pursuant to the requirements of section 302A- , each private school shall certify to the department any final finding resulting from the private school’s investigation that an employee inflicted harm on a student, notwithstanding whether the employee was terminated, retired, resigned, or was banned from the school pending completion of the investigation. Each private school shall complete an investigation without regard to the status of employment of the employee under investigation or the status of the employee’s future involvement with the institution.

(b) The reporting private school shall certify, before transmitting an employee’s name and other information to the department, that:

- (1) The employee whose name and information are transmitted to the department for inclusion on the harm to students registry was given prior written notice of the private school’s decision to transmit the employee’s name and information for this purpose;
- (2) The employee was given the opportunity to appeal the decision; and
- (3) The employee either waived the right to appeal or lost the appeal.

The department shall rely on the certification of the private school that the employee was provided due process in accordance with this section.

(c) Each private school shall consult the harm to students registry to determine whether a candidate for employment at the school is listed on the registry.

(d) Each private school shall consult the harm to students registry before authorizing a volunteer’s assistance in a role that involves the volunteer’s interaction with, or close proximity to, a student or students.

(e) If a candidate for employment or a potential volunteer’s name is listed on the harm to students registry, the private school shall cease to consider the candidate for employment or shall prohibit the volunteer’s assistance in a role that involves interaction with, or close proximity to, a student or students.

(f) Each private school, when requested by another institution, shall share with that institution the existence of any employee investigation that includes allegations of infliction of harm to a student, including ongoing investigations.

(g) A private school that provides information or an opinion about an employee’s job performance to a prospective employing institution shall be presumed to be acting in good faith and shall have qualified immunity from civil or criminal liability for disclosing the information and for the consequences of the disclosure.

(h) The good faith presumption under subsection (g) shall be rebuttable upon a showing, by a preponderance of the evidence, that the information or opinion disclosed was:

- (1) Knowingly false; or
- (2) Knowingly misleading.

(i) Nothing in subsections (g) and (h) shall affect the rights, obligations, remedies, liabilities, or standards of proof under chapters 89, 92F, 368, and 378.

(j) A person whose name is listed on the harm to students registry may request the reporting private school to submit a certified request to the department to remove the person's name from the registry if new information is discovered that proves that the person has not inflicted harm on a student such that the person's name does not belong on the registry.

(k) A private school certifying the inclusion of an employee on or removal of an employee from the harm to students registry, or refusing to certify the removal of an employee from the harm to students registry, shall defend and indemnify the department from any liability resulting from any claim or cause of action relating to the employee's inclusion on or removal from the registry, or relating to the private school's refusal to certify the removal of the employee from the registry.

(l) As used in this section:

“Department” means the department of education.

“Employee” has the same meaning as defined in section 302A- (q).

“Final finding” has the same meaning as defined in section 302A- (q).

“Harm to students registry” or “registry” has the same meaning as defined in section 302A- (q).

“Inflicted harm on a student” or “infliction of harm on a student” has the same meaning as defined in section 302A- (q).

“Institution” has the same meaning as defined in section 302A- (q).

“Investigation” has the same meaning as defined in section 302A- (q).”

SECTION 4. Chapter 302D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§302D- Investigation of misconduct; reporting to the department of education; harm to students registry; due process; indemnity.** (a) Pursuant to the requirements of section 302A- , each public charter school shall certify to the department any final finding resulting from the public charter school's investigation that an employee inflicted harm on a student, notwithstanding whether the employee was terminated, retired, resigned, or was banned from the school pending completion of the investigation. Each public charter school shall complete an investigation without regard to the status of employment of the employee under investigation or the status of the employee's future involvement with the institution.

(b) The reporting public charter school shall certify, before transmitting the employee's name and other information to the department, that:

(1) The employee whose name and information are transmitted to the department for inclusion on the harm to students registry was given prior written notice of the public charter school's decision to transmit the employee's name and information for this purpose;

(2) The employee was given the opportunity to appeal the decision; and

(3) The employee either waived the right to appeal or lost the appeal.

The department shall rely on the certification of the public charter school that the employee was provided due process in accordance with this section.

(c) Each public charter school shall consult the harm to students registry to determine whether a candidate for employment at the school is listed on the registry.

(d) Each public charter school shall consult the harm to students registry before authorizing a volunteer's assistance in a role that involves the volunteer's interaction with, or close proximity to, a student or students.

(e) If a candidate for employment or a potential volunteer's name is listed on the harm to students registry, the public charter school shall cease to consider the candidate for employment or shall prohibit the volunteer's assistance in a role that involves interaction with, or close proximity to, a student or students.

(f) Each public charter school, when requested by another institution, shall share with that institution the existence of any employee investigation that includes allegations of infliction of harm to a student, including ongoing investigations.

(g) A public charter school that provides information or an opinion about an employee's job performance to a prospective employing institution shall be presumed to be acting in good faith and shall have qualified immunity from civil or criminal liability for disclosing the information and for the consequences of the disclosure.

(h) The good faith presumption under subsection (g) shall be rebuttable upon a showing, by a preponderance of the evidence, that the information or opinion disclosed was:

- (1) Knowingly false; or
- (2) Knowingly misleading.

(i) Nothing in subsections (g) and (h) shall affect the rights, obligations, remedies, liabilities, or standards of proof under chapters 89, 92F, 368, and 378.

(j) A person whose name is listed on the harm to students registry may request the reporting public charter school to submit a certified request to the department to remove the person's name from the registry if new information is discovered that proves that the person has not inflicted harm on a student such that the person's name does not belong on the registry.

(k) A public charter school certifying the inclusion of an employee on or removal of an employee from the harm to students registry, or refusing to certify the removal of an employee from the harm to students registry, shall defend and indemnify the department from any liability resulting from any claim or cause of action relating to the employee's inclusion on or removal from the registry, or relating to the public charter school's refusal to certify the removal of the employee from the registry.

(l) As used in this section:

“Department” means department of education.

“Employee” has the same meaning as defined in section 302A- (q).

“Final finding” has the same meaning as defined in section 302A- (q).

“Harm to students registry” or “registry” has the same meaning as defined in section 302A- (q).

“Inflicted harm on a student” or “infliction of harm on a student” has the same meaning as defined in section 302A- (q).

“Institution” has the same meaning as defined in section 302A- (q).

“Investigation” has the same meaning as defined in section 302A- (q).”

SECTION 5. Chapter 302L, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**§302L- Investigation of misconduct; reporting to the department of education; harm to students registry; due process; indemnity.** (a) Pursuant to the requirements of section 302A- , each early learning program or school shall certify to the department any final finding resulting from the early learning program or school's investigation that an employee inflicted harm on a student, notwithstanding whether the employee was terminated, retired, resigned, or was banned from the program or school pending completion of the investigation.

Each early learning program and school shall complete an investigation without regard to the status of employment of the employee under investigation or status of the employee's future involvement with the institution.

(b) The reporting early learning program or school shall certify, before transmitting the employee's name and other information to the department, that:

- (1) The employee whose name and information are transmitted to the department for inclusion on the harm to students registry was given prior written notice of the early learning program or school's decision to transmit the employee's name and information for this purpose;
- (2) The employee was given the opportunity to appeal the decision; and
- (3) The employee either waived the right to appeal or lost the appeal.

The department shall rely on the certification of the early learning program or school that the employee was provided due process in accordance with this section.

(c) Each early learning program or school shall consult the harm to students registry to determine whether a candidate for employment at the program or school is listed on the registry.

(d) Each early learning program or school shall consult the harm to students registry before authorizing a volunteer's assistance in a role that involves the volunteer's interaction with, or close proximity to, a student or students.

(e) If a candidate for employment or a potential volunteer's name is listed on the harm to students registry, the early learning program or school shall cease to consider the candidate for employment or shall prohibit the volunteer's assistance in a role that involves interaction with, or close proximity to, a student or students.

(f) Each early learning program or school, when requested by another institution, shall share with that institution the existence of any employee investigation that includes allegations of infliction of harm to a student, including ongoing investigations.

(g) An early learning program or school that provides information or an opinion about an employee's job performance to a prospective employing institution shall be presumed to be acting in good faith and shall have qualified immunity from civil or criminal liability for disclosing the information and for the consequences of the disclosure.

(h) The good faith presumption under subsection (g) shall be rebuttable upon a showing, by a preponderance of the evidence, that the information or opinion disclosed was:

- (1) Knowingly false; or
- (2) Knowingly misleading.

(i) Nothing in subsections (g) and (h) shall affect the rights, obligations, remedies, liabilities, or standards of proof under chapters 89, 92F, 368, and 378.

(j) A person whose name is listed on the harm to students registry may request the reporting early learning program or school to submit a certified request to the department to remove the person's name from the registry if new information is discovered that proves that the person has not inflicted harm on a student such that the person's name does not belong on the registry.

(k) An early learning program or school certifying the inclusion of an employee on or removal of an employee from the harm to students registry, or refusing to certify the removal of an employee from the harm to students registry, shall defend and indemnify the department from any liability resulting from any claim or cause of action relating to the employee's inclusion on or removal

from the registry, or relating to the early learning program or school's refusal to certify the removal of the employee from the registry.

(l) As used in this section:

“Department” means the department of education.

“Employee” has the same meaning as defined in section 302A- (q).

“Final finding” has the same meaning as defined in section 302A- (q).

“Harm to students registry” or “registry” has the same meaning as defined in section 302A- (q).

“Inflicted harm on a student” or “infliction of harm on a student” has the same meaning as defined in section 302A- (q).

“Institution” has the same meaning as defined in section 302A- (q).

“Investigation” has the same meaning as defined in section 302A- (q).”

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

SECTION 7. New statutory material is underscored.<sup>1</sup>

SECTION 8. This Act shall take effect on July 1, 2024.

(Approved July 1, 2024.)

#### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 157

H.B. NO. 2400

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 some teachers facing serious allegations, such as sexual harassment of a student, exploit the existing education system by resigning or retiring before they can be formally terminated after a completed investigation. This practice not only obstructs the pursuit of justice but also allows these teachers to potentially continue their careers in other states or private schools without any consequences. It is imperative to address this critical issue within the State's education system to ensure that teachers who have resigned or retired in lieu of termination during the pendency of the investigation do not retain their teaching license.

The legislature recognizes that it is essential to rectify this dangerous loophole. It is unacceptable for teachers accused of serious misconduct to evade accountability by relocating to different jurisdictions or institutions. Requiring these teachers to forfeit their teaching licenses ensures that their names are added to the National Association of State Directors of Teacher Education and Certification database, which maintains an interstate agreement with the Hawaii teacher standards board. This, in turn, will ensure that potential employers are aware of the unlicensed status of these teachers, making it significantly more challenging for these teachers to secure employment in any educational setting. This Act is a necessary step to preserve the integrity of the teaching profession and protect students from potential harm, and thus uphold ethical standards and accountability within the education system.

The purpose of this Act is to require:

- (1) A teacher to forfeit their teaching license if the teacher resigns or retires during the pendency of any investigation into allegations of sexual assault, sexual harassment, or other physical abuse of a student; and
- (2) The forfeiture of the teacher's license to be reported to the National Association of State Directors of Teacher Education and Certification.

SECTION 2. Section 302A-602, Hawaii Revised Statutes, is amended to read as follows:

**“§302A-602 Teachers; licenses and certificates.** (a) No person shall serve as a teacher in the department without first having obtained a license from the Hawaii teacher standards board in ~~[such]~~ the form as the Hawaii teacher standards board determines. The department shall establish types of certificates in the educational field and the requirements to qualify for those certificates issued to individuals who are not required to obtain a license pursuant to sections 302A-801 to 302A-808.

(b) Beginning with the 2002-2003 school year, no person paid under the salary schedule contained in the unit 5 collective bargaining agreement shall serve as a teacher in the department without first having obtained a license pursuant to sections 302A-801 to 302A-808 from the Hawaii teacher standards board in ~~[such]~~ the form as the Hawaii teacher standards board determines.

(c) Beginning with the 2002-2003 school year, the department may employ unlicensed individuals as emergency hires pursuant to sections 302A-801 to 302A-808.

(d) If any person paid under the salary schedule contained in the unit 5 collective bargaining agreement resigns or retires during the pendency of any investigation into allegations of sexual assault, sexual harassment, or other physical abuse of a student, including criminal and workplace investigations, that person shall forfeit the person's license. The forfeiture of the person's license shall be reported to the National Association of State Directors of Teacher Education and Certification.”

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

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

(Approved July 1, 2024.)

**ACT 158**

S.B. NO. 2305

A Bill for an Act Relating to Missing Persons.

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

SECTION 1. The legislature finds that the State must protect vulnerable kupuna and persons with cognitive impairments or developmental disabilities who are missing. More than half of states nationwide have established silver alert programs modeled after the AMBER Alert program.

Broadcasters use systems like the emergency alert system, formerly known as the emergency broadcast system, or wireless emergency alert, to communicate emergency alerts and warning messages to the public.

There are many emergency situations where the use of these broadcast systems could save lives by helping to identify missing elderly individuals or persons with cognitive impairments or developmental disabilities. However, there is no statutory process that requires its use.

The purpose of this Act is to establish a silver alert program within the department of law enforcement to alert the public of missing persons for whom there is a credible threat to their health and safety. To the greatest extent possible, the alert shall provide protection of the privacy, dignity, and independence of the missing person by including standards aimed at preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information.

SECTION 2. Chapter 353C, Hawaii Revised Statutes, is amended to read as follows:<sup>1</sup>

**“§353C- Silver alert program; missing vulnerable persons.** (a) The department shall develop and implement a silver alert program to rapidly disseminate information about a person subject to the silver alert.

(b) If a person is reported missing to a law enforcement agency and that agency determines that the conditions of subsection (g) are met, the agency may request the department to activate a silver alert. If the department concurs that the conditions of subsection (g) are met, the department shall activate a silver alert within the geographical area requested by the investigating law enforcement agency.

(c) Radio, television, cable, and satellite systems are encouraged to, but not required to, cooperate with disseminating the information contained in a silver alert.

(d) Upon activation of a silver alert, the department shall assist the investigating law enforcement agency by issuing a be-on-the-lookout alert, issuing an electronic flyer, or activating a changeable message sign, as permissible.

(e) The department, as permitted, may use the Wireless Emergency Alerts System.

(f) The department, as permitted, may use a changeable message sign if the following conditions are met:

(1) The investigating law enforcement agency determines that a vehicle may be involved in the missing person incident; and

(2) Specific vehicle identification is available for public dissemination.

(g) A law enforcement agency may request from the department that a silver alert be activated if the agency determines that all of the following conditions are met regarding the investigation of the missing person:

(1) The missing person is sixty-five years of age or older, cognitively impaired, or developmentally disabled;

(2) The law enforcement agency has utilized all available local resources;

(3) The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances;

(4) The law enforcement agency believes that the missing person is in danger because of age, health, mental or physical disability, or environment or weather conditions; the missing person is in the company of a potentially dangerous person; or there are other factors indicating that the missing person may be in peril; and

(5) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

(h) For purposes of this section:

“Cognitively impaired” means affected by a cognitive impairment, as defined in section 431:10H-201.

“Developmentally disabled” means affected by a severe, chronic disability of a person that:

- (1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) Is manifested before the person attains age twenty-two;
- (3) Is likely to continue indefinitely;
- (4) Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic sufficiency; and
- (5) Reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

“Silver alert” means a notification system, activated pursuant to this section, designed to issue and coordinate alerts with respect to a situation that meets the conditions of subsection (g).”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000 or so much thereof as may be necessary for fiscal year 2024-2025 for establishing and operating the silver alert program.

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

SECTION 4. New statutory material is underscored.<sup>2</sup>

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved July 1, 2024.)

**Notes**

1. So in original.

2. Edited pursuant to HRS §23G-16.5.

**ACT 159**

H.B. NO. 2224

A Bill for an Act Relating to Long-Term Care.

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

SECTION 1. The legislature finds that the State is fortunate to have the highest life expectancy in the United States with a record of 80.7 years. The number of kupuna living to be over eighty, ninety, and even one hundred continues to grow. As people age, they are more likely to experience differing abilities, with 27.8 per cent of older adults living with a disability. This likelihood of living with a disability increases to 39.5 per cent for the middle-old (ages seventy-five through eighty-four) and 70.9 per cent for the oldest-old (aged eighty-five years or older). According to the Centers for Disease Control and Prevention, the ten leading causes of death in the State are heart disease, cancer, stroke, accidents, Alzheimer’s disease, chronic lower respiratory disease, coronavirus disease 2019, diabetes, influenza or pneumonia, and kidney disease. Moreover, three out of ten deaths in the State are due to cardiovascular disease, which is largely preventable. In addition, there are approximately twenty-nine thousand persons aged sixty-five and older living with Alzheimer’s disease in the State who are cared for



by fifty-one thousand family caregivers. According to the Centers for Disease Control and Prevention, one in nine adults forty-five years or older in the State report experiencing subjective cognitive decline, as they notice memory problems that have been getting worse, and within this group, seventy-four per cent have at least one chronic condition. By 2025, the number of people living with Alzheimer's disease in the State is expected to increase to thirty-five thousand, a more than twenty per cent increase from 2020.

The legislature further finds that virtually all of the State's seniors prefer to age in place at home, with the option of receiving community-based services, rather than in a care home or institution, and that many seniors will require more intensive services and caregiving at the end of their lives. Therefore, long-term care of the State's aging population is a matter of statewide concern.

The legislature also finds that the costs of institutional care have escalated beyond the financial means of most seniors. The State's portion of medicaid expenditures has increased steadily over the years and is projected to increase significantly as baby boomers enter retirement. As the State's population ages, the number of frail and disabled individuals has increased, placing a precipitous demand on the need for long-term care services, as well as significant cost pressures on the state budget. The legislature therefore finds that there is an urgent need to make quality long-term care services as accessible, efficient, and effective as possible.

The legislature additionally finds that it is necessary to explore public and private sector approaches to support payment for long-term care services, which can assist seniors age in place and prevent the State from becoming fiscally liable for unsustainable costs under medicaid.

Act 224, Session Laws of Hawaii 2008, established a long-term care commission within the public policy center of the university of Hawaii college of social sciences to identify needed reforms of the long-term care system. The commission produced a report entitled "Long-Term Care Reform in Hawaii: Report of the Hawaii Long-Term Care Commission, Final Report", dated January 18, 2012. Several bills were introduced during the regular session of 2012 to adopt the commission's recommendations. However, only one bill was adopted, the kupuna care program, which had been a demonstration project since July 1999, and was codified in statute within the executive office on aging pursuant to Act 238, Session Laws of Hawaii 2012.

The purpose of this Act is to establish:

- (1) A comprehensive long-term care plan that incorporates certain essential components of long-term care services; and
- (2) One long-term care planner position within the executive office on aging to oversee the development and implementation of the long-term care plan.

**SECTION 2.** (a) The executive office on aging shall coordinate with the state health planning and development agency in the development of a long-term care plan as part of an overall health care system plan.

(b) The executive office on aging, in coordination with the state health planning and development agency, shall establish a comprehensive long-term care plan to:

- (1) Identify essential components to ensure the availability of a full continuum of long-term care services, including homes, skilled nursing institutions, and other institutional and community-based services;
- (2) Identify needed reforms to establish a sustainable long-term care system;

## ACT 160

- (3) Research programmatic changes and resources necessary to meet the State's long-term care public policy goals; and
- (4) Explore funding options to support the provision of long-term care services, including the recruitment, training, and retention of a skilled workforce.

(c) The executive office on aging 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 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$79,872 or so much thereof as may be necessary for fiscal year 2024-2025 to establish and fund one full-time equivalent (1.0 FTE) long-term care planner position within the executive office on aging to oversee the development and implementation of the comprehensive long-term care plan identified in section 2 of this Act.

The sum 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, 2024.

(Approved July 1, 2024.)

## ACT 160

H.B. NO. 1597

A Bill for an Act Relating to Open Meetings.

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

SECTION 1. The purpose of this Act is to better align the enforcement mechanisms for the State's open meetings law with the State's Uniform Information Practices Act. Specifically, this Act:

- (1) Clarifies that members of the public may sue a board or alleged board after receiving an adverse office of information practices decision, and that the decision will be reviewed de novo;
- (2) Establishes a two-year statute of limitations to bring actions and reaffirms a complainant's right to seek review by the office of information practices first;
- (3) Consistent with the Hawaii supreme court's observations in *Kahana Sunset Owners Ass'n v. Maui Cnty. Council*, 86 Hawaii 132 (1997), recognizes that only a member of the public may recover attorney's fees and costs if that person prevails in an open meetings lawsuit;
- (4) Requires that persons suing for open meetings law violations notify the office of information practices about the lawsuit so that it may decide whether to intervene; and
- (5) Requires open meetings lawsuits that seek to void a board's final action to be prioritized by the courts.

SECTION 2. Section 92-12, Hawaii Revised Statutes, is amended to read as follows:

**“§92-12 Enforcement.** (a) The attorney general and the prosecuting attorney shall enforce this part.

(b) The circuit courts of the State shall have jurisdiction to enforce the provisions of this part by injunction or other appropriate remedy.

(c) Any person may commence a suit against a board or alleged board in the circuit court of the circuit in which a prohibited act occurs for the purpose of ~~requiring~~:

- (1) Requiring compliance with or preventing violations of this part ~~or to determine~~;
- (2) Determining the applicability of this part to discussions or decisions of the public body ~~The~~; or
- (3) Challenging an opinion or ruling of the office of information practices concerning a complaint by that person.

The person may bring the action within two years of a prohibited act; provided that a decision to appeal to the office of information practices for review shall not prejudice the person's right to appeal to the circuit court after a decision is made by the office of information practices. If the person prevails, the court may order payment of reasonable attorney's fees and costs ~~to the prevailing party~~ by the board in a suit brought under this section.

(d) In an action under this section, the circuit court shall hear the matter de novo. Opinions and rulings of the office of information practices shall be admissible in an action brought under this part and shall be considered as precedent unless found to be palpably erroneous ~~;~~ provided that in an action under this section challenging an opinion or ruling of the office of information practices concerning a complaint by the plaintiff, the circuit court shall hear the challenged adverse determination de novo. Except as provided in section 92F-43, a board or alleged board shall not challenge an opinion or ruling of the office of information practices about the board or alleged board.

(e) When filing a suit that is under, related to, or affected by this part, a person shall notify the office of information practices in writing at the time of the filing. The office of information practices may intervene in the action.

(f) Except as to cases the circuit court considers of greater importance, proceedings before the court, as authorized by this section, and appeals therefrom, shall take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way when the suit seeks to void any final action pursuant to section 92-11.

~~(e)~~ (g) The proceedings for review shall not stay the enforcement of any agency decisions; but provided that the reviewing court may order a stay if the following criteria have been met:

- (1) There is likelihood that the party bringing the action will prevail on the merits;
- (2) Irreparable damage will result if a stay is not ordered;
- (3) No irreparable damage to the public will result from the stay order; and
- (4) Public interest will be served by the stay 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 July 2, 2024.)

A Bill for an Act Relating to Unmanned Aircraft.

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

SECTION 1. Chapter 711, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . UNCREWED AIRCRAFT**

**§711-A Definitions.** As used in this part:

“Aircraft” means any device, craft, vehicle, or contrivance that is invented, used, or designed to navigate, fly, or travel in the air, or that is used or intended to be used for flight in the air.

“Uncrewed aircraft” means any aircraft that is operated or designed to be operated without a person in or on the aircraft, or without the possibility of direct human intervention from within or on the aircraft.

**§711-B Misuse of uncrewed aircraft in the first degree.** (1) A person commits the offense of misuse of uncrewed aircraft in the first degree if the person intentionally or knowingly:

- (a) Equips or arms an uncrewed aircraft with a firearm, explosive, electric gun, or weapon of mass destruction;
- (b) Possesses, receives, transfers, operates, or produces an uncrewed aircraft that is equipped or armed with a firearm, explosive, electric gun, or weapon of mass destruction;
- (c) Discharges or deploys a firearm, explosive, electric gun, or weapon of mass destruction using an uncrewed aircraft;
- (d) Operates an uncrewed aircraft and thereby intentionally, knowingly, or recklessly interferes with or disrupts the operation of any manned aircraft;
- (e) Uses an uncrewed aircraft to transport and introduce, or to attempt to transport and introduce, contraband, drugs, or dangerous instruments into a prison; or
- (f) Operates an uncrewed aircraft and thereby causes serious bodily injury to another person.

(2) Misuse of uncrewed aircraft in the first degree is a class A felony.

(3) Subsection (1)(a), (b), (c), (d), and (g) shall not apply to any police officer, deputy sheriff, adult corrections officer, correctional worker, or fire department personnel acting within the course and scope of their duties, or to any other person acting under the authority of, or pursuant to a contract with, the United States or a state or county government, or any department or agency of the United States or a state or county government.

(4) For purposes of this subsection:

“Contraband” has the same meaning as in section 710-1023.

“Dangerous instrument” has the same meaning as in section 707-700.

“Drug” has the same meaning as in section 710-1022.

“Electric gun” has the same meaning as in section 134-81.

“Explosive” means a device composed of a single ingredient, or mixture of ingredients, capable of instantaneously releasing a sufficient amount of energy to inflict substantial damage to persons or property, and includes fireworks as defined in section 132D-2.

“Firearm” has the same meaning as in section 134-1.

“Prison” includes jails, prisons, correctional centers, correctional facilities, and detention centers.

“Serious bodily injury” has the same meaning as in section 707-700.

“Weapon of mass destruction” means any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or other precursors, and includes any weapon involving a biological agent, toxin, or vector and any weapon designed to release radiation or radioactivity at a level dangerous to human life.

**§711-C Misuse of uncrewed aircraft in the second degree.** (1) A person commits the offense of misuse of uncrewed aircraft in the second degree if the person intentionally or knowingly:

- (a) Disables any required identification transmission or signaling of an uncrewed aircraft;
- (b) Disables or obscures any anti-collision lighting of an uncrewed aircraft or fails to have or illuminate the lighting as required by law or by the rules, regulations, and orders of the Federal Aviation Administration;
- (c) Operates an uncrewed aircraft and thereby causes substantial bodily injury to another person; or
- (d) Operates an uncrewed aircraft and thereby damages the property of another, without the other’s consent, in an amount exceeding \$20,000.

(2) Misuse of uncrewed aircraft in the second degree is a class B felony.

(3) This section shall not apply to any police officer, deputy sheriff, adult corrections officer, correctional worker, or fire department personnel acting within the course and scope of their duties, or to any other person acting under the authority of, or pursuant to a contract with, the United States or a state or county government, or any department or agency of the United States or a state or county government.

(4) For purposes of this subsection, “substantial bodily injury” has the same meaning as in section 707-700.

**§711-D Misuse of uncrewed aircraft in the third degree.** (1) A person commits the offense of misuse of uncrewed aircraft in the third degree if the person intentionally, knowingly, or recklessly:

- (a) Removes, obliterates, alters, or tampers with the identification or registration number of an uncrewed aircraft;
- (b) Operates an uncrewed aircraft and thereby obstructs, impairs, or hinders the performance of a police officer, deputy sheriff, or fire department personnel acting under color of their official authority;
- (c) Operates an uncrewed aircraft and thereby causes bodily injury to another person;
- (d) Operates an uncrewed aircraft and thereby damages the property of another, without the other’s consent, in an amount exceeding \$750;
- (e) Operates an uncrewed aircraft while under the influence of an intoxicant;
- (f) Operates an uncrewed aircraft after the person’s license, certificate, or privilege to operate an uncrewed aircraft has been revoked, suspended, or otherwise restricted by the issuing governmental authority; or

**ACT 162**

(g) Uses an uncrewed aircraft in furtherance of the commission of a felony.

(2) Misuse of uncrewed aircraft in the third degree is a class C felony.

(3) This section shall not apply to any police officer, deputy sheriff, adult corrections officer, correctional worker, or fire department personnel acting within the course and scope of their duties, or to any other person acting under the authority of, or pursuant to a contract with, the United States or a state or county government, or any department or agency of the United States or a state or county government.

(4) For purposes of this subsection:

“Bodily injury” has the same meaning as in section 707-700.

“Intoxicant” has the same meaning as in section 291E-1.

“Under the influence” has the same meaning as in section 291E-1; provided that the term “uncrewed aircraft” shall be substituted for the term “vehicle” as used therein.

**§711-E Uncrewed aircraft; operation.** Notwithstanding section 711-B(3), 711-C(3), and 711-D(3), uncrewed aircraft shall be directly operated by a human operator at all times.”

SECTION 2. Chapter 711, Hawaii Revised Statutes, is amended as follows:

1. By designating sections 711-1100 to 711-1113 as part I, entitled “General Provisions”.

2. By designating section 711-1114 for inclusion within the new part added by section 1 of 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. 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 upon its approval.

(Approved July 2, 2024.)

**ACT 162**

H.B. NO. 2070

A Bill for an Act Relating to Procurement.

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

SECTION 1. Section 103D-709, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The party initiating a proceeding falling within subsection (d) shall pay to the department of commerce and consumer affairs a cash or protest bond in the amount of one per cent of the estimated value of the contract.

~~[If the initiating party prevails in the administrative proceeding, the]~~ The cash or protest bond shall be returned to that party[-If], minus administrative costs as determined by the office of administrative hearings of the department of commerce and consumer affairs; provided that full forfeiture of the cash or

protest bond shall occur if the initiating party does not prevail in the administrative proceeding[;] and the office of administrative hearings finds that the appeal was frivolous or made in bad faith, in which case the cash or protest bond shall be deposited into the general fund.”

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 2, 2024.)

## ACT 163

H.B. NO. 2071

A Bill for an Act Relating to Photo Red Light Imaging Detector Systems.

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

SECTION 1. Section 291J-5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Proof of a violation of section 291C-32(c) shall be as evidenced by information obtained from the photo red light imaging detector system authorized pursuant to this chapter. A certificate, sworn to or affirmed by the reviewing police department, or a facsimile thereof, based upon inspection of photographs, microphotographs, video, or other recorded images produced by the system, shall be prima facie evidence of the facts contained therein. Any photograph, microphotograph, video, or other recorded image, produced by the system, that contains a clear and unobstructed image of a motor vehicle license plate shall be prima facie evidence that the motor vehicle to which the license plate is attached is the motor vehicle for which the license plate was issued. Any photographs, microphotographs, video, or other recorded images evidencing a violation shall be available for inspection in any proceeding to adjudicate the liability for that violation.”

SECTION 2. Section 291J-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any law to the contrary, and except for the time period allowed pursuant to section 291J-4(e), beginning January 1, 2021, whenever any motor vehicle is determined, by means of a photo red light imaging detector system, to have disregarded a steady red signal in violation of section 291C-32(c), the State’s or county’s third party contractor shall cause a summons or citation, as described in this section, to be sent by first class mail to the registered owner of the motor vehicle. The summons or citation shall be mailed to the registered owner’s address on record at the vehicle licensing division and ~~postmarked~~ submitted to the post office within ten calendar days after the date of the incident. The State, the county, or the State’s or county’s third party contractor shall implement a process to record the date on which the summons or citation was submitted to the post office, and the record shall be prima facie evidence of the date the summons or citation was submitted to the post office. If the end of the ten calendar day period falls on a Saturday, Sunday, or holiday, then the ending period shall run until the end of the next day that is not a Saturday, Sunday, or holiday.”

## ACT 164

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 2, 2024.)

## ACT 164

H.B. NO. 2343

A Bill for an Act Relating to Enforcement of Orders of Wage Payment.

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

SECTION 1. The legislature finds that the current means of enforcing and collecting on final orders of wage payment violations exclusively in a circuit court, as required by section 388-9.7, Hawaii Revised Statutes, is inefficient and results in delayed payments to employees who are entitled to reimbursement from employers who violated wage payment laws. The legislature further finds that expanding the statute to allow enforcement proceedings to be brought in a district court would improve the efficiency of the process.

The legislature further finds that the department of labor and industrial relations enforces wage provisions set forth in chapter 388, Hawaii Revised Statutes. Current enforcement procedures pursuant to section 388-9.7, Hawaii Revised Statutes, require the director of labor and industrial relations to file a certified copy of any final order of wage payment violation in a circuit court. The expedited deadlines provided for in district courts equipped to handle smaller claims would allow for more efficient adjudication of wage payment violations.

The purpose of this Act is to amend section 388-9.7, Hawaii Revised Statutes, to allow the enforcement of final orders of wage payment violation in any court of competent jurisdiction to expedite enforcement and serve the public policy of enforcing wage standards and ensuring that employees are paid in accordance with their employers' legal obligations.

SECTION 2. Section 388-9.7, Hawaii Revised Statutes, is amended to read as follows:

**“[§388-9.7] Enforcement of the order of wage payment violation.** The director may file in ~~[the circuit]~~ any court of competent jurisdiction in the jurisdiction in which the employer does business, a certified copy of the final order of wage payment violation. The court shall render a judgment in accordance with the final order of wage payment violation and notify the parties of the judgment. The judgment shall have the same effect, and all proceedings in relation to the judgment shall be the same, as though the judgment had been rendered in an action duly heard and determined by the court, except that there shall be no appeal from the judgment.”

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 2, 2024.)

## ACT 165

H.B. NO. 2399

A Bill for an Act Relating to the Hawaii State Public Library System.

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

SECTION 1. The purpose of this Act is to exempt an additional administrative assistant position in the Hawaii state public library system from civil service.

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, 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; 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; 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~~ two administrative ~~[assistant]~~ assistants 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 Hawaii 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, 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;
- (35) In the office of homeland security of the department of law enforcement, 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.

(Approved July 2, 2024.)

## ACT 166

H.B. NO. 2482

A Bill for an Act Relating to Meeting Notices.

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

SECTION 1. Section 92-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) No less than six calendar days [~~prior to~~] before the meeting, the board shall post the notice on an electronic calendar on a website maintained by the State or the appropriate county and post a notice in the board’s office for public inspection. The notice shall also be posted at the site of the meeting whenever feasible. The board shall file a copy of the notice with the office of the lieutenant governor or the appropriate county clerk’s office and retain a copy of proof of filing the notice, and the office of the lieutenant governor or the appropriate clerk’s office shall [~~timely post~~] ensure access to paper or electronic copies of all meeting notices [~~in a central location in a public building~~]; provided that a failure to do so by the board, the office of the lieutenant governor, or the appropriate county clerk’s office shall not require cancellation of the meeting. The copy of the notice to be provided to the office of the lieutenant governor or the appropriate county clerk’s office may be provided via electronic mail to an electronic mail address designated by the office of the lieutenant governor or the appropriate county clerk’s office, as applicable.”

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 2, 2024.)

## ACT 167

H.B. NO. 2501

A Bill for an Act Relating to the University of Hawaii Reporting Requirements.

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

SECTION 1. The legislature finds that pursuant to section 302A-431, Hawaii Revised Statutes, the university of Hawaii reported one workers’ compensation claim during the fiscal biennium of 2014-2016 with a cost impact of \$1,046.36. Since then, no further workers’ compensation claims have been made; however, the university is still required by section 302A-431, Hawaii Revised Statutes, to submit a biennium report, whether a claim is made or not.

The purpose of this Act is to repeal the university’s reporting requirement to identify the cost impacts to the State of providing workers’ compensation coverage for university of Hawaii students.

SECTION 2. Section 302A-431, Hawaii Revised Statutes, is amended to read as follows:

“~~§302A-431 Rules; reporting~~. [(a)] The board and the board of regents of the University of Hawaii may adopt necessary rules under chapter 91 to administer and implement sections 302A-430 and 302A-431, including the adoption of safety guidelines and safety inspection procedures of facilities where students are placed. The department and the University of Hawaii shall

## ACT 168

inspect each facility annually [~~prior to~~] before the placement of students with these facilities.

~~[(b) The University of Hawaii shall submit a biennial report to the governor and the legislature prior to the convening of each regular session in the first year of each biennium that identifies the cost impacts to the State of providing workers' compensation coverage for University of Hawaii students.]”~~

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 2, 2024.)

## ACT 168

H.B. NO. 2513

A Bill for an Act Relating to Expungement.

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

### PART I

SECTION 1. The legislature finds that a person's criminal record may affect that person long after the person has served their sentence. Persons under the age of twenty-one who engaged in driving under the influence of an intoxicant, and persons who committed first-time property offenses, may have criminal records that make it difficult to obtain housing, a job, or an education. The legislature believes that, in certain circumstances, convicted persons who have served their sentences and fulfilled all legal requirements should be given the opportunity to start over again.

Accordingly, the purpose of this Act is to expand expungement eligibility to persons whose convictions for consuming a measurable amount of alcohol while underage or first-time property offenses predated current expungement provisions.

### PART II

SECTION 2. Section 291E-64, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Notwithstanding section 831-3.2 or any other law to the contrary, a person convicted of a first-time violation under subsection (b)(1)[~~;~~] or section 291-4.3, as it existed before Act 189, Session Laws of Hawaii 2000, who had no prior alcohol enforcement contacts, may apply to the court for an expungement order upon attaining the age of twenty-one, or thereafter, if the person has fulfilled the terms of the sentence imposed by the court and has had no subsequent alcohol or drug related enforcement contacts[~~;~~]; provided that this subsection shall not apply to persons in possession of a commercial learner's permit or commercial driver's license or convicted in a commercial motor vehicle or while transporting hazardous materials.”

### PART III

SECTION 3. Section 706-622.9, Hawaii Revised Statutes, is amended to read as follows:

**“§706-622.9 Sentencing for first-time property offenders; expungement.**

(1) Notwithstanding section 706-620(3), a person convicted for the first time of any class C felony property offense under chapter 708 who has not previously been sentenced under section 706-606.5, section 706-622.5, or this section [is] shall be eligible to be sentenced to probation under subsection (2) if the person meets the following criteria:

- (a) The court has determined that the person is nonviolent after reviewing the person’s criminal history, the factual circumstances of the offense for which the person is being sentenced, and any other relevant information;
- (b) The person has been assessed by a certified substance abuse counselor to be in need of substance abuse treatment due to dependency or abuse under the applicable Diagnostic and Statistical Manual and Addiction Severity Index;
- (c) The court has determined that the offense for which the person is being sentenced is related to the person’s substance abuse dependency or addiction;
- (d) The court has determined that the person is genuinely motivated to obtain and maintain substance abuse treatment, based upon consideration of the person’s history, including whether substance abuse treatment has previously been afforded to the person, and an appraisal of the person’s current circumstances and attitude; and
- (e) Except for those persons directed to substance abuse treatment under the supervision of the drug court, the person presents a proposal to receive substance abuse treatment in accordance with the treatment plan prepared by a certified substance abuse counselor through a substance abuse treatment program that includes an identified source of payment for the treatment program.

(2) A person eligible under subsection (1) may be sentenced to probation to undergo and complete a substance abuse treatment program if the court determines that the person can benefit from substance abuse treatment and, notwithstanding that the person would be subject to sentencing as a repeat offender under section 706-606.5, the person should not be incarcerated to protect the public. If the person fails to complete the substance abuse treatment program and the court determines that the person cannot benefit from any other suitable substance abuse treatment program, the person shall be sentenced as provided in this part. As a condition of probation under this subsection, the court may direct the person to undergo and complete substance abuse treatment under the supervision of the drug court if the person has a history or relapse in treatment programs. The court may require other terms and conditions of probation, including requiring that the person contribute to the cost of the substance abuse treatment program, comply with deadlines for entering into the substance abuse treatment program, and reside in a secure drug treatment facility.

(3) Upon written application from a person sentenced under this part or a probation officer, the court shall issue a court order to expunge the record of conviction for that particular offense; provided that a person has successfully completed the substance abuse treatment program and complied with other terms and conditions of probation. A person sentenced to probation under this section shall be eligible for expungement under this subsection only if the person has not been previously convicted of a felony offense in this or another jurisdiction.

(4) A person sentenced before June 22, 2006, for any class C felony property offense under chapter 708, and who would have qualified for sentencing pursuant to this section had that person been sentenced after the enactment of this section, and who otherwise meets all the requirements of this section for expungement, may apply to a court for expungement of the record of conviction for the property offense.

The court, upon written application from the person, shall issue a court order to expunge the record of conviction for the property offense; provided that:

- (a) The person has complied with the terms of the sentence imposed by the court;
- (b) The court finds that the person would in fact have qualified for expungement pursuant to this section;
- (c) The person has not been convicted of a felony offense in this or another jurisdiction before or after the conviction for which the person is applying for expungement; and
- (d) The court makes the finding that the person is currently nonviolent, based upon the court’s review of the person’s current criminal history, the factual circumstances of the offense for which the person is seeking expungement, and any other relevant information.

If the court cannot make the finding that the person fulfilled the criteria required in paragraph (b) at the time of sentencing, the court may nevertheless issue an order to expunge the record of conviction for the property offense; provided that the court finds that the person has successfully completed a substance abuse treatment program.

A person granted an expungement of conviction under this subsection shall not be eligible for another expungement of conviction under this section.

~~[(4)]~~ (5) Nothing in this section shall be construed to give rise to a cause of action against the State, a state employee, or a treatment provider.

~~[(5)]~~ (6) For the purposes of this section, “substance abuse treatment program” means drug or substance abuse treatment services provided outside a correctional facility by a public, private, or nonprofit entity that specializes in treating persons who are diagnosed with having substance abuse or dependency and preferably employs licensed professionals or certified substance abuse counselors.”

PART IV

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 2, 2024.)

SECTION 1. Section 235-17, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:



“(d) To qualify for this tax credit, a production shall:

- (1) Meet the definition of a qualified production specified in subsection (o);
- (2) Have qualified production costs totaling at least \$100,000;
- (3) Provide the State a qualified Hawaii promotion, which shall be at a minimum, a shared-card, end-title screen credit, where applicable;
- (4) Provide evidence of reasonable efforts to hire local talent and crew;
- (5) Provide evidence when making any claim for products or services acquired or rendered outside of this State that reasonable efforts were unsuccessful to secure and use comparable products or services within this State;
- (6) Provide evidence of financial or in-kind contributions or educational or workforce development efforts, in partnership with related local industry labor organizations, educational institutions, or both, toward the furtherance of the local film and television and digital media industries;
- (7) ~~[Be compliant]~~ Provide evidence of reasonable efforts to comply with all applicable requirements under title 14, including tax return filing and payments; and
- (8) Provide complete responses to the department of taxation’s inquiries and document requests, in the form prescribed by the department, no later than ninety days from the inquiry or request[-];

provided that a taxpayer shall be given notice of and an opportunity to cure any failure to meet the requirements of this subsection, including chapter 237, within thirty days of receipt of the notice; provided further that nothing in this subsection shall be interpreted as waiving any act required by 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 January 1, 2025.

(Approved July 2, 2024.)

## ACT 170

S.B. NO. 1258

A Bill for an Act Relating to the Department of Land and Natural Resources.

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

SECTION 1. The legislature finds that the Kaena point state park, Makua and Keawaula sections are known for their beauty, cultural and historical significance, and exceptional value to the Hawaiian community. Historically,<sup>1</sup> these areas were primarily known for their lawaia, or fishing practices, as well as other traditional Native Hawaiian practices, including lua, or warrior training, and laau lapaau, or medicinal practices. These areas are places of cultural enlightenment and healing and are rich in moolelo, or history, encompassing life from beginning to end.

In 2016, due to years of overuse and abuse from illegal driving on the beach, unmanaged camping, harmful fishing and gathering practices, and other recreational uses that resulted in unacceptable, potentially hazardous accumulations of dangerous rubbish and human waste, certain areas within the Kaena point state park, Makua and Keawaula sections were closed to overnight access. The intent was to reopen these areas with a proper management system in place

that encompasses Hawaiian management<sup>1</sup> values in balancing public use with the preservation of the aina, wildlife, and cultural resources. However, a proper management system has yet to be implemented.

The legislature notes that prioritizing the State’s natural resources is an essential component of destination management. Before 2020, annual arrivals to the State exceeded ten million visitors, and according to state economists, by 2025, Hawaii will again return to pre-pandemic tourism levels. Social media has only perpetuated this growth. The legislature believes that rising visitor numbers in Hawaii’s state parks could be better managed by implementing various types of management systems.

The legislature further finds that in 2018, massive flooding on Kauai damaged surrounding bridges, beaches, and roads, thereby forcing Haena state park to close for fourteen months. When the park reopened, the department of land and natural resources worked with the local community to implement a management system that balanced public use with Hawaiian cultural values and the preservation of the aina, wildlife, and cultural resources. Furthermore, based on the success of the Haena state park model, House Bill No. 2446, Regular Session of 2022, was introduced to appropriate moneys for the department of land and natural resources to replicate reservation system models, including those used at Haena state park. That measure also appropriated additional moneys from the state parks special fund for purposes of state park maintenance.

Recently implemented management plans and models have been shown to improve and promote a more harmonious relationship between public use and park maintenance and preservation. The Kaena point state park, Makua and Keawaula sections are in dire need of a similar model. Although the needs of each state park may be similar, each park is unique and its needs may vary based on location and usage.

Abuse and harmful activities have plagued the ahupuaa of Makua, Kahanahaiki, and Keawaula for more than a century. The legislature finds that a proper management system for these areas is long overdue and the implementation of a system to improve public safety and environmental protection is necessary.

The purpose of this Act is to require the department of land and natural resources to develop and implement an improved management system for the Kaena point state park, Makua and Keawaula sections.

SECTION 2. (a) The department of land and natural resources shall develop and implement an improved management system for the Kaena point state park, Makua and Keawaula sections that is unique and tailored to address the specific public access and natural and cultural resource needs of these two significant and undeveloped portions of Kaena point state park.

(b) In the development and implementation of the management system for the Kaena point state park, Makua and Keawaula sections the department of land and natural resources shall:

- (1) Collaborate collectively with community stakeholders and cultural practitioners of the affected areas;
- (2) Work with other departmental divisions, the city and county of Honolulu, department of transportation, and other parties having jurisdiction over the encompassed land and marine areas;
- (3) Ensure the sustainability and success of the management system by working with outside partners, including local nonprofit organizations, in a similar manner as has previously been done with other state park management systems; and

- (4) Maintain the current limited access requirements in place at the Kaena point state park, Makua and Keawaula sections due to mis-use and the lack of staffing for enforcement and management until the department and community stakeholders determine that proper measures have been employed to address and resolve these issues.

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

(Approved July 2, 2024.)

Note

1. So in original.

ACT 171

S.B. NO. 2350

A Bill for an Act Relating to Noise Pollution.

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

SECTION 1. The legislature finds that many residents throughout the State, especially those in high density residential areas, have complained about growing noise pollution and disturbances from low restriction mufflers on motor vehicles, predominantly motorcycles. The complainants claim that the noise level adversely affects their sleep, particularly in the early morning hours or late at night. Thus, the noise may have adverse impacts on public health and safety, as well as peaceful enjoyment and quality of life.

The legislature further finds that while existing law prohibits vehicle owners from installing mufflers that increase the noise of their vehicle, the penalties are minimal and do little to deter violations. In fact, violators are known to add enhanced noise mufflers after they have passed the county vehicle safety check.

Accordingly, the purpose of this Act is to establish:

- (1) A separate prohibition on driving motor vehicles having noisy mufflers on public highways in high density population areas;
- (2) Tiered fines for violations of motor scooter muffler laws; and
- (3) Tiered fines for violations of motor vehicle muffler laws.

SECTION 2. Chapter 291, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§291- Motor vehicle muffler; high density population areas.** (a) No person shall use on a public highway in a high density population area a muffler that noticeably increases the noise emitted by a motor vehicle above that emitted by the vehicle as equipped by the factory.

(b) Any violation of this section shall constitute a violation and shall be enforceable by law enforcement officers. Any person who violates the provisions of this section may be issued a summons or citation for the violation. Violation of any of the provisions of this section shall subject the violator to the following penalties:

- (1) For a first violation, the person shall be fined not more than \$200;
- (2) For a second violation committed within five years of any other violation under this section, the person shall be fined not more than \$500; and
- (3) For a violation of a third or subsequent offense committed within five years of any other violation under this section, the person shall be fined not more than \$1,500.

(c) As used in this section, “high density population area” means a county having a population of five hundred thousand or more.”

SECTION 3. Section 291-23, Hawaii Revised Statutes, is amended to read as follows:

“§291-23 Penalty. [Whoever is convicted of violating any of the provisions of section 291-22 shall be fined not more than \$100.] (a) Violation of any of the provisions of section 291-22 shall subject the violator to the following penalties:

- (1) For a first violation, the person shall be fined not more than \$100;
- (2) For a second violation committed within five years of any other violation under section 291-22, the person shall be fined not more than \$300; and
- (3) For a violation of a third or subsequent offense committed within five years of any other violation under section 291-22, the person shall be fined not more than \$900.”

SECTION 4. Section 291-24.5, Hawaii Revised Statutes, is amended to read as follows:

“[§291-24.5] Motor vehicle muffler. (a) No person shall use on a public highway, sell, alter, or install a muffler [which] that will noticeably increase the noise emitted by a motor vehicle above that emitted by the vehicle as equipped from the factory.

(b) [Any] Except as provided in section 291- , any violation of this section shall constitute a violation and shall be enforceable by police officers. [The fine for this violation shall be not less than \$25 nor more than \$250 for each separate offense.] Violation of this section shall subject the violator to the following penalties:

- (1) For a first violation, the person shall be fined not more than \$100;
- (2) For a second violation committed within three years of any other violation under this section, the person shall be fined not more than \$300; and
- (3) For a violation of a third or subsequent offense committed within five years of any other violation under this section, the person shall be fined not more than \$900.

Any person who violates the provisions of this section may be issued a summons or citation for [such] the violation.”

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.<sup>2</sup>

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

(Approved July 2, 2024.)

Notes

1. No subsection (b).
2. Edited pursuant to HRS §23G-16.5.

## ACT 172

S.B. NO. 2461

A Bill for an Act Relating to Medical Cannabis.

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

SECTION 1. The legislature finds that amendments to the State's medical cannabis dispensary system law are necessary to facilitate the administration of the medical cannabis dispensary program and resolve matters that have arisen since the passage of Act 309, Session Laws of Hawaii 2022, and Act 108, Session Laws of Hawaii 2023.

The purpose of this Act is to allow medical cannabis dispensaries to purchase cannabis and manufactured cannabis products from other dispensaries without any showing that such purchase is:

- (1) Necessary for a qualifying patient's continuous access for medical use; or
- (2) For medical, scientific, or other legitimate purposes.

SECTION 2. Section 329D-6, Hawaii Revised Statutes, is amended by amending subsection (r) to read as follows:

“(r) A dispensary may purchase cannabis and manufactured cannabis products from another dispensary. The department ~~may~~ shall 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 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)]~~ (1) The selling dispensary may transport ~~[nø]~~ not 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)]~~ (2) The cannabis and manufactured cannabis products are transported between the dispensaries for medical~~[,]~~ sales, scientific~~[,]~~ use, or other legitimate purposes approved by the State; and
- ~~[(4)]~~ (3) Nothing in this subsection shall relieve any dispensary of its responsibilities and obligations under this chapter and chapter 329.”

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 2, 2024.)

A Bill for an Act Relating to Information Technology.

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

SECTION 1. The legislature finds that in today's digital world, government data is the lifeblood of effective governance. It powers critical services, from tax collection to emergency response, and underpins the very fabric of society. As such, safeguarding and ensuring the uninterrupted availability of government information technology systems is not merely an option; it is imperative.

The legislature further finds that a power outage, a cooling system malfunction, or a network disruption could bring an entire system to a standstill, with adverse consequences for the State's citizens and businesses. Any data center or hosting facility should possess multiple power sources, fuel storage, power distribution paths, cooling systems, and heat exchange distribution paths. This redundancy will ensure that the data center or hosting facility can continue to operate even if one redundant component fails, preventing downtime and safeguarding the availability of critical government services.

The benefits of a resilient data center or hosting facility extend far beyond the avoidance of downtime. It will foster greater public trust in government operations, as citizens can be confident that their data is secure and accessible even in the face of unforeseen events. Moreover, it will enhance the State's ability to respond to emergencies and natural disasters, ensuring that critical information remains available when it is needed most.

Accordingly, the purpose of this Act is to require the technology services consolidation working group to assist the office of enterprise technology services in working with certain state agencies to ensure critical state information technology systems and data are hosted in a facility with the redundancy necessary to continue to operate even if one redundant component fails, preventing downtime and safeguarding the availability of critical government services.

SECTION 2. Act 179, Session Laws of Hawaii 2022, is amended by amending section 2 as follows:

1. By amending subsection (a) to read:

“(a) There is established a technology services consolidation working group, ~~[that]~~ which shall:

- (1) Develop a plan for the phased consolidation of all state executive branch information technology services and staff, where determined practicable by the working group, within five years, excluding the department of education, Hawaii health systems corporation, University of Hawaii, and office of Hawaiian affairs, under the office of enterprise technology services. The plan shall include:
  - (A) An identification of the specific positions and functions to be transferred in each department;
  - (B) Proposed dates of transfer for each position and function;
  - (C) Proposed information technology facility, personnel, and operational infrastructure needs of the consolidated information technology agency, with projections on future integration needs as additional agencies' information technology staff and services are added;
  - (D) Recommendations to enable the office of enterprise technology services to provide expert support to all state agencies re-

garding information technology activities in order to meet the needs of the agencies and the public; and

- (E) Recommendations to ensure that agency services are not interrupted during the phased consolidation; ~~and~~
- (2) Make recommendations to attract high-quality information technology professionals to the State, including the use of internships~~;~~ and partnering with private providers and carriers, and assess the feasibility of exempting certain positions from the requirements of chapters 76 and 89, Hawaii Revised Statutes~~;~~;
- (3) Assist the office of enterprise technology services in working with state agencies, excluding the university of Hawaii, department of education, and Hawaii health systems corporation, to:
  - (A) Inventory and categorize the business criticality of each major state information technology system or data set; and
  - (B) Determine the appropriate data center or hosting facility requirements based on the business criticality level of the system or data set; and
- (4) Ensure that all consolidated state information technology data is housed at a facility that:
  - (A) Possesses the resiliency to perform concurrent maintenance or upgrades without down time; and
  - (B) Has multiple power generation, fuel storage, power distribution paths, cooling systems, and heat exchange distribution paths that ensure that the data center can continue to operate even if one system fails when a utility power source is not available, without affecting the overall system.”

2. By amending subsections (d), (e), and (f) to read:

“(d) No later than twenty days prior to the convening of the regular ~~[session]~~ sessions of 2023~~;~~ and 2025, the working group shall submit to the legislature a preliminary status report. This preliminary status report shall also include any findings, recommendations, proposed legislation, and funding requirements necessary for the completion of the plan for a phased consolidation of state information technology services.

(e) No later than twenty days prior to the convening of the regular ~~[session]~~ sessions of 2024~~;~~ and 2026, the working group shall submit to the legislature a report of its findings and recommendations, including:

- (1) The plan for a phased consolidation of state information technology services developed pursuant to subsection (a)(1), including a detailed five-year phase-in schedule;
- (2) Recommendations to attract high-quality information technology professionals to the State; and
- (3) Any proposed legislation.

(f) The working group shall be dissolved on ~~[December 31, 2023;]~~ June 30, 2026.”

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 2, 2024.)

A Bill for an Act Relating to Unfair Labor Practices.

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

SECTION 1. Section 377-6, Hawaii Revised Statutes, is amended to read as follows:

**“§377-6 Unfair labor practices of employers.** It shall be an unfair labor practice for an employer individually or in concert with others~~[-]~~ to:

- (1) ~~[To interfere]~~ Interfere with, restrain, or coerce the employer’s employees in the exercise of the rights guaranteed in section 377-4;
- (2) ~~[To initiate,]~~ Initiate, create, dominate, or interfere with the formation or administration of any labor organization or contribute financial support to it~~[-but];~~ provided that an employer shall not be prohibited from reimbursing employees at their prevailing wage rate for time spent conferring with the employer, nor from cooperating with representatives of at least a majority of the employer’s employees in a collective bargaining unit, at their request, by permitting employee organizational activities on employer premises or the use of employer facilities where the activities or use create no additional expense to the employer;
- (3) ~~[To encourage]~~ Encourage or discourage membership in any labor organization by discrimination in regard to hiring, tenure, or other terms or conditions of employment~~[-An employer, however,];~~ provided that an employer may enter into an all-union agreement with the bargaining representative of the employer’s employees in a collective bargaining unit, unless the board has certified that at least a majority of the employees have voted to rescind the authority of their bargaining representative to negotiate [such] the all-union agreement within one year preceding the date of the agreement. No employer shall justify any discrimination against any employee for nonmembership in a labor organization if the employer has reasonable grounds for believing that:
  - (A) ~~[Such membership]~~ Membership was not available to the employee on the same terms and conditions generally applicable to other members; or
  - (B) ~~[Or that membership]~~ Membership was denied or terminated for reasons other than the failure of the employee to tender periodic dues and the initiation fees uniformly required as a condition for acquiring or retaining membership;
- (4) ~~[To refuse]~~ Refuse to bargain collectively with the representative of a majority of the employer’s employees in any collective bargaining unit; provided that if the employer has good faith doubt that a union represents a majority of the employees, the employer may file a representation petition for an election and shall not be deemed guilty of refusal to bargain;
- (5) ~~[To bargain]~~ Bargain collectively with the representatives of less than a majority of the employer’s employees in a collective bargaining unit, or to enter into an all-union agreement except in the manner provided in paragraph (3);
- (6) ~~[To violate]~~ Violate the terms of a collective bargaining agreement;



- (7) ~~[To refuse]~~ Refuse or fail to recognize or accept as conclusive of any issue in any controversy as to employment relations the final determination of the board or of any tribunal of competent jurisdiction;
- (8) ~~[To discharge]~~ Discharge or otherwise discriminate against an employee because the employee has filed charges or given information or testimony under the provisions of this chapter;
- (9) ~~[To deduct]~~ Deduct labor organization dues or assessments from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally;
- (10) ~~[To employ]~~ Employ any person to spy upon employees or their representatives respecting their exercise of any right created or approved by this chapter;
- (11) ~~[To make,]~~ Make, circulate, or cause to be circulated a blacklist;
- (12) ~~[To offer]~~ Offer or grant permanent employment to an individual for performing work as a replacement for a bargaining unit member during a labor dispute; [ø#]
- (13) Based on employment or willingness to be employed during a labor dispute, [tø] give employment preference to one person over another who:
- (A) Was an employee at the commencement of the dispute;
  - (B) Exercised the right to join, assist, or engage in lawful collective bargaining or mutual aid or protection through the labor organization engaged in the dispute; and
  - (C) Continues to work for or has unconditionally offered to return to work for the employer[-]; or
- (14) Discharge, discipline, or otherwise penalize or threaten any adverse employment action against an employee because the employee declines to:
- (A) Attend or participate in an employer-sponsored meeting, or any portion of a meeting, that communicates the opinion of the employer about political matters; or
  - (B) Receive or listen to a communication from the employer that communicates the opinion of the employer about political matters;

provided that this paragraph shall not limit the rights of an employer to conduct meetings or to engage in communications involving political matters as long as attendance by the employees is wholly voluntary.

For purposes of this paragraph:

"Employee" has the same meaning as defined in section 377-1; provided that "employee" includes any individual employed in the domestic service of a family or person at the family's or person's home; any individual employed by the individual's parent or spouse; any individual employed in an executive or supervisory capacity; any individual employed by any employer employing less than two individuals; or any individual subject to the jurisdiction of the federal Railway Labor Act or the National Labor Relations Act, as amended from time to time.

"Political matters" means anything related to an attempt to influence a future vote by persons in an audience."

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 2, 2024.)

ACT 175

S.B. NO. 2819

A Bill for an Act Relating to Traffic Safety.

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

SECTION 1. Section 291C-41, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~**§291C-41] Drive on right side of roadway; exceptions.** (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing ~~[such]~~ the movement;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within ~~[such]~~ the distance ~~[as to constitute]~~ constituting an immediate hazard;
- (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- (4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use ~~[such]~~ the lanes, or except as permitted under subsection (a)(2). This subsection shall not be construed to prohibit the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

(d) Upon any two-lane roadway providing for two-way movement of traffic, any vehicle proceeding at ten miles per hour or more below the posted speed limit where overtaking or passing another vehicle is not possible or permitted, and a line of five or more vehicles is following immediately behind, shall move off the roadway at the nearest safe location where sufficient space exists for trailing vehicles to overtake or pass the vehicle, unless doing so would result in an unsafe situation.”

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 2, 2024.)

## ACT 176

S.B. NO. 2861

A Bill for an Act Relating to Exclusive Listing Agreements.

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

SECTION 1. This Act shall be known, and may be cited, as the Exclusive Listing Agreements Act.

SECTION 2. The legislature finds that companies across the United States have been targeting vulnerable property owners to sign long-term exclusive listing agreements in exchange for a nominal payment upfront and recording these agreements as liens on the property. These complex contracts are essentially high-interest loans that make selling, refinancing, or transferring real estate difficult for property owners, and can deprive property owners of the equity in their property. Many property owners who sign exclusive listing agreements may not be fully aware of the impact of these agreements on their property rights and the rights of future owners of the property, including family members who inherit the property. Investigations and lawsuits from other states assert that companies are deceptively advertising their agreements' terms and failing to fully disclose the terms to property owners.

The legislature further finds that there is a growing trend among state legislatures to ban exclusive listing agreements. Since 2021, consumer protection advocates and real estate and title industry representatives have worked to ban predatory exclusive listing agreements in fifteen states. The legislature recognizes that long-term exclusive listing agreements, and the recording of exclusive listing agreements as liens, could have a devastating impact on Hawaii's property owners by unfairly encumbering a property owner's title, reducing the property owner's equity, and having an anti-competitive effect on the sale of real property in Hawaii. Property owners who are subject to unfair and deceptive business practices involving exclusive listing agreements should be provided appropriate and reasonable remedies such as obtaining a court order declaring the agreement to be void and unenforceable and recovering damages.

Accordingly, the purpose of this Act is to prevent unfair exclusive listing agreements from becoming prevalent in the State by:

- (1) Making certain long-term exclusive listing agreements for the sale of residential real property void and unenforceable under the state law that governs unfair and deceptive practices;
- (2) Prohibiting the recording or filing of exclusive listing agreements of any duration with the bureau of conveyances; and
- (3) Establishing certain remedies for persons who are subject to unfair exclusive listing agreements.

SECTION 3. Chapter 481B, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**“§481B- Exclusive listing agreements; prohibited.** (a) An exclusive listing agreement shall be void and unenforceable under this chapter if the agreement:

- (1) Lasts longer than twelve months from the date the agreement was made;
- (2) Purports to run with the land or be binding on future owners of interests in the real property;

- (3) Allows for assignment of the right to provide services without notice to and the consent of the owner of the residential real property; or
- (4) Purports to create a lien, encumbrance, or other real property security interest.

(b) It shall be unlawful to present for recording or filing, or otherwise attempt to record to file, with the bureau of conveyances an exclusive listing agreement of any duration or any memoranda or notice of an exclusive listing agreement.

(c) It shall be unlawful to enforce, or attempt to enforce, an exclusive listing agreement that is made, or that is presented for recording or filing with the bureau of conveyances, in violation of this section.

(d) An exclusive listing agreement that is made or presented for recording or filing with the bureau of conveyances in violation of this section shall not be enforceable, have any legal effect, or provide actual or constructive notice to any person interested in the residential real property that is identified in the exclusive listing agreement.

(e) An exclusive listing agreement that is made or is presented for recording or filing with the bureau of conveyances in violation of this section shall not operate as a lien, encumbrance, or security interest.

(f) No owner or buyer shall be required to record any document to remove an exclusive listing agreement that is made or is presented for recording or filing with the bureau of conveyances in violation of this section.

(g) If an exclusive listing agreement, memorandum of the agreement, or notice is recorded in violation of this section, then a person with an interest in the real property that is subject to the agreement may apply to a court of competent jurisdiction in the county where the real property is located to record a court order declaring the agreement, memorandum of agreement, or notice void and unenforceable.

(h) A violation of this section shall be deemed an unfair or deceptive practice in accordance with section 480-2, and shall be subject to the provisions of chapter 480, as well as the provisions of this chapter.

(i) In addition to any other rights provided by law, any person with an interest in real property identified by a recording that is void and unenforceable under subsection (a) may recover damages, costs, and attorney's fees that may be proved against the service provider named in the void exclusive listing agreement. Any actual damages, costs, and attorney's fees that are proved against the service provider shall not be offset by the consideration paid by the service provider to the owner of the real property.

(j) A service provider has no right to a refund of the consideration paid to the owner in connection with a void exclusive listing agreement.

(k) For the purposes of this section:

"Exclusive listing agreement" means a contract or agreement providing an exclusive right to list or sell residential real property, including a contract or agreement to enter into an agreement or arrangement.

"Residential real property" means real property located in the State that is used primarily for personal, family, or household purposes and consists of one to four dwelling units.

"Service provider" means a legal person, including an entity or organization, who provides a service related to real property, including a real estate broker or real estate salesperson. For purposes of this definition, "real estate broker" and "real estate salesperson" have the same meaning as defined in section 467-1."

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on November 1, 2024.

(Approved July 2, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 177**

S.B. NO. 2943

A Bill for an Act Relating to Workforce Development.

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

SECTION 1. The legislature finds that Hawaii is the most isolated population center in the world, situated approximately two thousand four hundred miles from the closest landmass, the mainland United States. Given this geographical isolation, efficient transportation is critical for the survival of the State's population and tourism industry. Commercial driver's license holders play a pivotal role in moving shipments from docks and airports to shelves, as storage space is limited within the State.

The legislature further finds that Hawaii grapples with a shortage of commercial drivers, a challenge mirrored on the continental United States. The nationwide deficit of truck drivers is more than eighty thousand. If current trends persist, the deficit is projected to double to one hundred sixty thousand by 2030.

The legislature also finds that this scarcity in the number of commercial drivers directly impacts the State's education system, for which more than two hundred additional commercial drivers are required to fully cover school bus routes statewide, forcing some students to ride public transit. To address this growing crisis, it is imperative to develop and implement a strategic plan that encourages employment in the commercial driver's field to ensure the State's economic and social well-being.

Accordingly, the purpose of this Act is to create a working group within the department of transportation to address the State's current and future needs for commercial driver's license holders.

SECTION 2. (a) There is established a commercial drivers workforce working group within the department of transportation. The working group shall:

- (1) Engage the public and private sectors to increase awareness of the ground transportation industry and the industry's workforce needs; and
  - (2) Collaborate with key stakeholders to identify and develop possible career paths for qualified commercial drivers, prioritizing filling vacancies within the department of education, with the ultimate goal of filling vacancies within the private and public sectors.
- (b) The working group shall consist of the following members:
- (1) The director of transportation, or the director's designee, who shall serve as the co-chair of the working group;
  - (2) One member from the department of education workforce development branch, who shall serve as the co-chair of the working group;

- (3) A campus coordinator from the office of workforce development at the university of Hawaii community colleges who is in charge of a workforce development program that includes commercial driver's license training;
  - (4) One member from the department of labor and industrial relations workforce development council;
  - (5) One member from each county's commercial driver's licensing office; and
  - (6) One member from each county's workforce development board.
- (c) The director of transportation shall invite representatives from the following organizations to serve as members of the working group:
- (1) Two members representing the Hawaii Transportation Association;
  - (2) One member representing the labor union representing commercial driver's license holders; and
  - (3) One member representing a local non-profit organization currently providing commercial driver's license training.
- (d) The working group shall submit a report of its findings and recommendations to address the shortage of commercial drivers in the State, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2025.
- (e) The working group shall cease to exist on June 30, 2025.

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

(Approved July 2, 2024.)

**ACT 178**

S.B. NO. 2958

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 15D-2, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of "federal postcard application" to read: "Federal postcard application" means the application prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, [42 U.S.C. section 1973ff(b)(2)-] title 52 United States Code section 20301(b)(2)."

2. By amending the definition of "federal write-in absentee ballot" to read:

"Federal write-in absentee ballot" means the ballot described in section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, [42 U.S.C. section 1973ff-2-] title 52 United States Code section 20303."

SECTION 2. Section 15D-4, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read: "(a) The chief election officer shall be the state official responsible for implementing this chapter and the State's responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act, [42 U.S.C. section 1973ff] title 52 United States Code section 20301 et seq."

2. By amending subsection (d) to read:

“(d) The chief election officer shall accept forms prescribed by the Uniformed and Overseas Citizens Absentee Voting Act, [~~42 U.S.C. section 1973ff~~] title 52 United States Code section 20301 et seq., for use by a covered voter [~~that contains~~] contain the prescribed standard declaration to swear or affirm specific representations pertaining to the voter’s identity, eligibility to vote, status as a covered voter, and timely and proper completion of [~~an overseas-military~~] a military-overseas ballot.”

SECTION 3. Section 30-1, Hawaii Revised Statutes, is amended to read as follows:

“~~§30-1~~ **Declaration of purpose.** The legislature declares it to be the purpose of this chapter to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a governor and the inauguration of a new governor. The interest of the State requires that such transitions be accomplished so as to assure continuity in the conduct of the affairs of the state government. Any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the State and its people. Accordingly, it is the intent of the legislature that appropriate actions be authorized and taken to avoid or minimize any disruption. In addition to the specific provisions contained in this chapter directed toward that purpose, it is the intent of the legislature that all officers of the state government so conduct the affairs of the state government for which they exercise responsibility and authority as:

- (1) [~~to~~] To be mindful of problems occasioned by transitions in the office of governor[;];
- (2) [~~to~~] To take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power[;]; and
- (3) [~~otherwise~~] Otherwise to promote orderly transitions in the office of governor.”

SECTION 4. Section 161-3, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “Federal Food, Drug, and Cosmetic Act” to read:

““Federal Food, Drug, and Cosmetic Act” means the federal Act so entitled, approved June 25, 1938 (Public Law [~~75-675~~]; 75-717; 52 Stat. 1040; 21 U.S.C.A. section 301 et seq.), and all amendments to that Act.”

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

““Misbranded” includes any poultry or poultry product in one or more of the following circumstances:

- (1) Its labeling is false or misleading in any particular.
- (2) It is offered for sale under the name of another food.
- (3) It is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word “imitation” and immediately thereafter the name of the food imitated.
- (4) Its container is made, formed, or filled as to be misleading.
- (5) It is in a package or other container, unless it bears a label showing:
  - (A) The name and place of business of the manufacturer, packer, or distributor; and
  - (B) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that the

board may permit reasonable variations[;] and may prescribe exemptions for small packages.

- (6) Any word, statement, or other information required by this chapter to appear on the label or other labeling is not prominently placed with adequate conspicuousness, as compared with other words, statements, designs, or devices, on the labeling, and in adequate terms to be likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
- (7) It purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the board under this chapter, unless:
  - (A) [it] It conforms to that definition and standard[;] and
  - (B) [its] Its label bears the name of the food specified in the definition and standard, and bears the common names of optional ingredients, as may be required, other than spices, flavoring, and coloring, present in the food.
- (8) It purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by the board under this chapter, and it falls below the applicable standard of fill of container, unless its label bears, in the manner and form that the board prescribes, a statement that it falls below that standard.
- (9) It is not subject to [item] paragraph (7), unless its label bears[;]:
  - (A) [the] The common or usual name of the food, if any[;] and[;]
  - (B) [in] In case it is fabricated from two or more ingredients, the common or usual name of each ingredient, except that, when authorized by the board, spices, flavorings, and colorings may[; ~~when authorized by the board,~~] be designated as spices, flavorings, and colorings without naming each; provided that to the extent that compliance with this requirement is impracticable, or results in deception or unfair competition, exemptions shall be established by the board.
- (10) It purports to be or is represented for special dietary uses, unless its label bears information concerning its vitamin, mineral, and other dietary properties that the board, after consultation with the United States Secretary of Agriculture, determines to be and prescribes as necessary, in order to fully inform purchasers as to its value for such uses.
- (11) It bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that to the extent that compliance with this requirement is impracticable, exemptions shall be established by the board.
- (12) It fails to bear, directly on it or on its container, as the board may prescribe, the inspection legend and, unrestricted by any of the foregoing, other information as the board may require, to assure that the labeling will not be false or misleading and that the public will be informed of the manner of handling required to maintain the poultry or poultry products in a wholesome condition.”

SECTION 5. Section 161-25, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§161-25]]~~ **Slaughter, processing, transportation, and selling.** No person ~~[shall]~~, with respect to any poultry or poultry product[;], ~~shall~~:

- (1) Slaughter any ~~[such]~~ poultry or process any ~~[such]~~ poultry or poultry products ~~[which]~~ that are capable of use as human food, at any es-



- establishment processing [~~such~~] poultry or poultry products solely for intrastate commerce, except in compliance with the requirements of this chapter[-];
- (2) Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce[-];
    - (A) [~~any such~~] Any poultry or poultry products [~~which~~] that are capable of use as human food[-] and are adulterated or misbranded at the time of [~~such~~] sale, transportation, offer for sale or transportation, or receipt for transportation; or
    - (B) [~~any~~] Any poultry or poultry products required to be inspected under this chapter unless they have been so inspected and passed[-]; or
  - (3) Do, with respect to any [~~such~~] poultry or poultry products [~~which~~] that are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation[-; ~~which~~] that is intended to cause or has the effect of causing [~~such~~] the poultry or poultry product to be adulterated or misbranded.”

SECTION 6. Section 166E-2, Hawaii Revised Statutes, is amended by amending the definition of “aquacultural activities” to read as follows:

““Aquacultural activities” means the farming or ranching [œ] of any plant or animal species in a controlled salt, brackish, or freshwater environment; provided that the farm or ranch is on or directly adjacent to land.”

SECTION 7. Section 171-14.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Whenever used in this section, unless otherwise apparent from the context:

“Farm” also means “ranch” and “farmer” also means “rancher”.

“Individual” means a natural person who is not a part of a partnership, corporation, or joint venture [~~which~~] that is a potential bidder under this section.

“Nonindividual farm concern” means a partnership, corporation, or joint venture properly formed under law and [~~which~~] that is a potential bidder under this section.”

SECTION 8. Section 171-50, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Purpose. No exchange of public land for private land shall be made except for public purposes, including but not limited to:

- (1) [~~consolidation~~] Consolidation of holdings of public lands;
- (2) [~~straightening~~] Straightening of boundaries of public lands;
- (3) [~~acquisition~~] Acquisition of adequate access for landlocked public lands [~~which~~] that have development potential; or
- (4) [~~acquisition~~] Acquisition of lands suitable for residential use.

Exchanges shall be effected without public auction. Public notice of any proposed exchange shall be given in accordance with the applicable provisions set forth in section 171-16(d). All private lands conveyed to the State by way of exchanges shall thereafter become public lands.”

SECTION 9. Section 179-2, Hawaii Revised Statutes, is amended as follows:

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

“Federal flood control project” means a flood control project authorized and implemented pursuant to the Federal Flood Control Act of 1936 or the Watershed Protection and Flood Prevention Act of 1958, as amended or supplemented.

“State flood control project” means a flood control project sponsored and financed by the State and authorized and implemented pursuant to section 179-4(3).”

2. By amending the definition of “Flood control project”, “federal flood control project”, and “state flood control project” to read:

~~“Flood control project”[; “federal flood control project”, and “state flood control project” mean, respectively: (1) means specific flood control works [which] that comprise all or a portion of the works needed to complete a specific flood control program[; (2) a flood control project authorized and implemented pursuant to the Federal Flood Control Act of 1936 or the Watershed Protection and Flood Prevention Act of 1958, as amended or supplemented, and (3) a flood control project sponsored and financed by the State and authorized and implemented pursuant to section 179-4(3)].”~~

SECTION 10. Section 235-2.3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(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), 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 [~~1379F~~] 1397F) (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 11. Section 237D-6.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Except for the revenues collected pursuant to section 237D-2(e), revenues collected under this chapter shall be distributed in the following priority, with the excess revenues to be deposited into the general fund:

- (1) \$1,500,000 shall be allocated to the Turtle Bay conservation easement special fund beginning July 1, 2015, for the reimbursement to the state general fund of debt service on reimbursable general obligation bonds, including ongoing expenses related to the issuance of the bonds, the proceeds of which were used to acquire the conservation easement and other real property interests in Turtle Bay, Oahu, for the protection, preservation, and enhancement of natural resources important to the State, until the bonds are fully amortized;
- (2) \$11,000,000 shall be allocated to the convention center enterprise special fund established under section 201B-8;
- (3) An allocation shall be deposited into the tourism emergency special fund, established in section 201B-10, in a manner sufficient to main-

tain a fund balance of \$5,000,000 in the tourism emergency special fund; and

- (4) \$3,000,000 shall be allocated to the special land and development fund established under section 171-19; provided that the allocation shall be expended in accordance with the Hawaii tourism authority strategic plan for:
- (A) The protection, preservation, maintenance, and enhancement of natural resources, including beaches, important to the visitor industry;
  - (B) Planning, construction, and repair of facilities; and
  - (C) Operation and maintenance costs of public lands, including beaches, connected with enhancing the visitor experience.

All transient accommodations taxes shall be paid into the state treasury each month within ten days after collection and shall be kept by the state director of finance in special accounts for distribution as provided in this subsection.

~~[As used in this subsection, "fiscal year" means the twelve-month period beginning on July 1 of a calendar year and ending on June 30 of the following calendar year.]~~

SECTION 12. Section 329-38, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Initial concurrent prescriptions for opioids and benzodiazepines shall not be for longer than seven consecutive days unless the prescription is issued for a qualified patient pursuant to chapter 327L or a supply of longer than seven days is determined to be medically necessary for the treatment of:

- (1) Pain experienced while the patient is in post-operative care;
- (2) Chronic pain and pain management;
- (3) Substance abuse or opioid or opiate dependence;
- (4) Cancer;
- (5) Pain experienced while the patient is in palliative care; or
- (6) Pain experienced while the patient is in hospice care;

provided that if a prescribing practitioner issues a concurrent prescription for more than a seven-day supply of an opioid and benzodiazepine, the practitioner shall document in the patient's medical record the condition for which the practitioner issued the prescription and that an alternative to the opioid and benzodiazepine was not appropriate treatment for the condition.[]”

SECTION 13. Section 421I-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) Every member of the board of directors shall be:
- (1) A shareholder of the ~~[cooperation;]~~ corporation;
  - (2) A spouse of a shareholder; or
  - (3) A trust beneficiary, if the shareholder is a trustee.”

SECTION 14. Section 490:9-628, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) Subject to subsection (f), a secured party shall not be liable because of its ~~[the]~~ status as secured party to:

- (1) 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) 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 shall not be liable to any person, and a person’s liability for a deficiency 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 ~~the~~ 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.”

SECTION 15. Act 23, Session Laws of Hawaii 2023, is amended by amending section 7 to read as follows:

“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]~~ section 4 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.”

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

SECTION 17. This Act shall take effect upon its approval.  
(Approved July 2, 2024.)

ACT 179

S.B. NO. 3011

A Bill for an Act Relating to Noise.

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

SECTION 1. Section 342F-30.8, Hawaii Revised Statutes, is amended as follows:

1. By amending its title and subsection (a) to read:

“~~[[§342F-30.8]]~~ **Leaf blowers; weed whackers; restrictions.** (a) In any urban land use district, as designated pursuant to section 205-2, it shall be unlawful for any person to operate a leaf blower or weed whacker within a residential zone or within one hundred feet of a residential zone in the State, except between the hours of 8:00 a.m. and ~~[6:00]~~ 7:00 p.m. on any day except Sunday or a state or federal holiday, and between the hours of 9:00 a.m. and ~~[6:00]~~ 7:00 p.m. on Sunday or any state or federal holiday~~[-];~~ provided that government entities, and agents acting on behalf of government entities, may use weed whackers during the prohibited hours in the case of an emergency as defined in section 127A-2.”

2. By amending subsections (c) through (e) to read:

“(c) Government entities, and agents acting on behalf of government entities, shall not be subject to this section~~[-];~~ as it applies to leaf blowers.

(d) Any county may adopt a rule or ordinance that places stricter limitations on the use of leaf blowers or weed whackers than are in this section. In case of a conflict between the requirements or limitations of this section and any

county rule or ordinance regarding the use of leaf blowers[;] or weed whackers, the more restrictive requirements shall apply.

(e) For the purposes of this section:

“Leaf blower” means any machine used to blow leaves, dirt, or other debris off sidewalks, driveways, lawns, and other surfaces.

“State holiday” means any day established as a state holiday in section 8-1.

“Weed whacker” means a gasoline or electric powered yard tool that uses either a flexible monofilament line (also known as a string or line trimmer) or revolving metal cutting blade intended to cut or trim grass and other vegetation.”

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 2, 2024.)

## ACT 180

S.B. NO. 3242

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 serious motor vehicle accidents are a growing concern in the State. Numerous crashes have occurred near schools and there are a number of dangerous roads and intersections where fatalities and serious injuries regularly occur. Even when dangerous areas are identified, safety improvements can still take years to implement due to lengthy processes, resulting in more accidents and fatalities to occur that could have been avoided.

The purpose of this Act is to allow for expedient safety improvements to dangerous areas to help make Hawaii’s streets safer by:

- (1) Requiring the department of transportation and county transportation agencies to define, regularly identify, and address high-risk and dangerous corridors and intersections; and
- (2) Authorizing the department of transportation and county transportation agencies to reduce the maximum speed limits within one mile of a school without first conducting an engineering study.

SECTION 2. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**§291C- High-risk and dangerous corridors and intersections.** (a) The department of transportation and county transportation agencies having jurisdiction over roads, highways, and similar infrastructure shall:

- (1) Define and regularly perform evaluations to identify high-risk or dangerous corridors and intersections, based on relevant statistics including crashes, injuries, fatalities, or similar measures; and
- (2) Develop and prioritize for implementation plans to address safety and allow access for all users in each corridor or intersection identified as high-risk or dangerous.

(b) When rehabilitation or other changes to a high-risk or dangerous corridor or intersection are planned or implemented by the department of transportation or county transportation agency, priority shall be given to changes that maximize safety and provide access to separated or protected infrastructure

## ACT 181

that separates vehicles from pedestrians, persons on bicycles and mobility devices, and other vulnerable users.”

SECTION 3. Section 291C-107, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department of transportation or a county shall consider the following factors when setting a maximum speed limit pursuant to section 291C-102:

- (1) An engineering study conducted for the road whose maximum speed limit is being set; provided that the engineering study shall include an analysis of the current speed distribution of free-flowing vehicles; provided further that the requirements of this paragraph shall not apply when the department of transportation or any county reduces a maximum speed limit within one mile of a school; and
- (2) Any other factors prescribed by the Federal Highway Administration’s Manual on Uniform Traffic Control Devices, as amended.”

SECTION 4. New statutory material is underscored.<sup>1</sup>

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

(Approved July 2, 2024.)

### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 181

S.B. NO. 2413

A Bill for an Act Relating to Agriculture.

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

SECTION 1. The legislature finds that state agricultural lands are a key resource that can be used to meet the State’s goals for economic diversification and food self-sufficiency. In order to support farmers on these lands, the State subsidizes lessees by providing leases below market rates and, in some cases, providing lower-cost agricultural water. Despite these state subsidies, some state agricultural leases are used primarily as residences or non-agricultural businesses or are unused.

The legislature further finds that lessees who obtain a state agricultural lease in high-demand locations can transfer the remainder of their lease to the highest bidder, thereby converting their lease into a windfall profit above and beyond their investment in the property. This windfall profit is an unintended transfer of wealth from the State to individual lessees. This situation also causes the transfers of leases to the highest bidder, who may or may not be the farmers best able to use the land for agricultural production. The legislature believes that further data is needed to assess the extent to which the department of agriculture leases maximize benefits to the State and help the State achieve its economic and food production goals. Further data is also needed to assess whether the transfer of state lands from one lessee to another results in the difference between the actual value of the lease and the subsidized price of the lease being monetized for private, rather than state, benefit.



Accordingly, the purpose of this Act is to require the board of agriculture to submit a report to the legislature on the percentages of agricultural lands being leased by the State that are suitable for farming and actively being used for farming purposes and certain dollar amounts relating to lease transfers between lessees.

SECTION 2. No later than twenty days prior to the convening of the regular session of 2025, the board of agriculture shall submit to the legislature a report that includes:

- (1) For each parcel, by tax map key, of agricultural land that is leased by the State pursuant to section 166-11, Hawaii Revised Statutes, the percentages that are:
  - (A) Suitable for farming; and
  - (B) Actively being farmed; and
- (2) For every lease entered into pursuant to section 166-11, Hawaii Revised Statutes, that was transferred by a lessee to another lessee, the dollar amounts of the following:
  - (A) Lease rent;
  - (B) Sum paid by the purchasing lessee for the remainder of the lease; and
  - (C) Amount from the sum paid by the purchasing lessee, pursuant to subparagraph (B), that goes to the State.

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

(Approved July 3, 2024.)

## ACT 182

H.B. NO. 1923

A Bill for an Act Relating to Camps.

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

SECTION 1. The legislature finds that in March 2023, the Hawaii supreme court ruled that the specific exclusion of overnight camps from the list of permitted uses in agricultural districts means that special permits cannot be issued for overnight camps in agricultural districts. This ruling reverses a prior Hawaii supreme court opinion that allowed for uses, such as overnight camps, to be approved via special permits if they were deemed to be an “unusual and reasonable” use in the agricultural district.

The legislature further finds that on Maui, there are four campgrounds in agricultural districts – each established before the adoption of the state land use law and considered grandfathered uses. Two campgrounds have special permits expiring in the next year and a half. Based on the Hawaii supreme court’s ruling, these two campgrounds would need to obtain a district boundary amendment to change the land use classification from agricultural to urban. Changing the land use classification to urban would be a type of spot zoning since the campgrounds are in rural, country-type settings with no urban uses in the nearby vicinity. The legislature additionally finds that camps on other islands, including two on Oahu, are also potentially impacted by the Hawaii supreme court’s ruling.

Accordingly, the purpose of this Act is to allow overnight camps in operation prior to January 1, 1961, to be regulated via the special permit process.

SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Within the agricultural district, all lands with soil classified by the land study bureau’s detailed land classification as overall (master) productivity rating class A or B and for solar energy facilities, class B or C, shall be restricted to the following permitted uses:

- (1) Cultivation of crops, including crops for bioenergy, flowers, vegetables, foliage, fruits, forage, and timber;
- (2) Game and fish propagation;
- (3) Raising of livestock, including poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;
- (4) Farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal husbandry. [~~“Farm”~~ For the purposes of this paragraph, “farm dwelling”]~~[- as used in this paragraph.]~~ means a single-family dwelling located on and accessory to a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling;
- (5) Public institutions and buildings that are necessary for agricultural practices;
- (6) Public and private open area types of recreational uses, including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps; provided that overnight camps in operation before January 1, 1961, may be approved by special permit;
- (7) Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment buildings, solid waste transfer stations, major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants, corporation yards, or other similar structures;
- (8) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest;
- (9) Agricultural-based commercial operations as described in section 205-2(d)(15);
- (10) Buildings and uses, including mills, storage, and processing facilities, maintenance facilities, photovoltaic, biogas, and other small-scale renewable energy systems producing energy solely for use in the agricultural activities of the fee or leasehold owner of the property, and vehicle and equipment storage areas that are normally considered directly accessory to the above-mentioned uses and are permitted under section 205-2(d);
- (11) Agricultural parks;
- (12) Plantation community subdivisions, which as used in this chapter means an established subdivision or cluster of employee housing, community buildings, and agricultural support buildings on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation; provided that the existing structures may be used or rehabilitated for use, and new employee housing and agricultural support buildings may be allowed on land within the subdivision as follows:

- (A) The employee housing is occupied by employees or former employees of the plantation who have a property interest in the land;
  - (B) The employee housing units not owned by their occupants shall be rented or leased at affordable rates for agricultural workers; or
  - (C) The agricultural support buildings shall be rented or leased to agricultural business operators or agricultural support services;
- (13) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; ~~and~~ provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;
- (14) Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county; provided that this paragraph shall apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to section 205-5; provided further that the agricultural tourism activities coexist with a bona fide agricultural activity. For the purposes of this paragraph, “bona fide agricultural activity” means a farming operation as defined in section 165-2;
- (15) Wind energy facilities, including the appurtenances associated with the production and transmission of wind generated energy; provided that the wind energy facilities and appurtenances are compatible with agriculture uses and cause minimal adverse impact on agricultural land;
- (16) Biofuel processing facilities, including the appurtenances associated with the production and refining of biofuels that is normally considered directly accessory and secondary to the growing of the energy feedstock; provided that biofuel processing facilities and appurtenances do not adversely impact agricultural land and other agricultural uses in the vicinity.
- For the purposes of this paragraph:  
 “Appurtenances” means operational infrastructure of the appropriate type and scale for economic commercial storage and distribution, and other similar handling of feedstock, fuels, and other products of biofuel processing facilities.  
 “Biofuel processing facility” means a facility that produces liquid or gaseous fuels from organic sources such as biomass crops, agricultural residues, and oil crops, including palm, canola, soybean, and waste cooking oils; grease; food wastes; and animal residues and wastes that can be used to generate energy;
- (17) Agricultural-energy facilities, including appurtenances necessary for an agricultural-energy enterprise; provided that the primary activity of the agricultural-energy enterprise is agricultural activity. To be considered the primary activity of an agricultural-energy enterprise, the total acreage devoted to agricultural activity shall be ~~not~~ no less than ninety per cent of the total acreage of the agricultural-energy enterprise. The agricultural-energy facility shall be limited to

lands owned, leased, licensed, or operated by the entity conducting the agricultural activity.

As used in this paragraph:

“Agricultural activity” means any activity described in paragraphs (1) to (3) of this subsection.

“Agricultural-energy enterprise” means an enterprise that integrally incorporates an agricultural activity with an agricultural-energy facility.

“Agricultural-energy facility” means a facility that generates, stores, or distributes renewable energy as defined in section 269-91 or renewable fuel including electrical or thermal energy or liquid or gaseous fuels from products of agricultural activities from agricultural lands located in the State.

“Appurtenances” means operational infrastructure of the appropriate type and scale for the economic commercial generation, storage, distribution, and other similar handling of energy, including equipment, feedstock, fuels, and other products of agricultural-energy facilities;

- (18) Construction and operation of wireless communication antennas, including small wireless facilities; provided that, for the purposes of this paragraph, “wireless communication antenna” means communications equipment that is either freestanding or placed upon or attached to an already existing structure and that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services; provided further that “small wireless facilities” shall have the same meaning as in section 206N-2; provided further that nothing in this paragraph shall be construed to permit the construction of any new structure that is not deemed a permitted use under this subsection;
- (19) Agricultural education programs conducted on a farming operation as defined in section 165-2, for the education and participation of the general public; provided that the agricultural education programs are accessory and secondary to the principal agricultural use of the parcels or lots on which the agricultural education programs are to occur and do not interfere with surrounding farm operations. For the purposes of this paragraph, “agricultural education programs” means activities or events designed to promote knowledge and understanding of agricultural activities and practices conducted on a farming operation as defined in section 165-2;
- (20) Solar energy facilities that do not occupy more than ten per cent of the acreage of the parcel, or twenty acres of land, whichever is lesser or for which a special use permit is granted pursuant to section 205-6; provided that this use shall not be permitted on lands with soil classified by the land study bureau’s detailed land classification as overall (master) productivity rating class A;
- (21) Solar energy facilities on lands with soil classified by the land study bureau’s detailed land classification as overall (master) productivity rating B or C for which a special use permit is granted pursuant to section 205-6; provided that:
  - (A) The area occupied by the solar energy facilities is also made available for compatible agricultural activities at a lease rate that is at least fifty per cent below the fair market rent for comparable properties;

- (B) Proof of financial security to decommission the facility is provided to the satisfaction of the appropriate county planning commission [~~prior to~~] before the date of commencement of commercial generation; and
- (C) Solar energy facilities shall be decommissioned at the owner's expense according to the following requirements:
  - (i) Removal of all equipment related to the solar energy facility within twelve months of the conclusion of operation or useful life; and
  - (ii) Restoration of the disturbed earth to substantially the same physical condition as existed [~~prior to~~] before the development of the solar energy facility.

For the purposes of this paragraph, "agricultural activities" means the activities described in paragraphs (1) to (3);

- (22) Geothermal resources exploration and geothermal resources development, as defined under section 182-1;
- (23) Hydroelectric facilities, including the appurtenances associated with the production and transmission of hydroelectric energy, subject to section 205-2; provided that the hydroelectric facilities and their appurtenances:
  - (A) Shall consist of a small hydropower facility as defined by the United States Department of Energy, including:
    - (i) Impoundment facilities using a dam to store water in a reservoir;
    - (ii) A diversion or run-of-river facility that channels a portion of a river through a canal or channel; and
    - (iii) Pumped storage facilities that store energy by pumping water uphill to a reservoir at higher elevation from a reservoir at a lower elevation to be released to turn a turbine to generate electricity;
  - (B) Comply with the state water code, chapter 174C;
  - (C) Shall, if over five hundred kilowatts in hydroelectric generating capacity, have the approval of the commission on water resource management, including a new instream flow standard established for any new hydroelectric facility; and
  - (D) Do not impact or impede the use of agricultural land or the availability of surface or ground water for all uses on all parcels that are served by the ground water sources or streams for which hydroelectric facilities are considered; or
- (24) Notwithstanding any other law to the contrary, composting and co-composting operations; provided that operations that process their own green waste and do not require permits from the department of health shall use the finished composting product only on the operation's own premises to minimize the potential spread of invasive species."

SECTION 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, 2024.)

A Bill for an Act Relating to Pesticides.

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

SECTION 1. Section 149A-51, Hawaii Revised Statutes, is amended to read as follows:

**“§149A-51 Advisory committee.** (a) There shall be an advisory committee on pesticides composed of but not limited to the chairperson, or the chairperson’s designated representative, who shall head the committee and one representative each from the department of health, department of land and natural resources, University of Hawaii college of tropical agriculture and human resources, ~~[sugar industry, pineapple industry,]~~ coffee industry, diversified agriculture industry, Hawaii Farm Bureau ~~[Federation]~~, pesticide industry, structural pest control industry, an environmental organization, a citizen group, and a landscape professional.

(b) Members of the advisory committee shall be appointed by the governor from a list of persons recommended by the respective agencies and industries in accordance with section 26-34.

(c) The committee shall advise and assist the department in developing or revising laws and rules to carry out and effectuate the purposes of this chapter and in advising the department in pesticide problems.”

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, 2024.)

A Bill for an Act Relating to Invasive Species.

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

SECTION 1. The legislature finds that the coconut rhinoceros beetle can have devastating impacts on palm species that are foundational to the State’s agricultural economy, cultural heritage, and ecosystems. The legislature further finds that the use of fine meshed nets can be an effective means of preventing adult coconut rhinoceros beetles from accessing vulnerable plants, effectively mitigating their impact on local plants and the environment. Additionally, fine mesh netting, meant for non-aquatic usage, is a regulated device for pest control under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

The purpose of this Act is to allow for the use of fine meshed nets for the protection of plants against invasive species, under certain conditions.

SECTION 2. Chapter 141, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§141- Fine meshed nets; invasive species; permissible; rules.** (a) Notwithstanding any other law to the contrary, fine meshed nets may be used for the protection of plants against invasive species, as determined by the department of agriculture; provided that the fine meshed nets shall be applied in a manner

that is unlikely to entangle birds, become dislodged and enter water, or entangle or disturb native and beneficial animals, including but not limited to pollinators, ladybugs or lady beetles, and net-winged insects.

(b) The department of agriculture shall adopt rules in accordance with chapter 91 to implement this section, including but not limited to establishing requirements related to filament diameter, color, and the inclusion of visual cues to prevent non-targeted entanglement and prohibiting the use of mist net material that is used for bird work.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved July 3, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 185**

S.B. NO. 2401

A Bill for an Act Relating to Feral Chickens.

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

SECTION 1. The legislature finds that feral chickens and roosters have become a persistent nuisance, particularly in suburban and urban residential communities. Feral chickens and roosters wander into yards and gardens, digging up plants, damaging food crops, and jeopardizing native plants and resources. Feral roosters crow at all times of the day and night, which has led to numerous noise complaints by residents throughout the State, and droppings from feral chickens are unsanitary and create a health concern.

The legislature further finds that feral chickens and roosters also carry diseases that threaten other animals, including native birds, and a noticeable increase in the number of feral chickens and roosters also creates a road hazard for drivers who must suddenly stop or swerve to avoid them. The legislature further finds that residents and visitors need better education to not exacerbate this problem by feeding feral animals, which leads to further congregation and growth of the nuisance. To protect Hawaii’s ecosystem and natural resources and the health and safety of its residents, it is critical that the State work together with the counties to identify and implement collaborative solutions to control the significant increase in the population of feral chickens and roosters.

Accordingly, the purpose of this Act is to:

- (1) Require the department of agriculture to work with each county to implement feral chicken control programs and feeding of feral animals education campaigns; and
- (2) Require each county to match the funds expended by the department of agriculture for the implementation of the feral chicken control program and feeding of feral animals education campaign in that county.

SECTION 2. (a) The department of agriculture shall work with each county to implement feral chicken control programs and feeding of feral animals education campaigns in each county.

(b) Each county shall provide one hundred per cent of matching funds for the amount of funds expended by the department of agriculture for the implementation of the feral chicken control program and feeding of feral animal education campaign in that county.

SECTION 3. This Act shall take effect on July 1, 2024.

(Approved July 3, 2024.)

ACT 186

H.B. NO. 1832

A Bill for an Act Relating to Hiring.

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

SECTION 1. The legislature finds that the State is facing unprecedented vacancies in state positions. According to the department of human resources development, the state vacancy rate is twenty-three per cent, as reported by departments on November 1, 2022. One contributing factor to the number of state job vacancies is the length of time between when a person applies for a state job to when that person receives a response. The department of human resources development may take up to three to six months to send a list of applicants to a department to schedule an interview. By this time, many qualified applicants have either found a different job or forgotten entirely about continuing the application process for a state job.

The legislature further finds that the large amount of vacancies in the state workforce is exacerbating the state worker shortage, leaving fewer workers to carry the workload, leading to burnout and further worker flight. To support the currently employed state workforce, departments must be adequately staffed with dedicated workers.

The legislature recognizes that departments have requested the ability to review their own applicants as soon as a job posting closes or on a rolling basis. While this may not be practical for all job postings, the ability for departments to select their own highest-need positions and review those job applications directly deserves consideration. A department also has the expertise to determine whether an applicant meets minimum qualifications for a job within that department. This internal department review will not only speed up the review process for key positions but will also relieve the workload of the department of human resources development, allowing it to review the remaining applications for other job openings faster.

The purpose of this Act is to:

- (1) Allow a state department, division, or agency, rather than the department of human resources development, to conduct a minimum qualification review of applicants for vacant positions within the department, division, or agency; and
- (2) Require the department of human resources development to provide state departments, divisions, and agencies the applications received for vacancies under certain circumstances.

SECTION 2. Chapter 76, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§76- Recruitment; minimum qualification review; state departments, divisions, and agencies.** (a) Notwithstanding any other law to the contrary, a state department, division, or agency, rather than the department of human



resources development, may conduct a minimum qualification review of applicants for vacant positions within that department, division, or agency.

(b) A state department, division, or agency that elects to conduct its own minimum qualification review of applicants for a vacancy pursuant to subsection (a) shall notify the department of human resources development, which shall provide to the department, division, or agency:

- (1) For positions with a recruitment closing date, the applications received for the vacancy received by the closing date for that vacancy; or
- (2) For continuous recruitment positions, the applications received for the vacancy that have been received by a certain date, as determined by the state department, division, or agency; provided that the department of human resources development shall continue to transmit applications for that position on a reasonable rolling basis until the particular vacancy is filled;

provided further that the department of human resources development shall submit the applications received for a vacancy immediately to a state department, division, or agency if requested by the applicable state department, division, or agency.

(c) Upon completing the minimum qualification review of applicants for a vacancy, the state department, division, or agency shall submit to the department of human resources development the applications for individuals who have met the minimum qualifications for the vacancy; provided that the state department, division, or agency may immediately begin interviewing applicants that have been determined to meet the minimum qualifications for the vacant position. The department of human resources development shall complete any other tasks necessary to facilitate the hiring of the applicants, including auditing and correcting any errors found in the minimum qualification review, as applicable; provided further that if any errors are found, the department of human resources development shall have five working days to correct the error and notify the state department, division, or agency.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved July 3, 2024.)

#### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 187

H.B. NO. 1916

A Bill for an Act Relating to the Disclosure of Personal Information Associated with Certain Public Servants.

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

SECTION 1. The legislature finds that across the country, elected state and local officials, judges, election officials, school board officials, and other public servants in decision-making positions that directly impact the public or an individual have experienced an alarming increase in acts of violence, or attempts to engage in acts of violence, at their personal residence or the residence

of a family member. In the past three years, two government officials and the family member of another were killed at their home. Most recently, in October 2023, Maryland Judge Andrew Wilkinson was shot and killed in his driveway by a litigant in a case pending before him. Earlier that year, in February 2023, New Jersey Councilwoman Eunice Dwumfour was shot and killed outside her home. In July 2020, United States District Court Judge Esther Salas' son, Daniel Anderl, was shot and killed in their family home in New Jersey by an attorney who had appeared before the judge. In October 2022, Paul Pelosi, Speaker of the United States House of Representatives Nancy Pelosi's spouse, was brutally assaulted in the couple's home, resulting in hospitalization and surgery due to a skull fracture received during the altercation. In October 2020, the United States Federal Bureau of Investigation thwarted a group that was planning to kidnap the governor of Michigan, Gretchen Whitmer, and ultimately nine individuals were convicted or pled guilty in the prosecution that ensued.

The legislature also finds that a 2021 study titled "On the Frontlines of Today's Cities: Trauma, Challenges and Solutions" by the National League of Cities found that eighty-one per cent of local public officials surveyed said they had experienced harassment, threats, or violence in recent years. In addition to having their safety and well-being threatened, the report found that harassment and violent behavior interrupted local officials' ability to do their jobs and led to the loss of institutional knowledge due to resignations. Other public servants, including local election officials, have also experienced increased threats and harassment. According to a Brennan Center for Justice April 2023 survey of over ten thousand local election officials across the country, thirty per cent reported being threatened, harassed, or abused. More than half reported that the threats were in person. Seventy-three per cent believed that threats against election officials have increased recently.

The legislature also finds that data gathered by the federal and state courts illustrates that the trend of threats and inappropriate communications against public officials is increasing. Federal judges and other court personnel were the targets of more than four thousand five hundred threats and other inappropriate communications in 2021, according to the United States Marshals Service. This represents an increase of eighty-one per cent from the number of threats in fiscal year 2016, just five years prior, and a two hundred thirty-three per cent increase in threats since fiscal year 2008. At the state level, the number of threats and other inappropriate communications to Hawai'i judges have increased tenfold since 2012. A recent Marshals Service audit found that federal judges' safety is at greater risk when they are away from the courthouse. This statement is borne out by incidents involving attacks against both federal and state judges at their residences, which have resulted in the deaths of or serious injuries to judges and their family members. In multiple cases, the attacker or would-be attacker used the Internet to access judges' personal information. The legislature notes that Act 46, Session Laws of Hawaii 2022, which established a judicial security task force, was passed in recognition of the need for additional measures to ensure the safety of judges in Hawai'i. The task force recommended that legislation to protect personal information be enacted.

Accordingly, the purpose of this Act is to prohibit government agencies, persons, and organizations from making publicly available on the Internet the protected personal information of certain public servants, upon written request from the public servant or their representative. This Act is not intended to restrict public access to government records upon request as provided by chapter 92F, Hawaii Revised Statutes, or as otherwise provided by law, so long as the means of access does not involve making protected personal information publicly avail-

able on the Internet. In addition, this Act is not intended to restrain a public servant from independently making public their own personal information.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
RESTRICTIONS ON PUBLICATION OF CERTAIN PUBLIC SERVANTS'  
PERSONAL INFORMATION**

**§ -1 Definitions.** For purposes of this chapter:

“Covered public servant” means:

- (1) The governor;
- (2) The lieutenant governor;
- (3) The administrative director appointed pursuant to section 26-3;
- (4) Any head of a department established under section 26-4;
- (5) Any member of the legislature;
- (6) Any active, formerly active, or retired:
  - (A) Justice of the Hawaii supreme court;
  - (B) Judge of the Hawaii intermediate appellate court;
  - (C) Judge of a Hawaii circuit court or circuit family court;
  - (D) Judge of a Hawaii district court or district family court; or
  - (E) Per diem judge of a Hawaii district court or district family court;
- (7) Any active, formerly active, or retired:
  - (A) Justice of the United States Supreme Court;
  - (B) Judge of the United States Court of Appeals;
  - (C) Judge or magistrate judge of the United States District Court; or
  - (D) Judge of the United States Bankruptcy Court, who resides in the State, formerly resided in the State while serving as a federal judge, or owns real property in the State;
- (8) The administrative director of the courts;
- (9) The deputy administrative director of the courts;
- (10) Any employee or volunteer of the office of elections; or
- (11) Any person designated for good cause by the governor, president of the senate, speaker of the house of representatives, chief justice, chief judge of the United States District Court for the District of Hawaii, or chairperson of the office of Hawaiian affairs in the designator’s respective body.

“Family” means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit.

“Government agency” means any:

- (1) Unit of government in the State, any county, or any combination of counties;
- (2) Department;
- (3) Institution;
- (4) Board;
- (5) Commission;
- (6) District;
- (7) Council;
- (8) Bureau;

- (9) Office;
- (10) Governing authority;
- (11) Instrumentality of state or county government; or
- (12) Corporation or other establishment,

owned, operated, or managed by or on behalf of the State or any county, but does not include the nonadministrative functions of the courts of the State.

“Home” means a permanent residence and any secondary residences affirmatively identified by the covered public servant but does not include a work address or investment property.

“Organization” means an association or entity including a charitable, religious, or nonprofit organization; for-profit organization; or business entity, formed for a specific purpose.

“Protected personal information” includes:

- (1) A home address, directions to a home, photograph of a home that legibly displays the address or otherwise identifies the location, and any property ownership information;
- (2) Contact information, including but not limited to a home telephone number, cellular phone number, direct work telephone number, and personal electronic mail address;
- (3) A photograph of a vehicle that legibly displays the vehicle license plate number;
- (4) The names and locations of schools and day care facilities attended by the children of the covered public servant;
- (5) The identity of children of the covered public servant that are under the age of eighteen;
- (6) Voter registration information;
- (7) The contents of any application for absentee voter ballots;
- (8) The covered public servant’s name and residential address contained in property tax records; and
- (9) The name and address of the employer of a covered public servant’s family member.

**§ -2 Publication of public servants’ personal information; restrictions.**

Except as otherwise provided in section -6, upon receipt of a written request from a covered public servant, a government agency, person, or organization shall not make publicly available on the Internet the protected personal information of the covered public servant and their family. After receiving a written request, the government agency, person, or organization shall remove the protected personal information from the Internet within three business days by ensuring that the protected personal information is not made publicly available on any website, social media, or social network controlled by that government agency, person, or organization.

**§ -3 Written requests.** (a) Except as provided in subsection (b), a

written request pursuant to this chapter shall be valid if the covered public servant or representative of the covered public servant’s employer submits a request in writing directly to a person or organization; provided that the covered public servant has given written consent to the representative.

(b) A written request to a government agency shall only be valid if the request:

- (1) Is made by the executive or administrative head of the department where the covered public servant is or was employed; provided that in the case of the judiciary, the written request under this section shall be made by the administrative director of the courts, and in the

case of federal courts, the written request under this section shall be made by the clerk of court for the United States District Court for the District of Hawaii;

- (2) Expressly identifies the specific government record with the protected personal information that is publicly available on the Internet and includes, where applicable, the government agency's indexed document number;
  - (3) Requests the government agency to remove the record with the protected personal information from being publicly available on the Internet; and
  - (4) For any new or previously identified government record subject to this chapter, is made no more than once a month, and includes all the covered public servants of the subject department in a single request; provided that a written request may be submitted at any time under exigent circumstances based on a threat to the covered public servant or the covered public servant's family as determined by the subject department executive or administrative head submitting the request.
- (c) A written request shall be valid until:
- (1) The covered public servant provides the government agency, person, or organization with written permission to release the protected personal information; or
  - (2) The covered public servant's death.

**§ -4 Extension of time to respond to written request.** A government agency, person, or organization that receives a valid written request and requires additional time to comply with the written request may extend the deadline to comply with the written request. The extension shall be made by providing a written acknowledgement to the requestor within three business days. The extension of time to comply with the written request may be extended for up to an additional ten business days from the date the written acknowledgement is transmitted.

**§ -5 Civil remedies.** (a) If a person or organization violates this chapter, the covered public servant or their family member whose protected personal information is made public as a result of the violation may bring an action seeking injunctive or declaratory relief in the circuit court. If the court grants injunctive or declaratory relief, the person or organization responsible for the violation shall be required to pay the costs and reasonable attorney's fees of the covered public servant or their family member.

(b) If a government agency violates this chapter, the covered public servant or their family member whose protected personal information is made public as a result of the violation may bring an action seeking injunctive or declaratory relief in the circuit court. No costs or fees shall be awarded.

**§ -6 Exceptions.** This chapter shall not apply to:

- (1) Protected personal information that the covered public servant or their family member voluntarily publishes on the Internet after the effective date of this chapter;
- (2) Records pertaining to property presumed abandoned pursuant to chapter 523A, the Uniform Unclaimed Property Act;
- (3) Information subject to disclosure pursuant to a court order;
- (4) Filings made pursuant to chapter 490, the Uniform Commercial Code, and recorded judgments;

- (5) Copies of recorded instruments affecting title to real property or property tax records that contain protected personal information that are provided by the bureau of conveyances or another government agency to a title insurer as defined in section 431:20-102, underwritten title company as defined in section 431:20-102, licensed title insurance producer under article 9A of chapter 431, or title plant company that has requested to access the record in its ordinary course of business, or are provided by such organization to a government agency for government purposes;
- (6) Records a government agency provides to any other government entity; provided that the record shall not be made publicly available on the Internet;
- (7) Information that is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;
- (8) The furnishing of consumer reports by a consumer reporting agency protected by and subject to the Fair Credit Reporting Act, title 15 United States Code section 1681 et seq.;
- (9) The disclosure of nonpublic personal information protected by and subject to the Gramm-Leach-Bliley Act, title 15 United States Code section 6801 et seq. (Public Law 106-102);
- (10) The disclosure of information regulated by the Health Insurance Portability and Accountability Act, title 42 United States Code section 1320d et seq.;
- (11) The disclosure of information subject to the Driver's Privacy Protection Act, title 18 United States Code section 2721 et seq.; and
- (12) The publication of a notice, including a notice of an administrative hearing or appeal, that is required by law.

§ -7 **Rules.** Any government agency may adopt, amend, or repeal rules pursuant to chapter 91 as the agency deems necessary to implement this chapter.

§ -8 **Government records.** This chapter shall not be construed to alter rights to access government records under chapter 92F or as otherwise provided by law; provided that a government agency that receives a valid written request under this chapter shall not make protected personal information publicly available on the Internet when disclosing the government records.”

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

SECTION 5. This Act shall take effect on October 1, 2024.

(Approved July 3, 2024.)

## ACT 188

S.B. NO. 2216

A Bill for an Act Relating to the State Ethics Commission.

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

SECTION 1. The purpose of this Act is to clarify and modernize the way the state ethics commission provides advice and conducts investigations pursuant to the state ethics code and lobbyists law.

SECTION 2. Section 84-31, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

- “(a) The ethics commission shall have the following powers and duties:
- (1) It shall prescribe forms for the disclosures required by article XIV of the Hawaii constitution and section 84-17 and the gifts disclosure statements required by section 84-11.5 and shall establish orderly procedures for implementing the requirements of those provisions;
  - (2) It shall provide advice upon the request of any person as to whether the facts and circumstances of a particular situation constitute or will constitute a violation of the code of ethics or other laws or rules administered and enforced by the commission, and discuss ways to avoid an appearance of impropriety. A person receiving advice from the commission may request a written summary of that advice. The commission shall treat all advice requests, responses, and related materials as confidential. Written summaries shall be confidential unless the recipient waives confidentiality;
  - [(2)] (3) It shall render advisory opinions upon the request of any legislator, employee, or delegate to the constitutional convention, or person formerly holding such office or employment as to whether the facts and circumstances of a particular case constitute or will constitute a violation of the code of ethics. If no advisory opinion is rendered within ~~thirty~~ ninety days after the request is filed with the commission, it shall be deemed that an advisory opinion was rendered and that the facts and circumstances of that particular case do not constitute a violation of the code of ethics. The opinion rendered or deemed rendered, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the legislator, employee, or delegate to the constitutional convention, or person formerly holding such office or employment, who sought the opinion and acted in reliance on it in good faith, unless material facts were omitted or misstated by such persons in the request for an advisory opinion[;]. The commission shall also render public general advisory opinions concerning proper interpretation of the code of ethics and other laws or rules administered and enforced by the commission, if it deems the opinion of sufficient general interest and importance;
  - (4) It may initiate an investigation into alleged, possible, or potential violations of this chapter and other laws or rules administered and enforced by the commission, on a confidential basis, having available all of the powers herein provided, whether the investigation is made based on a charge allegation, other information or indications, or as the commission determines is in the public interest;
  - [(3)] (5) It shall initiate, receive, and consider charges and other information, on a confidential basis, concerning alleged [violation], possible, or potential violations of this chapter[;] and other laws or rules

- administered and enforced by the commission, initiate or make investigation, and hold hearings;
- (4) (6) ~~[(4)]~~ Upon adoption of a resolution defining the scope and nature of the inquiry, supported by a vote of three or more members of the commission, it may subpoena witnesses, administer oaths, and take testimony relating to matters before the commission and require the production for examination of any books or papers relative to any matter under investigation or in question before the commission~~[- Before the commission shall exercise any of the powers authorized in this section with respect to any investigation or hearings it shall by formal resolution, supported by a vote of three or more members of the commission, define the nature and scope of its inquiry];~~
- (5) (7) It may, from time to time adopt, amend, and repeal any rules, not inconsistent with this chapter, that in the judgment of the commission seem appropriate for the carrying out of this chapter and for the efficient administration thereof, including every matter or thing required to be done or which may be done with the approval or consent or by order or under the direction or supervision of or as prescribed by the commission. The rules, when adopted as provided in chapter 91, shall have the force and effect of law;
- (6) (8) It shall have jurisdiction for purposes of investigation and taking appropriate action on ~~[alleged]~~ possible violations of this chapter in all proceedings commenced within six years of ~~[an alleged]~~ a possible violation of this chapter by a legislator or employee or former legislator or employee. A proceeding shall be deemed commenced by the filing of a charge with the commission or by the signing of a charge by three or more members of the commission. Nothing herein shall bar proceedings against a person who by fraud or other device, prevents discovery of a violation of this chapter;
- (7) (9) It shall distribute its publications without cost to the public and shall initiate and maintain programs with the purpose of educating the citizenry and all legislators, employees, and delegates to the constitutional convention~~[- and employees]~~ on matters of ethics in government employment; and
- (8) (10) It shall administer any code of ethics adopted by a state constitutional convention, subject to the procedural requirements of this part and any rules adopted thereunder.

(b) Charges concerning the violation of this chapter shall be in writing, signed by the person making the charge under oath~~[- except];~~ provided that any charge initiated by the commission shall be signed by three or more members of the commission. The commission shall ~~[notify in writing]~~ issue written notice to every person against whom a charge is received and afford the person an opportunity to explain the conduct alleged to be in violation of the chapter. The commission may investigate, after compliance with this section, ~~[such]~~ the charges and render an informal advisory opinion to the alleged violator. The commission shall investigate all charges on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public. If the informal advisory opinion indicates a probable violation, the person charged shall request a formal opinion or within a reasonable time comply with the informal advisory opinion. If the person charged fails to comply with ~~[such]~~ the informal advisory opinion or if a majority of the members of the commission determine that there is probable cause for belief that a violation of this chapter might have occurred, a copy of the charge and a further statement of



the alleged violation shall be personally served upon the alleged violator. Service shall be made by personal service upon the alleged violator wherever found or by registered or certified mail with a request for a return receipt and marked deliver to addressee only. If after due diligence service cannot be effected successfully in accordance with the above, service may be made by publication if so ordered by the circuit court of the circuit wherein the alleged violator last resided. The state ethics commission shall submit to the circuit court for its consideration in issuing its order to allow service by publication an affidavit setting forth facts based upon the personal knowledge of the affiant concerning the methods, means, and attempts made to locate and effect service by personal service or by registered or certified mail in accordance with the above. Service by publication when ordered by the court shall be made by publication once a week for four successive weeks of a notice in a newspaper of general circulation in the circuit of the alleged violator's last known state address. The alleged violator shall have twenty days after service thereof to respond in writing to the charge and statement."

SECTION 3. Section 97-6, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The state ethics commission shall administer and implement this chapter, and shall have the following powers and duties:

- (1) Initiate, receive, and consider charges and other information, on a confidential basis, concerning alleged, possible, or potential violations of this chapter[;] and other laws or rules administered and enforced by the commission, and investigate or cause to be investigated; on a confidential basis, the activities of any person to determine whether the person is in compliance with this chapter;
- (2) Prescribe forms for the documentation, statements, and reports required by sections 97-2 and 97-3 and establish orderly procedures for implementing the requirements of those provisions;
- (3) Provide advice upon the request of any person as to whether the facts and circumstances of a particular situation constitute or will constitute a violation of this chapter or other laws or rules administered and enforced by the commission and discuss ways to avoid an appearance of impropriety. A person receiving advice from the commission may request a written summary of that advice. The commission shall treat all advice requests, responses, and related materials as confidential. Written summaries shall be confidential unless the recipient waives confidentiality;
- ~~(3)~~ (4) Render advisory opinions upon the request of any person subject to this chapter. If no advisory opinion is rendered within ~~[thirty]~~ ninety days after the request is filed with the commission, it shall be deemed that an advisory opinion was rendered and that the facts and circumstances of that particular case do not constitute a violation of this chapter. The opinion rendered or deemed rendered, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the person subject to this chapter who sought the opinion and acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for an advisory opinion[;]. The commission shall also render public general advisory opinions concerning proper interpretations of the laws of this chapter and other laws or rules administered and enforced by the commission, if it deems the opinion of sufficient general interest and importance;

- (4) (5) Issue subpoenas, administer oaths, ~~and~~ require the production for examination of any records or papers relative to any matter under investigation or in question before the commission, and exercise those powers conferred upon the commission by section 92-16;
- (5) (6) Adopt, amend, and repeal rules, not inconsistent with this chapter, ~~as~~ that in the judgment of the commission seem appropriate for the carrying out of this chapter and for the efficient administration of this chapter, including every matter or thing required to be done or ~~which~~ that may be done with the approval or consent or by order or under the direction or supervision of, or as prescribed by, the commission. The rules, when adopted as provided in chapter 91, shall have the force and effect of law; ~~and~~
- (6) (7) Have jurisdiction for purposes of investigation and taking appropriate action on ~~alleged~~ possible violations of this chapter in all proceedings commenced within ~~three~~ six years of ~~an alleged~~ a possible violation of this chapter. A proceeding shall be deemed commenced by the filing of a charge with the commission or by the signing of a charge by three or more members of the commission. Nothing shall bar proceedings against a person who by fraud or other device prevents discovery of a violation of this chapter~~[-];~~ and
- (8) Distribute educational and advisory publications and initiate, administer, and maintain training programs for the purpose of training lobbyists on compliance with state lobbying laws and applicable parts of the code of ethics.

(b) Charges concerning the violation of this chapter shall be in writing, signed by the person making the charge under oath~~[-except];~~ provided that any charge initiated by the commission shall be signed by three or more members of the commission. The commission shall ~~notify in writing~~ issue written notice to every person against whom a charge is received and afford the person an opportunity to explain the conduct alleged to be in violation of the chapter. The commission may investigate, after compliance with this section, ~~such~~ the charges and render an informal advisory opinion to the alleged violator. The commission shall investigate all charges on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public. If the informal advisory opinion indicates a probable violation, the person charged shall request a formal opinion or within a reasonable time comply with the informal advisory opinion. If the person charged fails to comply with ~~such~~ the informal advisory opinion or if a majority of the members of the commission determine that there is probable cause for belief that a violation of this chapter might have occurred, a copy of the charge and a further statement of the alleged violation shall be personally served upon the alleged violator. Service shall be made by personal service upon the alleged violator wherever found or by registered or certified mail with request for a return receipt and marked deliver to addressee only. If after due diligence service cannot be effected successfully in accordance with the above, service may be made by publication if so ordered by the circuit court of the circuit wherein the alleged violator last resided. The commission shall submit to the circuit court for its consideration in issuing its order to allow service by publication an affidavit setting forth facts based upon the personal knowledge of the affiant concerning the methods, means, and attempts made to locate and effect service by personal service or by registered or certified mail in accordance with the above. Service by publication when ordered by the court shall be made by publication once a week for four successive weeks of a notice in a newspaper of general circulation in the circuit of the alleged violator's

last known state address. The alleged violator shall have twenty days after service thereof to respond in writing to the charge and statement.”

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, 2024.)

## ACT 189

S.B. NO. 2217

A Bill for an Act Relating to Reporting Periods.

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

### PART I

SECTION 1. The purpose of this Act is to amend portions of chapters 84 and 97 of the Hawaii Revised Statutes to provide greater uniformity, efficiency, and effectiveness in the administration and enforcement of the state ethics code and state lobbyists law by:

- (1) Establishing a phased process for adjusting the reporting period for gift disclosures filed with the state ethics commission to conform with the state fiscal year; and
- (2) Providing for the electronic filing of statements required by the state ethics commission.

### PART II

SECTION 2. Section 84-11.5, Hawaii Revised Statutes, is amended to read as follows:

**“§84-11.5 Reporting of gifts.** (a) Every legislator and employee shall file a gifts disclosure statement with the state ethics commission no later than ~~June 30~~ July 31 of each year if all the following conditions are met:

- (1) The legislator or employee, or spouse or dependent child of a legislator or employee, received directly or indirectly from one source any gift or gifts valued singly or in the aggregate in excess of \$200, whether the gift is in the form of money, service, goods, or in any other form;
  - (2) The source of the gift or gifts have interests that may be affected by official action or lack of action by the legislator or employee; and
  - (3) The gift is not exempted by subsection (d) from reporting requirements under this subsection.
- (b) The report shall cover the period from June 1 of the preceding calendar year through ~~May 31~~ June 30 of the year of the report.
- (c) The gifts disclosure statement shall contain the following information:

- (1) A description of the gift;
- (2) A good faith estimate of the value of the gift;
- (3) The date the gift was received; and
- (4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.

(d) Excluded from the reporting requirements of this section are the following:

- (1) Gifts received by will or intestate succession;
- (2) Gifts received by way of distribution of any inter vivos or testamentary trust established by a spouse or ancestor;
- (3) Gifts from a spouse, [~~fiancee, fiancée,~~] betrothed, or any relative within four degrees of consanguinity or the spouse [~~, fiancée, or fiancée]~~ or betrothed of such a relative. A gift from any such person is a reportable gift if the person is acting as an agent or intermediary for any person not covered by this paragraph;
- (4) Political campaign contributions that comply with state law;
- (5) Anything available to or distributed to the public generally without regard to the official status of the recipient;
- (6) Gifts that, within thirty days after receipt, are returned to the giver or delivered to a public body or to a bona fide educational or charitable organization without the donation being claimed as a charitable contribution for tax purposes; and
- (7) Exchanges of approximately equal value on holidays, birthday, or special occasions.

(e) Failure of a legislator or employee to file a gifts disclosure statement as required by this section shall be a violation of this chapter.

(f) This section shall not affect the applicability of section 84-11.

(g) The state ethics commission shall provide a method for filing gift disclosure statements. The commission may require that gift disclosure statements be filed electronically.

~~[(g)] (h)~~ For purposes of this section, “legislator or employee” includes any individual who was a legislator or employee for any portion of the period from June 1 of the preceding calendar year through ~~[May 31]~~ June 30 of the year of the report.”

### PART III

SECTION 3. Section 84-11.5, Hawaii Revised Statutes, is amended to read as follows:

**“§84-11.5 Reporting of gifts.** (a) Every legislator and employee shall file a gifts disclosure statement with the state ethics commission no later than ~~[June 30]~~ July 31 of each year if all the following conditions are met:

- (1) The legislator or employee, or spouse or dependent child of a legislator or employee, received directly or indirectly from one source any gift or gifts valued singly or in the aggregate in excess of \$200, whether the gift is in the form of money, service, goods, or in any other form;
- (2) The source of the gift or gifts have interests that may be affected by official action or lack of action by the legislator or employee; and
- (3) The gift is not exempted by subsection (d) from reporting requirements under this subsection.

(b) The report shall cover the period from ~~[June 1]~~ July 1 of the preceding calendar year through ~~[May 31]~~ June 30 of the year of the report.

(c) The gifts disclosure statement shall contain the following information:

- (1) A description of the gift;
- (2) A good faith estimate of the value of the gift;
- (3) The date the gift was received; and

- (4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.
- (d) Excluded from the reporting requirements of this section are the following:
- (1) Gifts received by will or intestate succession;
  - (2) Gifts received by way of distribution of any inter vivos or testamentary trust established by a spouse or ancestor;
  - (3) Gifts from a spouse, ~~[fiancee, fiancée,]~~ betrothed, or any relative within four degrees of consanguinity or the spouse~~[-fiancee, or fiancée]~~ or betrothed of such a relative. A gift from any such person is a reportable gift if the person is acting as an agent or intermediary for any person not covered by this paragraph;
  - (4) Political campaign contributions that comply with state law;
  - (5) Anything available to or distributed to the public generally without regard to the official status of the recipient;
  - (6) Gifts that, within thirty days after receipt, are returned to the giver or delivered to a public body or to a bona fide educational or charitable organization without the donation being claimed as a charitable contribution for tax purposes; and
  - (7) Exchanges of approximately equal value on holidays, birthday, or special occasions.
- (e) Failure of a legislator or employee to file a gifts disclosure statement as required by this section shall be a violation of this chapter.
- (f) This section shall not affect the applicability of section 84-11.
- (g) The state ethics commission shall provide a method for filing gift disclosure statements. The commission may require that gift disclosure statements be filed electronically.

~~[(g)]~~ (h) For purposes of this section, “legislator or employee” includes any individual who was a legislator or employee for any portion of the period from ~~[June 1]~~ July 1 of the preceding calendar year through ~~[May 31]~~ June 30 of the year of the report.”

#### PART IV

SECTION 4. 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]~~ filed electronically with 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]~~ using an electronic filing system, or any other forms and methods established by the state ethics commission;
- (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~~[-]; and~~
- (3) Shall be posted on the state ethics commission’s website within a reasonable time after filing and may be removed from the website after six years.”

SECTION 5. Section 97-4.5, Hawaii Revised Statutes, is repealed.

PART V

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

SECTION 7. Statutory material to be repealed is bracketed and stricken.<sup>1</sup> New statutory material is underscored.

SECTION 8. This Act shall take effect upon its approval; provided that:

- (1) Part II shall take effect on July 1, 2024; and
- (2) Part III shall take effect on July 1, 2025.

(Approved July 3, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 190**

S.B. NO. 2240

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 participation of eligible voters in elections is vital to American democracy. An integral part of voter participation is the maintenance of accurate and current voter registration rolls. The Electronic Registration Information Center, Inc., or ERIC, is a nonprofit organization that was formed in 2012 to help states improve the accuracy of voter registration rolls by using secure data-matching tools. ERIC uses the voter registration rolls of member states and several other databases, such as driver's licensing records, Social Security Administration records, and the United States Postal Service's national change of address registry to compare voting lists. Twenty-four states and the District of Columbia now participate in ERIC and receive, as member states, reports that list voters who have moved within the respective states, voters who have moved out of a state, voters having duplicate registrations within a state, voters who have passed away, and individuals who are potentially eligible to vote and have not yet registered to do so.

The legislature further finds that many persons reside in Hawaii on a part-time basis. This mobile population may be registered to vote in more than one state due to outdated registration records, thus challenging the accuracy of Hawaii's and other states' voter registration rolls. The legislature also finds that part of the process for a state to be admitted as a member of ERIC is for that state to send mailers to its residents who have driver's licenses but are not registered to vote, encouraging them to register to vote. Accordingly, the legislature finds that modernizing Hawaii's system of verifying voter registration data is essential to ensuring the integrity of Hawaii's voter registration rolls.

The purpose of this Act is to require:

- (1) The office of elections to file an application with ERIC for the State to be admitted as a member of the organization; and
- (2) The State and each county to use the information and services made available by ERIC to verify their voter rolls.

SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:  
**“§11- Electronic Registration Information Center, Inc.; membership; voter registration; verification; annual budget request.** (a) No later than June 30, 2025, the office of elections shall file an application with Electronic Registration Information Center, Inc., for the State’s admission as a member of that organization.

(b) The office of elections shall share with each county the information and services made available by Electronic Registration Information Center, Inc., pursuant to the terms and conditions of the State’s membership agreement with the organization. The office of elections and each county office that administers elections shall use information and services made available by Electronic Registration Information Center, Inc., to verify their respective voter registration rolls.

(c) The office of elections shall take necessary actions to maintain the State’s membership with Electronic Registration Information Center, Inc.

(d) Beginning with fiscal year 2025-2026 and each fiscal year thereafter, the office of elections shall request as part of its annual budget an appropriation from the legislature to pay the State’s annual membership dues to Electronic Registration Information Center, Inc.”

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 2024-2025 for the office of elections to prepare and file an application with Electronic Registration Information Center, Inc., for the State to be admitted as a member of the organization, and for the office of elections to send mailers to all Hawaii residents who have driver’s licenses but are not registered to vote, encouraging them to register to vote.

The sum appropriated shall be expended by the office of elections for the purposes of this Act.

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved July 3, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 191**

S.B. NO. 2687

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 although artificial intelligence (AI) technology can greatly benefit certain aspects of society, it can also have dangerous consequences if applied maliciously. For example, the use of deepfakes or generative AI in elections can be a powerful tool used to spread disinformation and misinformation, which can increase political tensions and result in electoral-related conflict and violence. Several states, including Michigan, Minnesota, and Washington, have enacted legislation governing the use of AI in elections. The legislature believes that regulating the use of deepfake and generative AI tech-

nologies to influence elections is necessary to protect the democratic process in the State.

Accordingly, the purpose of this Act is to:

- (1) Prohibit a person from recklessly distributing, or entering into an agreement with another person to distribute, materially deceptive media with exceptions;
- (2) Establish criminal penalties for distributing materially deceptive media; and
- (3) Establish remedies for parties injured by the distribution of materially deceptive media.

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

**“§11-A Distribution of materially deceptive media; prohibited; penalties.**

(a) Except as provided in subsections (b) and (c), no person shall recklessly distribute, or enter into an agreement with another person to distribute, between the first working day of February in every even-numbered year through the next general election, materially deceptive media in reckless disregard of the risk of harming the reputation or electoral prospects of a candidate in an election or changing the voting behavior of voters in an election.

(b) Subsection (a) shall not apply to:

- (1) A broadcaster, cable operator, or direct-to-home satellite provider unless it was involved in the creation of the materially deceptive media; or
- (2) An interactive computer service, cloud service provider, or streaming service for content provided by another person or a developer or provider of any technology used in the creation of materially deceptive media, unless the interactive computer service, cloud service provider, or streaming service has knowledge that the content is deceptive and intends to deceive a resident of the State.

(c) Subsection (a) shall not apply if the media includes a disclaimer informing the viewer that the media has been manipulated by technical means and depicts appearance, speech, or conduct that did not occur; provided that:

- (1) If the media is a video, the disclaimer shall:
  - (A) Appear throughout the entirety of the video;
  - (B) Be clearly visible to and readable by an observer;
  - (C) Be in letters at least as large as the largest size of any text communication; and
  - (D) Be in the same language as the language used in the video media;
- (2) If the media is an image, the disclaimer shall:
  - (A) Be clearly visible to and readable by the observer;
  - (B) Be in letters at least as large as the largest text in the image if the media contains other text; and
  - (C) Be in the same language as the language used in the image media;
- (3) If the media consists of only audio and contains no video or image, the disclaimer shall be read:
  - (A) At the beginning and end of the media in a clearly spoken manner;
  - (B) In a pitch that can be easily heard by the listener; and
  - (C) In the same language as the audio media; and



(4) If the media was generated by editing or creating new media from an existing video, image, or audio, the media shall include a citation directing the viewer or listener to the original sources from which the unedited version of the existing videos, images, or audios were obtained or generated.

(d) Unless otherwise specified in this section, a person who violates this section shall be guilty of a petty misdemeanor.

(e) A person who violates this section within five years of a previous conviction for a violation of this section shall be guilty of a misdemeanor.

(f) A person who violates this section with the intent to cause violence or bodily harm shall be guilty of a class C felony.

(g) The commission may assess a fine for a violation of this section or refer a violation of this section for criminal prosecution under subpart I.

(h) For the purposes of this section:

“Artificial intelligence” means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments, and that uses machine and human-based inputs to:

- (1) Perceive real and virtual environments;
- (2) Abstract perceptions of real and virtual environments into models through analysis in an automated manner; and
- (3) Use model inference to formulate opinions for information or action.

“Cloud service provider” means a third-party company that provides scalable computing resources that businesses can access on demand over a network, including cloud-based computing, storage, platform, and application services.

“Direct-to-home satellite provider” has the same meaning as defined in title 47 United States Code section 303(v).

“Distribute” means to convey information by any means.

“Interactive computer service” has the same meaning as defined in title 47 United States Code section 230(f)(2).

“Materially deceptive media” means any information, including any video, image, or audio, that:

- (1) Is an advertisement;
- (2) Depicts an individual engaging in speech or conduct in which the depicted individual did not in fact engage;
- (3) Would cause a reasonable viewer or listener to believe that the depicted individual engaged in the speech or conduct depicted; and
- (4) Was created by:
  - (A) Generative adversarial network techniques or another technique that translates a source image into another image using machine learning, deep learning techniques, and convolutional neural networks;
  - (B) Artificial intelligence; or
  - (C) Digital technology.

**§11-B Distribution of materially deceptive media; civil remedies.** (a) A depicted individual, including a candidate for election, whose appearance, speech, or conduct is altered or affected through the use of materially deceptive media, or any organization that represents the interest of voters likely to be deceived by the distribution of materially deceptive media, may bring an action for general or special damages against a person who violates section 11-A.

The court, in its action and in addition to any judgment awarded to the plaintiff or plaintiffs, may award a prevailing party reasonable attorney’s fees

and costs; provided that this subsection shall not limit or preclude a plaintiff from pursuing any other available remedy.

(b) A cause of action for injunctive or other equitable relief may be maintained against any person who is reasonably believed to violate or who is in the course of violating section 11-A by:

- (1) The attorney general;
- (2) The campaign spending commission;
- (3) A county attorney or county prosecutor;
- (4) The depicted individual;
- (5) A candidate for nomination or election to a public office who is injured or is likely to be injured by dissemination of materially deceptive media; or
- (6) Any organization that represents the interest of voters likely to be deceived by the distribution of materially deceptive media.

A court may issue a temporary or permanent injunction or restraining order to prevent further harm to the plaintiff. If a plaintiff, other than the attorney general, campaign spending commission if represented by a state attorney, county attorney, or county prosecutor, is awarded permanent injunctive relief under this subsection, the court may award reasonable attorney’s fees and costs to the plaintiff.

The court may issue a civil fine for the violation of a court order issued under this subsection in an amount of not more than \$1,000 per day.

(c) For the purposes of this section:

“Distribute” has the same meaning as defined in section 11-A.

“Materially deceptive media” has the same meaning as defined in section 11-A.”

SECTION 3. 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 4. New statutory material is underscored.<sup>1</sup>

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

(Approved July 3, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to the Employees’ Retirement System Funding Period.

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

SECTION 1. The legislature finds that due to the employees’ retirement system’s long-term investment performance, including fiscal year 2021-2022, the funding period in which the employees’ retirement system is expected to be fully funded has steadily decreased from the forecasted thirty years in fiscal year 2015-2016 to twenty-four years in fiscal year 2021-2022. The employees’ retirement system’s funded ratio also has improved from 54.7 per cent in fiscal year 2015-2016 to 61.2 per cent in fiscal year 2021-2022 and the actual unfunded actuarial

accrued liability has decreased from a peak of \$14,600,000,000 in fiscal year 2019-2020 to \$13,500,000,000 in fiscal year 2021-2022. Now that the increased employer contribution rates have reached the top of the phase-in, the strategy put in place by the legislature on July 1, 2017, is accomplishing the original goals. It is currently projected that the employees' retirement system's funded ratio will continue to improve and the unfunded actuarial accrued liability is expected to decline year over year going forward. However, there have been changes in professional actuarial industry guidance on appropriate funding policies that now recommend a maximum liability funding period of twenty years or less. This Act amends the maximum funding period to amortize the total unfunded accrued liability of the employees' retirement system to start at twenty-five years and lower by one year each year thereafter until reaching twenty years. A phase-in strategy would strengthen the employees' retirement system over the long term without impacting the expected path toward full-funding or current contribution rates, absent severe and long-term adverse experience in the financial market.

The purpose of this Act is to reduce the maximum projected funding period limit to amortize the total unfunded accrued liability of the employees' retirement system of the State of Hawaii from thirty years to twenty years. This reduction would lower future costs and be viewed very favorably by the State's bond rating agencies and align the employees' retirement system with new Actuarial Standards of Practice.

SECTION 2. Section 88-21, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

“Maximum funding period”: a period over which the amortization of the unfunded accrued liability shall not exceed twenty-five years as determined by the actuarial valuation as of June 30, 2024, twenty-four years as determined by the actuarial valuation as of June 30, 2025, twenty-three years as determined by the actuarial valuation as of June 30, 2026, twenty-two years as determined by the actuarial valuation as of June 30, 2027, twenty-one years as determined by the actuarial valuation as of June 30, 2028, and twenty years as determined by the actuarial valuation as of June 30, 2029, and thereafter.”

SECTION 3. Section 88-122, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Commencing with fiscal year 2005-2006 and each subsequent fiscal year until fiscal year 2007-2008, the employer contributions for normal cost and accrued liability for each of the two groups of employees in subsection (a) shall be based on fifteen and three-fourths per cent of the member's compensation for police officers, firefighters, and corrections officers and thirteen and three-fourths per cent of the member's compensation for all other employees. Commencing with fiscal year 2008-2009 and each subsequent fiscal year until fiscal year 2011-2012, the employer contributions for normal cost and accrued liability for each of the two groups of employees in subsection (a) shall be based on nineteen and seven-tenths per cent of the member's compensation for police officers, firefighters, and corrections officers and fifteen per cent of the member's compensation for all other employees. In fiscal year 2012-2013, the employer contributions for normal cost and accrued liability for each of the two groups of employees in subsection (a) shall be based on twenty-two per cent of the member's compensation for police officers, firefighters, and corrections officers and fifteen and one-half per cent of the member's compensation for all other employees. In fiscal year 2013-2014, the employer contributions for normal cost and accrued liability for each of the two groups of employees in subsection (a) shall be based on twenty-three per cent of the member's compensation for police

officers, firefighters, and corrections officers and sixteen per cent of the member's compensation for all other employees. In fiscal year 2014-2015, the employer contributions for normal cost and accrued liability for each of the two groups of employees in subsection (a) shall be based on twenty-four per cent of the member's compensation for police officers, firefighters, and corrections officers and sixteen and one-half per cent of the member's compensation for all other employees. Commencing with fiscal year 2015-2016 until fiscal year 2016-2017, the employer contributions for normal cost and accrued liability for each of the two groups of employees in subsection (a) shall be based on twenty-five per cent of the member's compensation for police officers, firefighters, and corrections officers and seventeen per cent of the member's compensation for all other employees. In fiscal year 2017-2018, the employer contributions for normal cost and accrued liability for each of the two groups of employees in subsection (a) shall be based on twenty-eight per cent of the member's compensation for police officers, firefighters, and corrections officers and eighteen per cent of the member's compensation for all other employees. In fiscal year 2018-2019, the employer contributions for normal cost and accrued liability for each of the two groups in subsection (a) shall be based on thirty-one per cent of the member's compensation for police officers, firefighters, and corrections officers and nineteen per cent of the member's compensation for all other employees. In fiscal year 2019-2020, the employer contributions for normal cost and accrued liability for each of the two groups in subsection (a) shall be based on thirty-six per cent of the member's compensation for police officers, firefighters, and corrections officers and twenty-two per cent of the member's compensation for all other employees. Commencing with fiscal year 2020-2021 and each subsequent fiscal year, the employer contributions for normal cost and accrued liability for each of the two groups in subsection (a) shall be based on forty-one per cent of the member's compensation for police officers, firefighters, and corrections officers and twenty-four per cent of the member's compensation for all other employees. The contribution rates shall amortize the total unfunded accrued liability of the entire plan over a period not to exceed ~~[thirty years;]~~ the maximum funding period.

The contribution rates shall be subject to adjustment:

- (1) If the actual period required to amortize the unfunded accrued liability exceeds ~~[thirty years;]~~ the maximum funding period;
- (2) If there is no unfunded accrued liability; or
- (3) Based on the actuarial investigation conducted in accordance with section 88-105."

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, 2024.

(Approved July 3, 2024.)

## **ACT 193**

H.B. NO. 2192

A Bill for an Act Relating to Cemeteries.

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

SECTION 1. The legislature finds that Sunset Memorial Park in Pearl City, Oahu, has been neglected for years and has been the subject of numerous complaints by individuals who have family members buried there. The cemetery

has been described as having a damaged mausoleum, sinking graves, and markers that are hidden under overgrown grass and bushes. The cemetery was owned and operated by a corporation. That corporation, Hawaiian Cemetery Association, Ltd., dba Sunset Memorial Park, involuntarily dissolved in 2010. Garden Crypts, Inc., owns a small portion of the property that is the site of the mausoleum. That entity was involuntarily dissolved in 2006.

Act 193, Session Laws of Hawaii 2018 (Act 193), was enacted to limit liability for the overwhelming number of volunteers maintaining or repairing the cemetery grounds at Sunset Memorial Park. Act 193 further required the department of commerce and consumer affairs, in consultation with the department of accounting and general services, to develop short-term and long-term strategies for the upkeep, repair, and maintenance of Sunset Memorial Park. As a result of Act 193, the department of commerce and consumer affairs worked with a surveyor to map the cemetery and create a website and database to help identify graves at Sunset Memorial Park.

The department of commerce and consumer affairs launched the website portal on February 18, 2022, to provide access to grave marker information at Sunset Memorial Park. This portal also allowed members of the public who have family members buried at the cemetery to share information regarding their plot as well as information on purchased plots that are vacant or unmarked. The department of commerce and consumer affairs did not receive much information regarding plots at the cemetery. Due to the lack of an owner for the cemetery, there are no security measures or services for Sunset Memorial Park, and the Park is often the target of vandalism and desecration, with thieves displacing ashes from copper urns to sell the urns, headstones taken off grave sites, and people from homeless encampments setting fire to the area. The effects of cemetery vandalism are not limited to property damage but can also extend to emotional trauma to the relatives and friends of the decedent whose grave has been damaged or desecrated.

The purpose of this Act is to permit the director of commerce and consumer affairs to appoint a limited owner of a cemetery for which no owner can be found and authorize the limited owner to:

- (1) File complaints, including trespass complaints, with the appropriate law enforcement authorities against persons engaged in wrongful acts at the cemetery; and
- (2) Engage in certain security and perpetual care activities for the cemetery.

SECTION 2. Chapter 662D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§662D- Limited ownership of cemetery grounds.** (a) The director of commerce and consumer affairs, in accordance with subsection (b), may appoint an organization as the limited owner of a cemetery for the purpose of bringing criminal, civil, or administrative complaints, including trespass or other complaints, to secure appropriate relief against persons engaged in wrongful acts.

(b) Appointment of limited ownership shall only be made if the director of commerce and consumer affairs determines that:

- (1) A cemetery has been abandoned;
- (2) A cemetery is in need of perpetual care or protection from wrongful acts; and
- (3) No owner or operator for the cemetery can be located.

(c) Any organization granted limited ownership pursuant to subsection (a) may engage in security and perpetual care activities for the cemetery, including but not limited to:

- (1) The installation of security measures, such as fencing and lighting;
- (2) The implementation of hours of operation;
- (3) Major repair work by contract, such as tree trimming, electrical and plumbing connectivity, and the integration of solar photovoltaic structures;
- (4) The generation and raising of long-term funds to support the cemetery; and
- (5) Any activities in which a volunteer may engage under section 662D-5.

(d) Any organization designated as a limited owner shall be entitled to the same limited liability protections as volunteers under section 662D-5.

(e) Any organization designated as a limited owner shall submit annual reports to the department of commerce and consumer affairs on the status and progress of any new and existing initiatives undertaken to improve the cemetery.

(f) The director of commerce and consumer affairs, in the director's sole discretion, may terminate the limited ownership appointment at any time.

(g) Appointment as a limited owner of a cemetery property under this section shall vest no property rights in or entitlements to the land or property. The limited privileges granted to a limited owner under this section shall not be construed as vested rights and may be revoked at any time at the sole discretion of the director of commerce and consumer affairs. No action, including an action seeking damages, or appeal under chapter 91 may be brought by any person against the director or department of commerce and consumer affairs or against the State relating to an organization's appointment, non-appointment, or termination of a designation as a limited owner, or an organization's actions or omissions as a limited owner.

(h) For purposes of this section, "wrongful acts" includes activities that are illegal pursuant to any federal, state, or county law, rule, or ordinance."

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved July 3, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 194**

S.B. NO. 2960

A Bill for an Act Relating to Farmers.

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

SECTION 1. The legislature finds that nonfarming use of agricultural lands has significantly increased over the past few decades. Homes on agricultural lands are often marketed as "gentlemen estates" where wealthy individuals can purchase large parcels of land on which to live and pursue farming as a hobby.

The legislature further finds that nonagricultural use of agricultural lands conflicts with article XI, section 3, of the Hawaii State Constitution, which mandates that the State "conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands".

The purpose of this Act is to:

- (1) Clarify that agricultural lots shall be used for farming by requiring that purchasers and lessees of farm lots submit proof of using the lots to produce food or conduct other agricultural activities; and
- (2) Authorize certain agricultural cooperative associations to apply for farm lots.

SECTION 2. Section 171-67, Hawaii Revised Statutes, is amended to read as follows:

**“§171-67 Restrictions; conditions.** In addition to ~~[such]~~ other restrictions or conditions that may be established by the board ~~[of land and natural resources]~~ to carry out the purpose of this chapter and ~~[of the provisions of]~~ the state constitution, ~~[a]n~~ each sale, lease, or lease with option to purchase, of a farm lot or ranch lot shall be subject to the following conditions, which shall be covenants running with the land:

- (1) The lot shall be used for farm purposes only;
- (2) The purchaser or lessee shall reside on the premises granted; provided that with the consent of the board, the purchaser or lessee may live off the premises if the purchaser’s or lessee’s residence is within a reasonable distance therefrom;
- (3) The purchaser or lessee shall derive the major portion of the purchaser’s or lessee’s total annual income from the production of the crops or products for which production the land is granted to the purchaser or lessee; provided that this restriction shall not apply if the purchaser or lessee becomes enfeebled or is widowed;
- (4) In the case of a lease, those provisions set forth in sections 171-35, 171-36 and 171-37, unless otherwise specifically provided in this section;
- (5) In the case of a fee simple sale, the improvement required and the specific use or uses intended;
- (6) For a period of five years after the issuance of a patent or lease, the purchaser or lessee shall not sell, sublet, assign, transfer, or in other manner dispose or encumber the whole or any part of the farm lot to any person not qualified to take a farm lot except by way of mortgage, testamentary bequest or devise, intestate succession, or except to a purchaser at or after sale upon the foreclosure of a mortgage[-];
- (7) Within two years after the issuance of a patent or lease, the purchaser or lessee shall submit a farm plan to the department or the responsible governing agency exercising enforcement and jurisdictional oversight;
- (8) Within five years after the issuance of a patent or lease and every five years thereafter, the purchaser or lessee shall submit one of the following to the department:
  - (A) Documentation of a current organic certification from the United States Department of Agriculture;
  - (B) A current plan from the United States Department of Agriculture;
  - (C) Documentation of a current food safety certification from the United States Department of Agriculture; or
  - (D) Receipts for expenditures made within the most recent five years demonstrating an investment of not less than \$10,000 in farm equipment, fertilizers, and soil amendments for use on the farm lot;

- provided that this requirement shall not apply if the purchaser or lessee becomes enfeebled or is widowed or experiences significant economic hardship directly caused by a disaster; and
- (9) Each year, the purchaser or lessee shall submit to the department:
- (A) Excise tax receipts demonstrating annual sales of food generated from the farm lot totaling not less than \$1,000;
  - (B) Evidence of donations of food generated from the farm lot made to one or more organizations exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and valued at not less than \$1,000; or
  - (C) A combination of sales and donations under subparagraphs (A) and (B) totaling not less than \$1,000;
- provided that this requirement shall not apply if the purchaser or lessee becomes enfeebled or is widowed or experiences significant economic hardship directly caused by a disaster.

The violation of any [~~of such~~] restrictions or conditions established under this section shall be sufficient for the board, upon failure of the purchaser or lessee within a reasonable period of time to remedy the default after notice thereof as provided in section 171-20, to take possession of the premises without demand or previous entry and with or without legal process and thereby determine the estate, subject to the provisions contained in section 171-21.”

SECTION 3. Section 171-68, Hawaii Revised Statutes, is amended to read as follows:

**“§171-68 Applicants; qualifications of.** (a) A person shall be eligible to apply for a farm if the person has the qualifications as follows:

- (1) The person has been a resident in the State at any time for at least three years;
- (2) The person is a bona fide farmer[~~];~~ provided that the person meets any of the following criteria:
  - (A) [~~Who has~~] Has not less than two [~~years<sup>2</sup>~~] years of experience as a full-time farmer; [~~or~~]
  - (B) [~~Who was~~] Was an owner-operator of an established farm conducting a substantial farming operation and [~~who~~] for a substantial period of the person’s life resided on a farm or depended on farm income for the person’s livelihood; [~~or~~]
  - (C) [~~Who has~~] Has been a farm tenant or farm laborer or other individual, who has for the two years last preceding the person’s application obtained the major portion of the person’s income from farming operations; [~~or~~]
  - (D) [~~Who has~~] Has a college degree in agriculture; [~~or~~]
  - (E) [~~Who by~~] By reason of ability, experience, and training as a vocational trainee is likely to successfully operate a farm; [~~or~~]
  - (F) [~~Who has~~] Has qualified for and received a commitment for a loan under the Bankhead-Jones Farm Tenant Act as amended, or as may hereafter be amended, for the acquisition of a farm; [~~or~~]
  - (G) [~~Who is~~] Is displaced from employment in an agricultural production enterprise; or
  - (H) [~~Who is~~] Is a member of the Hawaii Young Farmer Association or a Future Farmer of America graduate with two years of training with farming projects; or
- (3) The person meets [~~such~~] any other qualifications [~~as~~] the board [~~of land and natural resources~~] may prescribe pursuant to section 171-6.



- (b) No person shall be entitled to apply for a farm:
- (1) Who, or whose [~~husband or wife,~~] spouse, has previously taken or held land for farm or homesteading under any certificate, lease, or agreement or under any homestead lease or patent based thereon; or
  - (2) Who, or whose [~~husband or wife,~~] spouse, or both of them, owns in fee simple other land in the State, the combined area of which with the land in question exceeds eighty acres; provided that:
    - (A) The ownership of a residence lot or tract, not exceeding three acres in area, shall not disqualify any person otherwise qualified from applying for and receiving any form of farm; and
    - (B) Any person who would otherwise qualify to take a farm lot shall not be disqualified by reason of taking, holding, or owning land for farm or homesteading or otherwise, if the land [~~is~~] is taken, held, or owned becomes unusable for the purpose of farming as defined in section 171-65.

(c) If the person is an association formed under chapter 421, the person shall be eligible to apply for a farm if the association has at least fifty-one per cent ownership by one or more members who satisfy the qualifications under subsection (a)(1) through (3) and who are not disqualified under subsection (b).

~~(e)~~ (d) The terms “farm” and “farmer” as used herein also mean ranch and rancher respectively for the purposes of this 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 July 3, 2024.)

## ACT 195

H.B. NO. 2144

A Bill for an Act Relating to Value-Added Production.

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

SECTION 1. The legislature finds that local food production is integral to the State’s economic development and food security. The legislature recognizes that what the department of health calls “homemade food products” is what most states define as “cottage food”. Cottage food, or homemade food that is sold directly to consumers, is a small but growing industry and is preferred among many consumers who are mindful of responsible sourcing and healthy eating options and those who want to support the local communities and individuals producing the foods they consume.

The legislature further finds that there is great interest in small-scale homemade food operations in the State. However, Hawaii is one of only a few remaining states that does not provide certain exemptions from its department of health regulations for homemade food products.

The legislature believes that supporting homemade food operations in the State would grow small businesses; foster innovation and economic growth; offer locally made alternatives to imported brands; create local employment opportunities; keep more money within the local economy; and increase tax revenues to support the growing needs of the State, including ongoing wildfire relief efforts. Notably, the legislature also believes that expanding opportunities for small-scale homemade food operations will provide a valuable opportunity for

## ACT 196

local entrepreneurs to bring their homemade food products to market and can serve as an essential lifeline for producers impacted by the recent Maui wildfires.

Accordingly, the purpose of this Act is to expand opportunities for producers and consumers of homemade food products by requiring the department of health to:

- (1) Amend the definition of “homemade food products” in its Hawaii Administrative Rules on food safety; and
- (2) Adopt certain rules regarding the sale and delivery of homemade food products.

SECTION 2. No later than December 31, 2024, the department of health shall amend the definition of “homemade food products” under chapter 11-50, Hawaii Administrative Rules, pursuant to chapter 91, Hawaii Revised Statutes, to read as follows:

““Homemade food products” means:

- (1) Not potentially hazardous food produced or packaged in a home kitchen that does not include dried meats or seafood; and
- (2) Foods of plant origin that are pickled, fermented, or acidified, except for cantaloupes and other fruits from the melon family, that are produced or packaged in a home kitchen that have a pH (degree of acidity or alkalinity) of equal to or less than 4.2 and a water activity value that is less than 0.88; provided that any homemade food product containing cut tomatoes, such as salsa, must be kept refrigerated at or below forty-one degrees Fahrenheit.”

SECTION 3. The department of health shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, that allow homemade food products to:

- (1) Be sold by:
  - (A) The homemade food operator for direct sale to the consumer, whether in person or remotely, including by telephone or the Internet; or
  - (B) An agent of the homemade food operator or a third-party vendor, such as a retail shop or grocery store, to the consumer; and
- (2) Be delivered to the consumer by:
  - (A) The homemade food operator;
  - (B) An agent of the homemade food operator or a third-party vendor, such as a retail shop or grocery store;
  - (C) Mail; or
  - (D) Shipping.

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

(Approved July 3, 2024.)

## ACT 196

S.B. NO. 2079

A Bill for an Act Relating to the Importation of Plants and Animals.

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

SECTION 1. Section 150A-5, Hawaii Revised Statutes, is amended to read as follows:

“§150A-5 **Conditions of importation.** The importation into the State of any of the following articles, viz., nursery-stock, tree, shrub, herb, vine,

cut-flower, cutting, graft, scion, bud, seed, leaf, root, or rhizome; nut, fruit, or vegetable; grain, cereal, or legume in the natural or raw state; moss, hay, straw, dry-grass, or other forage; unmanufactured log, limb, or timber, or any other plant-growth or plant-product, unprocessed or in the raw state; soil; microorganisms; live bird, reptile, nematode, insect, or any other animal in any stage of development (that is in addition to the so-called domestic animal, the quarantine of which is provided for in chapter 142); box, vehicle, baggage, or any other container in which ~~[such]~~ the articles have been transported or any packing material used in connection therewith shall be made in the manner hereinafter set forth:

- (1) Notification of arrival. Any person who receives for transport or brings or causes to be brought to the State as freight, air freight, baggage, or otherwise, for the purpose of debarkation or entry therein, or as ship's stores, any of the foregoing articles, shall, immediately upon the arrival thereof, notify the department, in writing, of the arrival, giving the waybill number, container number, name and address of the consignor, name and address of the consignee or the consignee's agent in the State, marks, number of packages, description of contents of each package, port at which laden, and any other information that may be necessary to locate or identify the same, and shall hold ~~[such]~~ the articles at the pier, airport, or any other place where they are first received or discharged, in ~~[such]~~ a manner that they will not spread or be likely to spread any infestation or infection of insects or diseases that may be present until inspection and examination can be made by the inspector to determine whether or not any article, or any portion thereof, is infested or infected with or contains any pest. The department may adopt rules to require identification of specific articles on negotiable and non-negotiable warehouse receipts, bills of lading, or other documents of title for inspection of pests. In addition, the department shall adopt rules to designate restricted articles that shall require:

- (A) A permit from the department in advance of importation; or
- (B) A department letter of authorization or registration in advance of importation.

The restricted articles shall include but not be limited to certain microorganisms or living insects. Failure to obtain the permit, letter of authorization, or registration in advance is a violation of this section;

- (2) Individual passengers, officers, and crew.
  - (A) It shall be the responsibility of the transportation company to distribute, prior to the debarkation of passengers and baggage, the State of Hawaii plant and animal declaration form in paper or electronic form to each passenger, officer, and crew member of any aircraft or vessel originating in the continental United States or its possessions or from any other area not under the jurisdiction of the appropriate federal agency in order that the passenger, officer, or crew member can comply with the directions and requirements appearing thereon. All passengers, officers, and crew members, whether or not they are bringing or causing to be brought for entry into the State the articles listed on the form, shall complete the declaration, except that one adult member of a family may complete the declaration for other family members. Any person who defaces the declaration form required under this section, gives false information, fails to declare restricted articles in the person's possession or

baggage, or fails to declare in cargo manifests is in violation of this section;

- (B) Completed paper forms shall be collected by the transportation company and be delivered, immediately upon arrival, to the inspector at the first airport or seaport of arrival. Completed electronic forms shall be transmitted to the inspector before passengers depart the first airport or seaport of arrival. Failure to distribute or collect paper declaration forms [~~or to~~], immediately deliver completed paper forms, or transmit completed electronic forms before passengers depart the first airport or seaport of arrival is a violation of this section; and
  - (C) It shall be the responsibility of the officers and crew of an aircraft or vessel originating in the continental United States or its possessions or from any other area not under the jurisdiction of the appropriate federal agency to immediately report all sightings of any plants and animals to the plant quarantine branch. Failure to comply with this requirement is a violation of this section;
- (3) Plant and animal declaration form. The form shall include directions for declaring domestic and other animals cited in chapter 142, in addition to the articles enumerated in this chapter;
  - (4) Labels. Each container in which any of the above-mentioned articles are imported into the State shall be plainly and legibly marked, in a conspicuous manner and place, with the name and address of the shipper or owner forwarding or shipping the same, the name or mark of the person to whom the same is forwarded or shipped or the person's agent, the name of the country, state, or territory and locality therein where the product was grown or produced, and a statement of the contents of the container. Upon failure to comply with this paragraph, the importer or carrier is in violation of this section;
  - (5) Authority to inspect. Whenever the inspector has good cause to believe that the provisions of this chapter are being violated, the inspector may:
    - (A) Enter and inspect any aircraft, vessel, or other carrier at any time after its arrival within the boundaries of the State, whether offshore, at the pier, or at the airport, for the purpose of determining whether any of the articles or pests enumerated in this chapter or rules adopted thereto, is present;
    - (B) Enter into or upon any pier, warehouse, airport, or any other place in the State where any of the above-mentioned articles are moved or stored, for the purpose of ascertaining, by inspection and examination, whether or not any of the articles is infested or infected with any pest or disease or contaminated with soil or contains prohibited plants or animals; and
    - (C) Inspect any baggage or personal effects of disembarking passengers, officers, and crew members on aircraft or vessels arriving in the State to ascertain if they contain any of the articles or pests enumerated in this chapter. No baggage or other personal effects of the passengers or crew members shall be released until the baggage or effects have been passed.

Baggage or cargo inspection shall be made at the discretion of the inspector, on the pier, vessel, or aircraft or in any quarantine or inspection area.

Whenever the inspector has good cause to believe that the provisions of this chapter are being violated, the inspector may require that any box, package, suitcase, or any other container carried as ship's stores, cargo, or otherwise by any vessel or aircraft moving between the continental United States and Hawaii or between the Hawaiian Islands, be opened for inspection to determine whether any article or pest prohibited by this chapter or by rules adopted pursuant thereto is present. It is a violation of this section if any prohibited article or any pest or any plant, fruit, or vegetable infested with plant pests is found;

- (6) Request for importation and inspection. In addition to requirements of the United States customs authorities concerning invoices or other formalities incident to importations into the State, the importer shall be required to file a written statement with the department, signed by the importer or the importer's agent, setting forth the importer's desire to import certain of the above-mentioned articles into the State and:
- (A) Giving the following additional information:
- (i) The kind (scientific name), quantity, and description;
  - (ii) The locality where same were grown or produced;
  - (iii) Certification that all animals to be imported are the progeny of captive populations or have been held in captivity for a period of one year immediately ~~prior to~~ before importation or have been specifically approved for importation by the board;
  - (iv) The port from which the same were last shipped;
  - (v) The name of the shipper; and
  - (vi) The name of the consignee; and
- (B) Containing:
- (i) A request that the department, by its duly authorized agent, examine the articles described;
  - (ii) An agreement by the importer to be responsible for all costs, charges, or expenses; and
  - (iii) A waiver of all claims for damages incident to the inspection or the fumigation, disinfection, quarantine, or destruction of the articles, or any of them, as hereinafter provided, if any treatment is deemed necessary.

Failure or refusal to file a statement, including the agreement and waiver, is a violation of this section and may, in the discretion of the department, be sufficient cause for refusing to permit the entry of the articles into the State;

- (7) Place of inspection. If, in the judgment of the inspector, it is deemed necessary or advisable to move any of the above-mentioned articles, or any portion thereof, to a place more suitable for inspection than the pier, airport, or any other place where they are first received or discharged, the inspector is authorized to do so. All costs and expenses incident to the movement and transportation of the articles to ~~such~~ any other place shall be borne by the importer or the importer's agent. If the importer, importer's agent, or transportation company requests inspection of sealed containers of the above-mentioned articles at locations other than where the articles are first received or discharged and the department determines that inspection at ~~such~~ the other place is appropriate, the department may re-

- quire payment of costs necessitated by these inspections, including overtime costs;
- (8) Disinfection or quarantine. If, upon inspection, any article received or brought into the State for the purpose of debarkation or entry therein is found to be infested or infected or there is reasonable cause to presume that it is infested or infected and the infestation or infection can, in the judgment of the inspector, be eradicated, a treatment shall be given such article. The treatment shall be at the expense of the owner or the owner's agent, and the treatment shall be as prescribed by the department. The article shall be held in quarantine at the expense of the owner or the owner's agent at a satisfactory place approved by the department for a sufficient length of time to determine that eradication has been accomplished. If the infestation or infection is of ~~such~~ the nature or extent that it cannot be effectively and completely eradicated, or if it is a potentially destructive pest or it is not widespread in the State, or after treatment it is determined that the infestation or infection is not completely eradicated, or if the owner or the owner's agent refuses to allow the article to be treated or to be responsible for the cost of treatment and quarantine, the article, or any portion thereof, together with all packing and containers, may, at the discretion of the inspector, be destroyed or sent out of the State at the expense of the owner or the owner's agent. ~~Such~~ The destruction or exclusion shall not be made the basis of a claim against the department or the inspector for damage or loss incurred;
  - (9) Disposition. Upon completion of inspection, either at the time of arrival or at any time thereafter should any article be held for inspection, treatment, or quarantine, the inspector shall affix to the article or the container or to the delivery order in a conspicuous place thereon, a tag, label, or stamp to indicate that the article has been inspected and passed. This action shall constitute a permit to bring the article into the State; and
  - (10) Ports of entry. None of the articles mentioned in this section shall be allowed entry into the State except through the airports and seaports in the State designated and approved by the board."

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, 2024.)

ACT 197

S.B. NO. 3365

A Bill for an Act Relating to Plant Care Components.

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

SECTION 1. Chapter 141, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**“§141- Plant care components; fumigation; treatment; certification; fees; restrictions.** (a) The department of agriculture:

- (1) Shall certify plant care component treatments performed within the State;
- (2) May certify and permit entities to conduct plant care component treatments before shipment; and
- (3) Shall deposit any fees collected for certifications of plant care component treatment pursuant to section 150A-21 into the pest inspection, quarantine, and eradication fund established pursuant to section 150A-4.5.

(b) No person shall distribute within the State any plant care component that originated outside the State, unless the plant care component has been treated immediately after entering the State, as certified by the department of agriculture.

(c) No person shall transport any plant care component:

(1) Between the islands of the State; or

(2) From a location within the State to a location outside the State, without prior certification from the department of agriculture that the component has been treated pursuant to this section; provided that the component shall be stored in a manner to prohibit infestation post-treatment.

(d) For the purposes of this section:

“Filter sock” means a mesh tube that contains organic plant material, which is used for erosion control.

“Plant care component” or “component” means any quantity of wood chips, compost, or filter socks.

“Treat” or “treatment” means fumigation or heat treatment.”

SECTION 2. Section 150A-4.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established in the state treasury the pest inspection, quarantine, and eradication fund, into which shall be deposited:

- (1) Legislative appropriations for biosecurity and inspection, quarantine, and eradication services;
- (2) Fees collected pursuant to section 141- (a)(3):
- ~~[(2)]~~ (3) Service fees, charges, and penalties collected under section 150A-5.3;
- ~~[(3)]~~ (4) Fees imposed for services pursuant to this chapter or rules adopted under this chapter;
- ~~[(4)]~~ (5) Fines for violations of this chapter;
- ~~[(5)]~~ (6) Federal funds received for biosecurity, pest inspection, control, management, quarantine, and eradication programs;
- ~~[(6)]~~ (7) Grants and gifts;
- ~~[(7)]~~ (8) All interest earned or accrued on moneys deposited in the fund; and
- ~~[(8)]~~ (9) Any other moneys made available to 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.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved July 3, 2024.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 198

H.B. NO. 2298

A Bill for an Act Relating to Consumer Protection.

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

SECTION 1. The legislature finds that coffee is an important agricultural crop of the State and a highly valued commodity in Hawaii. Despite the premium value of Hawaii-grown coffee, the State has not protected the integrity of the names of coffee origin regions, such as “Kona”, “Kau”, or “Kauai”. Instead, existing law allows coffee blends that contain only very small amounts of coffee beans from these distinctive regions to use the name of those regions on product packaging, a practice that deceives consumers and harms coffee growers.

The legislature further finds that Hawaii law requires that, for coffee products, only ten per cent of the coffee must originate in the geographic area indicated for that product to use the geographic origin name on its label. Other jurisdictions typically require that one hundred per cent of the coffee originate in the geographic area to protect the value, integrity, and reputation of that product and its associated geographic origin name.

The legislature notes that a 2018 publication entitled “Strengthening Sustainable Food Systems Through Geographical Indications: An Analysis of Economic Impacts” by the Food and Agriculture Organization of the United Nations and the European Bank for Reconstruction and Development concluded, among other things, that Kona coffee “does not enjoy any strong protection of its name” from the State and, as a result, downstream stakeholders, rather than farmers, “reap the economic benefits of the fame of Kona”.

The legislature additionally finds that despite existing labeling laws that include specific requirements for font sizes and disclosure of blend percentages, the simple inclusion of a geographic origin name on a product effectively misleads consumers into believing that the product is representative of the specialty product of that region, even though, for example, in a coffee blend that is ten per cent Kona coffee, the flavor of the Kona coffee is often undetectable at such low concentrations. Consumers are then deceived into paying a premium for a “Hawaii” product that does not represent the name on its label. Therefore, a change to the law is needed to protect consumers by ensuring that minimum blend amounts allowed for coffee products that bear geographic origin names constitute a majority of the product from that geographic origin and are sufficient to ensure that the product reflects the quality and character of the region.

The purpose of this Act is to:

- (1) Beginning July 1, 2027, make it a violation of the coffee labeling law to use a Hawaii geographic origin in labeling or advertising for roasted coffee, instant coffee, or ready-to-drink coffee beverage blends that contain less than fifty-one per cent coffee by weight from that geographic origin; and
- (2) Exempt retailers that do not package roasted coffee, instant coffee, or ready-to-drink coffee beverages from liability for the sale of roasted coffee, instant coffee, or ready-to-drink coffee beverages that use a label or advertisement in violation of the coffee labeling law.



SECTION 2. Section 486-120.6, Hawaii Revised Statutes, is amended to read as follows:

**“§486-120.6 Hawaii-grown 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 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 coffee, instant coffee, or ready-to-drink coffee beverages that 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 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 shall be shown on the label. 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. Each geographic origin or regional origin shall be preceded by the per cent 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 be no less than half that

of the identity statement. This list shall appear below the identity statement 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.

(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 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 coffee, instant coffee, or ready-to-drink coffee beverage contains less than:
  - (A) Until June 30, 2027, ten per cent coffee by weight from that geographic origin; and
  - (B) On or after July 1, 2027, fifty-one per cent coffee by weight from that geographic origin;
- (3) Use a geographic origin in labeling or advertising roasted 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 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 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 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 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 coffee, instant coffee, or ready-to-drink coffee beverage if that roasted coffee, instant coffee, or ready-to-drink coffee beverage is not produced entirely from green coffee beans grown and processed in Hawaii;
- (7) Use a geographic origin on the front label panel of a package of roasted coffee, instant coffee, or ready-to-drink coffee beverage other than in the trademark or in the identity statement as authorized in subsection (a)(1) and (2) unless the roasted coffee, instant coffee, 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 coffee, instant coffee, or ready-to-drink coffee beverage unless the roasted coffee, instant coffee, 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 coffee, instant coffee, or ready-to-drink coffee beverage unless the roasted coffee, instant coffee, 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 coffee, instant coffee, or ready-to-drink coffee beverage.

(e) Retailers that do not package roasted coffee, instant coffee, or ready-to-drink coffee beverages shall not be liable for the sale of roasted coffee, instant coffee, or ready-to-drink coffee beverages that use a label or advertisement in violation of this section.

~~(e)~~ (f) Roasters, manufacturers, or other persons who package roasted 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, 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.

~~(f)~~ (g) 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 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 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 3, 2024.)

## ACT 199

H.B. NO. 2278

A Bill for an Act Relating to Labeling of Macadamia Nuts.

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

SECTION 1. The legislature finds that Hawaii-grown commodities are an important sector of Hawaii’s economy, and the branding of such commodities is critical to protect and safeguard consumers from fraudulent representations of the commodity’s geographic origin. The macadamia nut production industry in Hawaii is one such example. According to statistics from the United

States Department of Agriculture National Agricultural Statistics Service, the value of the macadamia nut crop in Hawaii in 2022 totaled \$33,200,000.

The legislature further finds that macadamia nuts are a popular ingredient incorporated into a variety of products, such as breads, cookies, energy bars, and other baked goods, candies, milk, and ice cream. In such products, macadamia nuts are not the main product, rather macadamia nuts are a part of another product. The legislature notes that it is not the intent of this Act to extend any labeling requirements to these products.

Accordingly, the purpose of this Act is to enhance, preserve, and protect the premium brand of Hawaii-grown macadamia nuts by providing clarity under the labeling requirements for macadamia nuts, including adding a statement indicating that a product may contain macadamia nuts grown outside Hawaii.

SECTION 2. Section 486-120.5, Hawaii Revised Statutes, is amended to read as follows:

**§486-120.5 Macadamia nuts; labeling requirements.** (a) If a label on a consumer package contains language that all of the raw or processed macadamia nuts contained in the package were grown in ~~[Hawaii,]~~ the State, the label shall be worded, “100% Hawaii-Grown Macadamia Nuts”, “Hawaii-Grown Macadamia Nuts”, “100% Hawaiian Macadamia Nuts”, or “Hawaiian Macadamia Nuts”, and shall appear on the principal display panel of the package.

(b) ~~If [a label on] a [consumer package] product contains [language that a portion of the] raw or processed macadamia nuts [contained in the package was] grown [in Hawaii,] outside the State, the product shall have a label [shall be worded “Hawaii-Grown Macadamia Nuts”, preceded by the per cent by weight of the macadamia nuts contained in the package that were grown in Hawaii, and shall appear on the principal display panel of the package. The per cent by weight of the macadamia nuts in the package shall be the percentage calculated by dividing the weight in pounds of the macadamia nuts grown in Hawaii that are in the package by the weight in pounds of all macadamia nuts in the package and multiplying the quotient by one hundred.] that includes the following statement: “This product contains macadamia nuts grown outside Hawai’i.”.~~

(c) All nonconsumer packages containing macadamia nuts grown in the State and introduced into intrastate or interstate commerce shall bear on the package a label containing language that the package contains Hawaii-grown macadamia nuts. This label shall be in addition to all other labeling requirements specified in this chapter.

(d) Any person keeping, offering, displaying, exposing for sale, or soliciting for sale, any raw or processed macadamia nut product~~[- which]~~ that represents or ~~[which]~~ is branded or labeled that all ~~[or a percentage]~~ or portion of the macadamia nuts were grown in ~~[Hawaii,]~~ the State, shall make available to the administrator, upon demand, documented proof that the amount of macadamia nuts represented to be grown in the State, was grown in the State.

(e) It shall be a violation of this part~~[:]~~ to use a label:

(1) ~~[To use a label containing]~~ Containing the words, “100% Hawaii-Grown Macadamia Nuts”, “Hawaii-Grown Macadamia Nuts”, “100% Hawaiian Macadamia Nuts”, or “Hawaiian Macadamia Nuts”, or similar wording, or to otherwise represent that all of the macadamia nuts in the package were grown in ~~[Hawaii,]~~ the State, if any portion of the macadamia nuts contained in the package was not grown in the State;

(2) ~~[To use a label, as]~~ As provided for under subsection (b), ~~[containing]~~ without the words ~~[“Hawaii-Grown Macadamia Nuts” preceded by a percentage, if less than the specified percentage or none of~~

- ~~the macadamia nuts in the package was grown in the State;] “This product contains macadamia nuts grown outside Hawai‘i.”; or~~
- (3) ~~[To use a label representing]~~ Representing that any of the macadamia nuts contained in the package was grown in the State, if none of the macadamia nuts contained in the package was grown in the State.
- (f) Any person who violates this section shall be subject to penalties under section 486-32.
- ~~(g) This section shall not apply to products that contain any other ingredient, except seasonings and flavorings, in addition to macadamia nuts.~~
- ~~(h) If this section or any provision of this section conflicts at any time with federal law, then the federal law shall prevail and this section or the relevant provisions of this section shall become ineffective and invalid. The ineffectiveness or invalidity of this section or any of its provisions shall not affect any other provisions or applications of this chapter which shall be given effect without the invalid provision or application, and to this end, the provisions of this section are severable.~~
- ~~(i) For purposes of this section:  
“Flavoring” means a substance that contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf or any other edible portions of a plant, meat, seafood, poultry, eggs, dairy products, or fermentation products thereof, whose primary function in food is flavoring rather than nutritional.  
“Ingredient” means something that enters into a compound or is a component part of any combination or mixture.  
“Seasoning” means salt, pepper, herbs, or spices.”~~

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, 2026.

(Approved July 3, 2024.)

## ACT 200

S.B. NO. 2284

A Bill for an Act Relating to a Wildfire Forecast System for Hawaii.

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

SECTION 1. The legislature finds that requiring the university of Hawaii to establish a two-year program to develop a wildfire forecast system for the State using artificial intelligence is a matter of statewide concern pursuant to article X, section 6, of the Hawaii State Constitution.

SECTION 2. (a) The university of Hawaii shall establish and implement a two-year program to develop a wildfire forecast system for the State using artificial intelligence. The university of Hawaii shall develop the system to forecast the risk of wildfire statewide and thus enhance public safety, preparedness, and risk mitigation, including improving the preparedness of firefighters and enabling residents to take fire mitigation measures for their homes and to plan for evacuations.

(b) The university of Hawaii shall submit a report on the effectiveness of the program and any findings and recommendations, including any proposed

## ACT 201

legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2026.

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 2024-2025 for the development of the wildfire forecast system pursuant to section 2 of this Act.

The sum appropriated shall be expended by the university of Hawaii for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved July 5, 2024.)

## ACT 201

H.B. NO. 1842

A Bill for an Act Relating to Fire Prevention.

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

SECTION 1. The legislature finds that following the Maui wildfires in August of 2023, the speaker of the state house of representatives established six bipartisan interim working groups tasked with evaluating specific topics in the aftermath of the wildfires and making recommendations for appropriate legislative action in the regular session of 2024. Members of the working groups collaborated with federal, state, and county agencies, along with community stakeholders and interested parties, to identify immediate issues that require temporary or transitional relief for the people and businesses of west Maui.

The legislature further finds that the wildfire prevention working group was specifically tasked with identifying the causes of wildfires and preventative action that may be taken to reduce the risk of wildfires throughout the State and preparing recommendations for appropriate legislative action. All working groups released a joint final report in December 2023 detailing their findings and recommendations.

The purpose of this Act is to adopt the recommendation of the wildfire prevention working group to increase:

- (1) Monetary penalties for violations of state fire protection laws to improve compliance with state and county fire codes; and
- (2) Criminal penalties for arson in the fourth degree during red flag warnings.

SECTION 2. Section 132-13, Hawaii Revised Statutes, is amended to read as follows:

**“§132-13 Penalty.** Any owner, occupant, or other person having control over or charge of any building, structure, or other premises who violates any provision of this chapter or any law, ordinance, or rule relating to protection from fire loss or who fails or refuses to comply with any order of the county fire chief shall be fined ~~no~~ no more than ~~[\$500]~~ \$2,500 or imprisoned ~~no~~ no more than thirty days, or both. Each day that a violation exists or continues to exist shall constitute a distinct and separate offense for which the violator may be punished. Penalties for continuing violations shall be assessed from the earliest known date of the violation.”

SECTION 3. Section 708-8254, Hawaii Revised Statutes, is amended to read as follows:

**“§708-8254 Arson in the fourth degree.** (1) A person commits the offense of arson in the fourth degree if the person intentionally, knowingly, or recklessly sets fire to, or causes to be burned, property and thereby damages the property of another without the other’s consent.

(2) ~~[Arson]~~ Except as provided in subsection (3), arson in the fourth degree [is] shall be a misdemeanor.

(3) Arson in the fourth degree shall be a class C felony if the act was committed during the time period and within the geographic area in which a red flag warning was in effect. The state of mind requirement for the offense shall not be applicable to the fact that the red flag warning was in effect at the time and within the geographic area in which the act was committed. The state of mind requirement applicable to the attendant circumstance that the red flag warning was in effect at the time and within the geographic area in which the act was committed shall be negligence.

For purposes of this subsection, “red flag warning” means the weather warning issued by the National Weather Service to indicate that warm temperatures, very low humidities, and stronger winds are expected to combine to produce an increased risk of fire danger.”<sup>1</sup>

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

(Approved July 5, 2024.)

**Note**

1. So in original.

**ACT 202**

H.B. NO. 2742

A Bill for an Act Relating to the Landlord-Tenant Code.

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

SECTION 1. The legislature finds that, due to the August 2023 Maui wildfires, thousands of Hawaii residents have lost their jobs and have been unable to pay their rent. The governor has issued proclamations relating to wildfires to provide protections for tenants struggling to pay rent during this time, including an eviction moratorium that prohibits any eviction from a residential dwelling unit for failure to pay rent. The legislature finds, however, that the eviction moratorium will eventually expire. Therefore, a balanced approach is needed to encourage communications and facilitate mediation between landlords and tenants to help reduce the large number of summary possession proceedings that are expected to follow the expiration of certain wildfire proclamations.

Accordingly, the purpose of this Act is to establish a pre-litigation mediation procedure for tenancies that are subject to the eviction moratorium issued under the governor’s emergency proclamations relating to wildfires once the eviction moratorium expires. The procedure includes:

(1) Requiring landlords to:

- (A) Provide tenants a fifteen-calendar-day written notice before bringing an action for summary possession of the dwelling unit;
  - (B) Provide the notice to a state-funded mediation center that offers free mediation for residential landlord-tenant matters; and
  - (C) Engage in mediation and delay filing of the action for summary possession if a tenant schedules or attempts to schedule a mediation;
- (2) Prohibiting landlords from bringing summary possession actions for failure to pay rent unless the rent amount due exceeds certain months' worth depending on the period passed after the expiration of the final eviction moratorium; and
  - (3) Requiring tenants and landlords to be responsible for their own attorney's fees and costs related to pre-litigation mediation.

SECTION 2. Chapter 521, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§521- Pre-litigation mediation for tenancies subject to certain emergency proclamations.** (a) This section shall apply to any tenancy subject to suspension of sections 521-68 and 521-71 and chapter 666, under emergency proclamations issued by the governor and relating to wildfires when it becomes legally permissible to terminate a residential tenancy for nonpayment of rent.

(b) A landlord or the landlord's agent, any time after rent is due, may demand payment thereof and notify the tenant in writing that unless payment is made within a time period mentioned in the notice as provided in subsection (c), not less than fifteen calendar days after receipt thereof, the rental agreement shall be terminated. If the tenant cannot be served with notice as required, notice may be given to the tenant by posting the same in a conspicuous place on the dwelling unit, and the notice shall be deemed received on the date of posting. If the tenant remains in default, the landlord may thereafter bring a summary proceeding for possession of the dwelling unit or any other proper proceeding, action, or suit for possession, subject to subsections (c) through (j). The notice required in this section need not be given if the action is based on the breach of a mediated agreement or other settlement agreement.

(c) The fifteen-calendar-day notice shall provide, at a minimum, the following information:

- (1) The name of the landlord or the landlord's agent and the landlord's or landlord's agent's contact information, including, if possible, phone number, electronic mail address, and mailing address;
- (2) The address of the dwelling unit subject to the rental agreement;
- (3) The name and contact information of each tenant, including, if possible, phone number, electronic mail address, and mailing address;
- (4) The monthly rental rate of the dwelling unit;
- (5) The current amount of the rent due as of the date of the notice, after applying all rent paid from all sources;
- (6) Whether the landlord or landlord's agent has applied for rental assistance or been contacted on behalf of the tenant by any agency providing rental assistance;
- (7) That any rental assistance received by the landlord or landlord's agent has been credited to the tenant's amount due;
- (8) That a copy of the fifteen-calendar-day notice being provided to the tenant is also being provided to the mediation center to be identified by the landlord and, in accordance with subsection (d), in order for



- the mediation center to contact the landlord and tenant to attempt to schedule a mediation regarding the nonpayment of rent;
- (9) That the mediation center will provide proof to the landlord that the notice was received and provide confirmation of the scheduled date and time of mediation;
  - (10) That the landlord or landlord's agent may file an action for summary possession if the rent due is not paid and if mediation is not scheduled within fifteen calendar days after the tenant's receipt of the fifteen-calendar-day notice, regardless of whether the scheduled mediation session occurs within the fifteen calendar days;
  - (11) A warning in bold typeface print that says: **"If mediation is not scheduled within fifteen calendar days after receipt of the notice, regardless of whether the scheduled mediation session occurs within the fifteen-calendar-day period, then the landlord may file an action for summary possession after the expiration of the fifteen-calendar-day period. If mediation is scheduled before the expiration of the fifteen-calendar-day period, regardless of whether the scheduled mediation session occurs within the fifteen calendar days, then the landlord shall only file an action for summary possession after the expiration of thirty calendar days following the tenant's receipt of the fifteen-calendar-day notice. If the tenant cancels the scheduled mediation or does not appear at the scheduled mediation, the landlord may file the summary possession action immediately and shall not be required to wait for the expiration of the thirty calendar days. If the fifteen-calendar-day notice was mailed, receipt of notice shall be deemed to be two days after the date of the postmark. If the fifteen-calendar-day notice was posted on the premises, receipt of notice shall be deemed to be the date of posting. If an agreement is reached before the filing of an action for summary possession, whether through mediation or otherwise, then the landlord shall not bring an action for summary possession against the tenant, except as provided in any agreement that may be reached. The landlord shall be required to note the status of the mediation or settlement effort and proof of sending or posting the fifteen-calendar-day notice to the mediation center in the action for summary possession."**;
  - (12) Notice that the eviction may be subject to additional requirements and protections under state or federal law and that the tenant is encouraged to seek the tenant's own legal advice regarding their rights and responsibilities; and
  - (13) That the landlord or landlord's agent and tenant shall engage in mediation if mediation is scheduled.
- (d) The landlord or the landlord's agent shall provide the fifteen-calendar-day notice to any mediation center funded by the State that offers free mediation for residential landlord-tenant matters. The mediation center shall contact the landlord or landlord's agent and the tenant to schedule the mediation within fifteen calendar days of receipt of the landlord's notice pursuant to subsection (c). The mediation center shall offer to facilitate the mediation using remote means, such as video conferencing, telephone, or other similar means, and shall not require in-person mediation. If a tenant schedules mediation within the fifteen-calendar-day period, regardless of whether the scheduled mediation session occurs within the fifteen-calendar-day period, the landlord shall only file a summary proceeding for possession after the expiration of thirty calendar days from the date of the tenant's receipt of the landlord's notice. If the tenant schedules mediation, the landlord and tenant shall participate. If the tenant schedules

but then cancels a mediation, or if the tenant does not appear at the scheduled mediation, the landlord may file the action for summary possession immediately and shall not be required to wait for the expiration of the thirty calendar days.

(e) The summary possession complaint for nonpayment of rent shall include:

- (1) A document or documents from the mediation center verifying that the landlord provided a copy of the required fifteen-calendar-day notice to the mediation center;
- (2) A statement as to whether the landlord or landlord's agent and tenant have participated in, or will participate in, any scheduled mediation; and
- (3) If mediation is pending, the date on which the mediation is scheduled.

(f) If the mediation has not occurred as of, or been scheduled for a future date after, the return hearing date on the summary possession complaint, the court, in its discretion and based on a finding of good cause, may order a separate mediation.

(g) If the mediation has occurred as of the return hearing date on the summary possession complaint, the court, in its discretion and based on a finding of good cause, may order a separate mediation.

(h) If there is any defect in the fifteen-calendar-day notice described in subsection (c) provided by the landlord, and the court determines that the defect was unintentional and immaterial, the court may allow the landlord to cure the defect without dismissing the action for summary possession.

(i) No landlord may bring an action for summary possession for a tenant's failure to pay rent except pursuant to this section and as follows:

- (1) Beginning on the first day after the expiration date of the final eviction moratorium through the thirtieth day after the expiration date of the final eviction moratorium, the rent due shall be equal to or greater than four months of rent;
- (2) Beginning on the thirty-first day after the expiration date of the final eviction moratorium through the ninety-first day after the expiration date of the final eviction moratorium, the rent due shall be equal to or greater than three months of rent;
- (3) Beginning on the ninety-second day after the expiration date of the final eviction moratorium through the one hundred fifty-second day after the expiration date of the final eviction moratorium, the rent due shall be equal to or greater than two months of rent; and
- (4) Beginning on the one hundred fifty-third day after the expiration date of the final eviction moratorium through the three hundred sixty-fifth day after the expiration date of the final eviction moratorium, the rent due shall be equal to or greater than one month rent.

For purposes of this subsection, "final eviction moratorium" means an emergency proclamation or supplementary proclamation, or any extension thereof, issued by the governor and relating to wildfires, that prohibits any eviction from a residential dwelling for a failure to pay rent, and either is not intended to be renewed by the governor or, if renewed or extended, is not intended to include any prohibition related to evictions from a residential dwelling unit for failure to pay rent; provided that nothing in this section shall prevent the governor from either renewing or issuing a new emergency proclamation that contains a prohibition against eviction from a residential dwelling for failure to pay rent if that intention should change.

(j) Each tenant and landlord shall be responsible for bearing the party's own costs, including attorney's fees, relating to the mediation.

(k) A landlord or the landlord's agent may bring an action for rent alone at any time after the landlord has demanded payment of past due rent and notified the tenant of the landlord's intention to bring such an action. "

SECTION 3. The suspension of sections 521-68 and 521-71, Hawaii Revised Statutes, and chapter 666, Hawaii Revised Statutes, in effect as of July 1, 2024, under the various proclamations issued by the governor and relating to wildfires may continue until termination of the proclamation by the governor or expiration of the proclamation.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$410,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the judiciary to contract for mediation services required by this Act.

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

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date; provided that any contract in effect prior to the effective date of this Act that is subsequently renewed or extended on or after the effective date of this Act shall comply with the requirements of this Act.

SECTION 6. This Act shall not be applied so as to impair any contract existing as of the effective date of this Act in a manner violative of either the Hawaii State Constitution or article I, section 10, of the United States Constitution.

SECTION 7. New statutory material is underscored.<sup>1</sup>

SECTION 8. This Act shall take effect on July 1, 2024; provided that the governor shall notify the chief justice, legislature, and revisor of statutes no later than twenty days prior to the expiration of the final eviction moratorium identified in section 2 of this Act, that the governor will not issue any further eviction moratoria in response to the wildfires; provided further that section 2 of this Act shall take effect on the date of the expiration of the final eviction moratorium identified in section 2 of this Act; provided further that on December 31, 2026, or upon the one-year anniversary of the expiration date identified by the governor, whichever occurs first, all provisions of this Act except section 4 shall be repealed.

(Approved July 5, 2024.)

#### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 203

S.B. NO. 2782

A Bill for an Act Related to Electronic Information Technology.

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

SECTION 1. The legislature finds that the Lahaina community faces many challenges in the aftermath of the August 8, 2023, Maui wildfires. With its

unique demographic composition, Lahaina witnessed specific difficulties during the crisis due to language barriers, including challenges in receiving timely and accurate information and assistance. Notably, thirty-two per cent of Lahaina's 9,118 residents are foreign-born, a statistically significant difference compared to the 18.8 per cent statewide average. Furthermore, thirty-six per cent of individuals aged five years and older in Lahaina speak a language other than English at home, a significant difference compared to the 25.9 per cent statewide average.

The legislature further finds that electronic information technology developed, purchased, used, modified, or provided by a state entity must be made accessible to persons with limited English proficiency as provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); Executive Order No. 13166; Executive Order No. 14031; and chapter 321C, Hawaii Revised Statutes. Electronic information is rapidly replacing print media, and all residents need access to technology to work and participate fully in state programs, services, and activities.

The purpose of this Act is to address language barriers and ensure equitable access to information and assistance for all residents, especially those with limited English proficiency.

SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended by adding a new section to part VII to be appropriately designated and to read as follows:

**“§27- Multilingual accessibility standards.** (a) The office of enterprise technology services, in consultation with the office of language access, shall develop multilingual accessibility standards to provide technical guidance to state entities regarding public access to vital information and documents. These multilingual accessibility standards shall:

- (1) Encourage state entities to implement language accessibility cost-effectively, taking into consideration the unique challenges and circumstances of each state entity;
- (2) Include functional performance criteria and technical requirements for multilingual accessibility standards;
- (3) Provide recommendations for procurement provisions that can be incorporated into existing state procurement processes to conform to multilingual accessibility standards;
- (4) Offer other guidance for planning, reporting, and monitoring to ensure that state entities implement the multilingual accessibility standards without impeding modernization efforts; and
- (5) Apply to electronic information technology developed, purchased, used, modified, or provided by a state entity to assure access to language services as required by federal and state law, rules, and regulations.

The office of enterprise technology services, in consultation with the office of language access, shall review the multilingual accessibility standards every three years, or more frequently if the chief information officer deems it necessary, and amend the standards to reflect advances or changes in electronic information technology rules or superseding federal rules, regulations, and guidance.

(b) For purposes of this section:

“Access” or “accessibility” means to be informed of, participate in, and benefit from the services, programs, and activities offered by a state entity.

“State entity” means the executive, legislative, or judicial branch of state government or any department, office, commission, board, or other agency of the executive, legislative, or judicial branches of state government.”

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 2024-2025 to establish one full-time equivalent (1.0 FTE) permanent program manager position for the office of enterprise technology services.

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

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved July 5, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 204**

S.B. NO. 3290

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 American Sign Language (ASL) interpreters provide a critical service to deaf, hard of hearing, deaf-blind, and hearing individuals, and to public agencies in the State, that wish to effectively communicate with each other in a variety of settings and circumstances. Despite the increase in requests for ASL interpreting services, there has been increased difficulty in the recruitment of individuals who are qualified to serve as ASL interpreters.

The legislature further finds that there remains a critical need to develop an ASL interpreter workforce and that acquiring additional information on the current condition of ASL interpreting in Hawaii would help provide a firm foundation to ensure greater access for individuals to receive ASL interpretation services in the State during emergencies and daily life activities and address other current and future issues relating to this critical service.

Accordingly, the purpose of this Act is to require the disability and communication access board to convene a working group to study the state of American Sign Language interpretation services in Hawaii.

SECTION 2. (a) The disability and communication access board shall convene a working group to:

- (1) Study the state of American Sign Language interpretation services in Hawaii; and
  - (2) Investigate and study any means, methods, processes, or systems that might improve the provision of American Sign Language interpretation services in the State.
- (b) The working group shall consist of the following members:
- (1) A representative from the disability and communication access board, who shall serve as chairperson of the working group;
  - (2) A representative from the department of human services division of vocational rehabilitation;
  - (3) A representative from the department of education;

- (4) A professor from the university of Hawaii who teaches American Sign Language;
  - (5) A member of the deaf and blind task force;
  - (6) An individual who currently serves as an American Sign Language interpreter, who shall be invited by the chairperson of the working group; and
  - (7) Any additional members deemed necessary by the chairperson of the working group.
- (c) The working group, with the assistance of the department of health, shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than December 31, 2024.
- (d) The working group shall be dissolved on June 30, 2025.
- (e) The invited members of the working group shall serve without compensation, but shall be reimbursed for reasonable expenses incurred, including travel expenses.
- (f) No member of the working group shall be made subject to chapter 84, Hawaii Revised Statutes, solely because of that member's participation as a member of the working group.

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

(Approved July 5, 2024.)

**ACT 205**

S.B. NO. 2983

A Bill for an Act Relating to Solicitation of Funds from the Public.

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

SECTION 1. Chapter 467B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§467B- Charitable fundraising platforms; platform charities.** (a) Each charitable fundraising platform shall be subject to the department's supervision for activities regulated by this section. Before soliciting, permitting, or otherwise enabling any solicitations for purported charitable purposes, a charitable fundraising platform shall register with the department on a form provided by the department. Registrations under this section shall be subject to an annual report and an annual renewal fee imposed by the department. Fee revenues from this section shall be deposited into the solicitation of funds for charitable purposes special fund.

(b) A platform charity shall be subject to the department's supervision. The platform charity shall register with the department as a platform charity before conducting activities regulated by this section.

(c) Each charitable fundraising platform and platform charity shall file periodic reports with the department on a form provided by the department. Reports shall be filed pursuant to section 467B-12. Each report shall:

- (1) Enable the department to ascertain whether charitable funds have been properly solicited, received, held, controlled, or distributed;
- (2) Provide information on the number of donations made, amount raised, length of time for distributing donations or grants of recommended donations, fees charged by or through a charitable fundraising platform or platform charity, and names of recipient charitable organizations or other charitable organizations that were

sent or have not yet been sent donations or grants of recommended donations; and

- (3) Protect from disclosure any personally identifiable information of donors or other users of the charitable fundraising platform.
- (d) No platform charity shall facilitate acts of solicitation on a charitable fundraising platform unless the platform charity is in good standing.
- (e) A charitable fundraising platform or platform charity shall only solicit, permit, or otherwise enable solicitations, or receive, control, or distribute funds from donations for purported charitable purposes for recipient charitable organizations or other charitable organizations in good standing. To determine good standing of a recipient charitable organization or other charitable organization, a charitable fundraising platform or platform charity may rely on electronic lists periodically published by the Internal Revenue Service, department of taxation, or department.
- (f) With respect to purported charitable purposes, a charitable fundraising platform or platform charity that performs, permits, or otherwise enables solicitation activities shall, before a person can complete a donation or select or change a recipient charitable organization, provide conspicuous disclosures that reduce the likelihood of deception, confusion, or misunderstanding, including:
  - (1) A statement that donations are made to the charitable fundraising platform, platform charity, recipient charitable organization, or person engaging in peer-to-peer charitable fundraising, whichever is applicable;
  - (2) A statement that a recipient charitable organization may not receive donations or grants or recommended donations, with an explanation identifying the most pertinent reasons under which a recipient charitable organization may not receive the funds; provided that the explanation as to the maximum length of time may be provided through a conspicuous hyperlink, so long as the disclosure is conspicuous when the hyperlink is selected; provided further that this paragraph shall not apply when there are no circumstances under which a recipient charitable organization may not receive the funds;
  - (3) The maximum length of time it will take to send the donation or a grant of the recommended donation to a recipient charitable organization with an explanation of the time needed, unless the donation is sent contemporaneously to a recipient charitable organization after the donation is made; provided that the explanation as to the maximum length of time may be provided through a conspicuous hyperlink, so long as the disclosure is conspicuous when the hyperlink is selected;
  - (4) The fees or any other amounts that will be deducted from or added to the donation or a grant of the recommended donation and that are charged or retained by the charitable fundraising platform, platform charity, or any other partnering vendor, other than any applicable digital payment processing fees; and
  - (5) A statement as to the tax deductibility of the donation.
- (g) Each charitable fundraising platform or platform charity that solicits, permits, or otherwise enables solicitations shall obtain the written consent of a recipient charitable organization before using the recipient charitable organization's name in a solicitation for a purported charitable purpose. Written consent shall be provided directly to the charitable fundraising platform or platform charity, or may be provided to a charitable fundraising platform or platform charity by one authorized officer, director, trustee, or other duly authorized representative of the recipient charitable organization and may apply to multiple

affiliated charitable fundraising platforms expressly identified in the agreement providing consent.

(h) After a donor contributes donations and with respect to purported charitable purposes, the charitable fundraising platform or platform charity shall promptly provide a tax donation receipt to the donor in a format determined by the department.

(i) The charitable fundraising platform or platform charity shall not divert or otherwise misuse any donations made for purported charitable purposes that the charitable fundraising platform or platform charity receives through solicitation on the charitable fundraising platform, and shall hold the donations in a separate account or accounts from other funds belonging to the charitable fundraising platform or platform charity. The charitable fundraising platform or platform charity shall promptly ensure that donations and grants of recommended donations are sent to the recipient charitable organizations with an accounting of any fees assessed for processing the funds, and in accordance with any rules adopted by the department pursuant to chapter 91. A platform charity shall be vicariously liable for a charitable fundraising platform’s misuse of funds, and vice versa.

(j) If a charitable fundraising platform or platform charity enters into any contract with a vendor to solicit, receive, control, process, distribute, and otherwise account for donations on the charitable fundraising platform, the contract shall be available for inspection by the department.

(k) As used in this section, “good standing” means that a platform charity, recipient charitable organization, or other charitable organization’s tax-exempt status has not been revoked by the Internal Revenue Service or is not prohibited from soliciting or operating in the state by the department.”

SECTION 2. Section 467B-1, Hawaii Revised Statutes, is amended as follows:

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

““Charitable fundraising platform” means any person that uses the Internet to provide an internet website, service, or other platform to persons in the State, and performs, permits, or otherwise enables acts of solicitation to occur, which includes the following and any similar activity:

- (1) Listing or referencing by name one or more recipient charitable organizations to receive donations or grants of recommended donations made by the platform based on purchases made or other activity performed by persons who use the platform; and
- (2) Providing to charitable organizations a customizable internet-based website, software as a service, or other platform that allows charitable organizations to solicit or receive donations on or through the platform, including through peer-to-peer charitable fundraising; provided that the customizable platform provided by the charitable fundraising platform does not include the charitable organization’s own platform, but may integrate with the charitable organization’s platform.

“Charitable fundraising platform” does not include:

- (1) A charitable organization’s own platform that solicits donations only for itself;
- (2) A vendor that solely provides technical or supportive services to a charitable fundraising platform so that the charitable fundraising platform can function and operate, including vendors used for hosting or domain services, security certificates, internet access, internet



application development, or digital payment processing. If that vendor also performs, permits, or otherwise enables acts of solicitation described by paragraph (1) on its own platform to persons in the State, it is a charitable fundraising platform for its own platform;

- (3) A sponsoring organization of donor advised funds that solicits donors to open donor advised fund accounts or similar accounts, receives recommendations from donors on charitable organizations that may receive grants of funds previously contributed to the sponsoring organization for a donor's donor advised fund account, and the sponsoring organization does not list or reference by name one or more recipient charitable organizations for solicitation purposes on its platform for persons who do not have advisory privileges with respect to the granting of funds in a donor advised fund of the sponsoring organization; or
- (4) A person or entity that meets the definitions of both a professional solicitor and a charitable fundraising platform is only a professional solicitor when the person or entity for compensation performs any of the following acts of solicitation:
- (A) Direct mail solicitation, excluding electronic mail or messages;
  - (B) Estate gift or estate planning solicitation;
  - (C) In-person solicitation through a fundraising event, door-to-door or other public spaces, or a vending machine or similar equipment that does not use a person to perform the solicitation;
  - (D) Noncash solicitation;
  - (E) Nonincidental acts of solicitation that are not internet based, including solicitation through print, radio, or television;
  - (F) Solicitation involving receiving something of value, or a chance to win something of value, in connection with a donation; or
  - (G) Telephone solicitation.

"Donor advised fund" shall have the same meaning as in section 4966(d)(2) of the Internal Revenue Code of 1986, as amended.

"Peer-to-peer charitable fundraising" means a solicitation campaign created by a person to support a recipient charitable organization, through or with other assistance provided by a charitable fundraising platform or platform charity.

"Platform charity" means a charitable organization that facilitates acts of solicitation on a charitable fundraising platform, which includes either of the following and any similar activity:

- (1) Solicits donations through a charitable fundraising platform for itself from donors who use the charitable fundraising platform with the implied or express representation that the platform charity may grant donations to recipient charitable organizations; or
- (2) Grants funds to recipient charitable organizations based on purchases made or other activity performed by persons who use a charitable fundraising platform.

"Platform charity" does not include a sponsoring organization of donor advised funds that solicits donors to open donor advised fund accounts or similar accounts, receives recommendations from donors on charitable organizations that may receive grants of funds previously contributed to the sponsoring organization for a donor's donor advised fund account, and the sponsoring organization does not list or reference by name one or more recipient charitable organizations for solicitation purposes on its platform for persons who do not have advisory

privileges with respect to the granting of funds in a donor advised fund of the sponsoring organization.

“Recipient charitable organization” means a charitable organization that is listed or referenced by name on a charitable fundraising platform or by a platform charity for solicitation purposes.”

2. By amending the definition of “charitable sales promotion” to read:  
 ““Charitable sales promotion” means an advertising or sales campaign, conducted by a commercial co-venturer, charitable fundraising platform, or platform charity, that represents that the purchase or use of goods or services offered by the commercial co-venturer, charitable fundraising platform, or platform charity will benefit, in whole or in part, a charitable organization or charitable purpose.”

3. By amending the definition of “gross revenue” to read:  
 ““Gross revenue” means income of any kind from all sources, including all amounts received as the result of any solicitation by a professional solicitor[-], charitable fundraising platform, or platform charity.”

4. By amending the definition of “owner” to read:  
 ““Owner” means any person who has a direct or indirect interest in any professional fundraising counsel [øf], professional solicitor[-], charitable fundraising platform, or platform charity.”

SECTION 3. Section 467B-1.5, Hawaii Revised Statutes, is amended to read as follows:

**“§467B-1.5 Professional solicitors[;], charitable fundraising platforms, platform charities; required disclosures.** (a) Every professional solicitor, charitable fundraising platform, platform charity, and every employee or agent thereof, who solicits contributions from a prospective donor or contributor in this State shall at the outset of any oral or written request for a contribution:

- (1) Identify themselves by their true surname and first name, and the name of their employer or the contractor as the case may be, that is compensating the individual making the solicitation;
- (2) Identify the name of the professional solicitor, charitable fundraising platform, or platform charity registered with the department [~~of the attorney general~~] that has contracted with the charitable organization to provide the solicitation services and, if the individual is employed by a subcontractor, the name of the registered subcontractor;
- (3) Disclose that the person making the oral or written request for a donation is being paid to make such solicitation and the name of the charitable organization on whose behalf the person making the request is soliciting; and
- (4) Disclose, orally and in writing, the fact that a copy of the professional solicitor’s, charitable fundraising platform’s, or platform charity’s registration data and financial reports are available from the department [~~of the attorney general~~].

(b) A professional solicitor, charitable fundraising platform, or platform charity who makes an oral solicitation by telephone, door-to-door, or otherwise, prior to collecting or attempting to collect any contribution, shall provide a written confirmation of the expected contribution and clearly disclose that the contribution is not tax-deductible, if applicable, or, if the professional solicitor, charitable fundraising platform, or platform charity maintains that the contribution is tax-deductible in whole or in part, the portion of the contribution that the professional solicitor, charitable fundraising platform, or platform charity maintains is tax-deductible. The written confirmation shall also conspicuously

disclose the name and current address of the registered professional solicitor[-], charitable fundraising platform, or platform charity.”

SECTION 4. Section 467B-2.5, Hawaii Revised Statutes, is amended to read as follows:

**“§467B-2.5 Professional solicitor, charitable fundraising platform, and platform charity financial reports; contribution account.** (a) A professional solicitor, charitable fundraising platform, or platform charity shall file with the attorney general a financial report for any charitable solicitation campaign, including gross revenue from Hawaii donors and national gross revenue and an itemization of all expenses incurred on a form prescribed by the attorney general no more than ninety days after the end of the solicitation campaign and, for solicitation campaigns lasting more than one year, within ninety days after each anniversary of the commencement of the solicitation campaign and within ninety days after the end of the solicitation campaign.

(b) The attorney general may require the financial report required by subsection (a) to be submitted electronically and may require the use of electronic signatures. This report shall be signed by the professional solicitor, charitable fundraising platform, platform charity, or by an authorized officer or agent of the professional solicitor, charitable fundraising platform, or platform charity who shall certify that the statements therein are true and correct to the best of the solicitor’s, officer’s, or agent’s knowledge subject to penalties imposed by section 710-1063. If a financial report required under this section is not filed in a timely manner, taking into account any extension of time for filing, unless it is shown that the failure is due to reasonable cause, an initial late filing fee of \$100 shall be imposed, and an additional late filing fee of \$20 per day shall be imposed, for each day during which the violation continues; provided that the total fee amount imposed under this subsection shall not exceed \$1,000. The attorney general may waive all or part of the late filing fee imposed by this subsection if there is a reasonable cause for the failure to timely file. The professional solicitor, charitable fundraising platform, or platform charity shall provide a copy of the financial report to the charitable organization to which the financial report pertains within ten days of its submission of the report to the attorney general.

(c) A professional solicitor, charitable fundraising platform, or platform charity shall maintain during each solicitation campaign and for not less than three years after the completion of that campaign the following records, which shall be available for inspection upon demand by the attorney general:

- (1) The date and amount of each contribution received and the name and address of each contributor;
- (2) The name and residence of each employee, agent, or other person involved in the solicitation;
- (3) Records of all revenue received and expenses incurred in the course of the solicitation campaign; and
- (4) The location and account number of each bank or other financial institution account in which the professional solicitor, charitable fundraising platform, or platform charity has deposited revenue from the solicitation campaign.

(d) Any material change in any information filed with the attorney general pursuant to this section shall be reported in writing by the professional solicitor, charitable fundraising platform, or platform charity to the attorney general not more than seven days after the change occurs.

(e) Each contribution in the control or custody of the professional solicitor, charitable fundraising platform, or platform charity in its entirety and within five days of its receipt, shall be deposited in an account at a bank or other

federally insured financial institution, which shall be in the name of the charitable organization. The charitable organization shall maintain and administer the account and shall have sole control of all withdrawals.”

SECTION 5. Section 467B-5, Hawaii Revised Statutes, is amended to read as follows:

“**§467B-5 Records to be kept.** (a) Every charitable organization, professional fundraising counsel, professional solicitor, ~~and~~ commercial co-venturer, charitable fundraising platform, and platform charity subject to this chapter shall keep true and accurate records as to its activities in a form that will accurately provide support for the information required by this chapter. Upon demand, the records shall be made available to the attorney general for inspection. Except as provided in subsection (b), records shall be retained for a period of not less than three years.

(b) If a professional solicitor, charitable fundraising platform, or platform charity sells tickets to an event and represents that tickets will be donated for use by another, the professional solicitor, charitable fundraising platform, or platform charity, for not less than three years after the completion of such event, shall maintain the following records, which shall be available for inspection upon demand by the attorney general:

- (1) The number of tickets purchased and donated by each contributor; and
- (2) The name and address of all organizations receiving donated tickets for use by others, including the number of tickets received by each organization.”

SECTION 6. Section 467B-5.5, Hawaii Revised Statutes, is amended to read as follows:

“**§467B-5.5 Commercial [co-venturer’s] co-venturers, charitable fundraising platforms, and platform charities charitable sales promotions.** (a) All charitable sales promotions by a commercial co-venturer, charitable fundraising platform, or platform charity shall disclose the name of the commercial co-venturer[-], charitable fundraising platform, or platform charity.

(b) Prior to the commencement of any charitable sales promotion in this State conducted by a commercial co-venturer, charitable fundraising platform, or platform charity using the name of a charitable organization, the commercial co-venturer, charitable fundraising platform, or platform charity shall obtain the written consent of the charitable organization whose name will be used during the charitable sales promotion. The commercial co-venturer, charitable fundraising platform, or platform charity shall file a copy of the written consent with the department not less than ten days prior to the commencement of the charitable sales promotion within this State. An authorized representative of the charitable organization and the commercial co-venturer, charitable fundraising platform, or platform charity shall sign the written consent, and the terms of the written consent shall include the following:

- (1) The goods or services to be offered to the public;
- (2) The geographic area where, and the starting and final date when, the offering is to be made;
- (3) The manner in which the name of the charitable organization is to be used, including any representation to be made to the public as to the amount or per cent per unit of goods or services purchased or used that is to benefit the charitable organization;
- (4) A provision for an accounting on a per unit basis, which shall be prepared by the commercial co-venturer, charitable fundraising plat-

form, or platform charity and given to the charitable organization, and the date when it is to be made, which date shall be no more than ninety days after the end of the charitable sales promotion and, for promotions lasting more than one year, shall be within ninety days after each anniversary of the commencement of the charitable sales promotion and within ninety days after the end of the charitable sales promotion; and

- (5) The date when and the manner in which the benefit is to be conferred on the charitable organization, which date shall be within ninety days after the end of the charitable sales promotion and, for charitable sales promotions lasting more than one year, shall be within ninety days after each anniversary of the commencement of the promotion and within ninety days after the end of the charitable sales promotion.

(c) A copy of an accounting shall be provided to the attorney general not more than twenty days after the copy is requested by the attorney general. An accounting shall be kept by the commercial co-venturer, charitable fundraising platform, or platform charity for a period of three years, unless the commercial co-venturer, charitable fundraising platform, or platform charity and the charitable organization mutually agree that the accounting should be kept by the charitable organization instead of the commercial co-venturer[~~-, charitable fundraising platform, or platform charity~~].

(d) A late filing fee of \$20 shall be imposed on a commercial co-venturer, charitable fundraising platform, or platform charity who fails to file a written consent as required by subsection (b), unless it is shown that the failure is due to reasonable cause, for each day during which the violation continues; provided that the total amount imposed under this subsection shall not exceed \$1,000.

(e) The written consent required under subsection (b) shall be signed by the authorized representative of the commercial co-venturer, charitable fundraising platform, or platform charity and the charitable organization certifying that the statements made therein are true and correct to the best of their knowledge subject to penalties imposed by section 710-1063. The attorney general may require the written consent to be submitted electronically and may require the use of electronic signatures.

(f) The attorney general may issue a cease and desist order whenever the attorney general finds that a commercial co-venturer, charitable fundraising platform, or platform charity has engaged in an act or practice that violates this chapter.

(g) When the attorney general finds that a commercial co-venturer, charitable fundraising platform, or platform charity has violated or is operating in violation of this chapter, the attorney general may impose an administrative fine not to exceed \$1,000 for each act that constitutes a violation of this chapter and an additional penalty, not to exceed \$100 per day, for each day during which the violation continues. Any person aggrieved by an action of the attorney general under this section may request a hearing to review that action in accordance with chapter 91 and rules adopted by the attorney general. Any request for hearing shall be made within ten days after the attorney general has served the person with notice of the action, which notice shall be deemed effective upon mailing.”

SECTION 7. Section 467B-8, Hawaii Revised Statutes, is amended to read as follows:

“**§467B-8 Information filed to become public records.** Statements, reports, professional fundraising counsel contracts [ø], professional solicitor contracts, commercial co-venturer consents, charitable fundraising platform

contracts and consents, and platform charity contracts and consents, and all other documents and information required to be filed under this chapter or by the attorney general shall become government records in the department and be open to the general public for inspection pursuant to chapter 92F; provided that information in any registration statement concerning the residential addresses of any officer or director or that identifies a charitable organization's financial or banking accounts and audited financial statements submitted by registered charitable organizations shall be confidential under chapter 92F.”

SECTION 8. Section 467B-9, Hawaii Revised Statutes, is amended to read as follows:

**“§467B-9 Prohibited acts.** (a) No person, for the purpose of soliciting contributions from persons in the State, shall use the name of any other person except that of an officer, director, or trustee of the charitable organization by or for which contributions are solicited, without the written consent of the other persons.

A person shall be deemed to have used the name of another person for the purpose of soliciting contributions if the latter person's name is listed on any stationery, advertisement, brochure, or correspondence in or by which a contribution is solicited by or on behalf of a charitable organization or the latter person's name is listed or referred to in connection with a request for a contribution as one who has contributed to, sponsored, or endorsed the charitable organization or its activities.

(b) No charitable organization, professional solicitor, professional fundraising counsel, [or] commercial co-venturer, charitable fundraising platform, or platform charity soliciting contributions shall use a name, symbol, or statement so closely related or similar to that used by another charitable organization or governmental agency that the use thereof would tend to confuse or mislead the public.

(c) No person, in connection with any solicitation or sale, shall misrepresent or mislead anyone by any manner, means, practice, or device whatsoever, to believe that the solicitation or sale is being conducted on behalf of a charitable organization or that the proceeds of the solicitation or sale will be used for charitable purposes, if that is not the fact.

(d) No professional solicitor, charitable fundraising platform, or platform charity, and no agent, employee, independent contractor, or other person acting on behalf of the professional solicitor, charitable fundraising platform, or platform charity, shall solicit in the name of or on behalf of any charitable organization unless:

- (1) The professional solicitor, charitable fundraising platform, or platform charity has obtained the written authorization of two officers of the organization, which authorization shall bear the signature of the professional solicitor, charitable fundraising platform, or platform charity and the officers of the charitable organization and shall expressly state on its face the period for which it is valid, which shall not exceed one year from the date of issuance, and has filed a copy of the written authorization with the attorney general prior to the solicitation; and
- (2) The professional solicitor, charitable fundraising platform, or platform charity and any person who, for compensation, acts as an agent, employee, independent contractor, or otherwise on behalf of the professional solicitor, charitable fundraising platform, or platform charity, carries a copy of the authorization while conducting

solicitations, and exhibits it on request to persons solicited or police officers or agents of the department.

(e) No charitable organization, professional fundraising counsel, professional solicitor, [Ø] commercial co-venturer, charitable fundraising platform, or platform charity subject to this chapter shall use or exploit the fact of filing any statement, report, professional fundraising counsel contracts, written consents, [Ø] professional solicitor contracts, charitable fundraising platform contracts, or platform charity contracts and written consents, or other documents or information required to be filed under this chapter or with the department so as to lead the public to believe that the filing in any manner constitutes an endorsement or approval by the State of the purposes or goals for the solicitation by the charitable organization, professional fundraising counsel, professional solicitor, [Ø] commercial co-venturer[;], charitable fundraising platform, or platform charity; provided that the use of the following statement shall not be deemed a prohibited exploitation: "Information regarding this organization has been filed with the State of Hawaii department of the attorney general. Filing does not imply endorsement or approval of the organization or the public solicitation for contributions."

(f) No person, while soliciting, shall impede or obstruct, with the intent to physically inconvenience the general public or any member thereof in any public place or in any place open to the public.

(g) No person shall submit for filing on behalf of any charitable organization, professional fundraising counsel, professional solicitor, [Ø] commercial co-venturer, charitable fundraising platform, or platform charity, any statement, financial statement, report, attachment, or other information to be filed with the department that contains information, statements, or omissions that are false or misleading.

(h) No person shall solicit contributions from persons in the State or otherwise operate in the State as a charitable organization, an exempt charitable organization, professional fundraising counsel, professional solicitor, [Ø] commercial co-venturer, charitable fundraising platform, or platform charity unless the person has filed the information required by this chapter with the department in a timely manner.

(i) No person shall aid, abet, or otherwise permit any persons to solicit contributions from persons in the State unless the person soliciting contributions has complied with the requirements of this chapter.

(j) No person shall fail to file the information and registration statement, annual or financial reports, and other statements required by this chapter or fail to provide any information demanded by the attorney general pursuant to this chapter in a timely manner.

(k) No person shall employ in any solicitation or collection of contributions for a charitable organization, any device, scheme, or artifice to defraud or obtain money or property by means of any false, deceptive, or misleading pretense, representation, or promise.

(l) No person, in the course of any solicitation, shall represent that funds collected will be used for a particular charitable purpose, or particular charitable purposes, if the funds solicited are not used for the represented purposes.

(m) No person shall receive compensation from a charitable organization for obtaining moneys or bequests for that charitable organization if that person has also received compensation for advising the donor to make the donation; provided that compensation may be received if the person obtains the written consent of the donor to receive compensation from the charitable organization.

(n) No person shall act as a professional solicitor, charitable fundraising platform, or platform charity if the person, any officer, any person with a controlling interest therein, or any person the professional solicitor, charitable fundraising platform, or platform charity employs, engages, or procures to solicit for compensation, has been convicted by any federal or state court of any felony, or of any misdemeanor involving dishonesty or arising from the conduct of a solicitation for a charitable organization or purpose.

(o) No charitable organization shall use the services of an unregistered professional solicitor [ø], professional fundraising counsel[-], charitable fundraising platform, or platform charity.”

SECTION 9. Section 467B-9.5, Hawaii Revised Statutes, is amended to read as follows:

“§467B-9.5 **Financial statements.** Whenever the attorney general has reasonable grounds to believe that any charitable organization, professional fundraising counsel, professional solicitor, [ø] commercial co-venturer, charitable fundraising platform, or platform charity has engaged in any act or practice constituting a violation of this chapter or any rule or order adopted or issued, the attorney general may require the charitable organization, professional fundraising counsel, professional solicitor, [ø] commercial co-venturer, charitable fundraising platform, or platform charity to submit to the department an audited financial statement prepared in accordance with generally accepted accounting principles by an independent certified public accountant, or as otherwise required by the attorney general.”

SECTION 10. Section 467B-9.6, Hawaii Revised Statutes, is amended to read as follows:

“§467B-9.6 **Enforcement.** (a) If any charitable organization, professional fundraising counsel, professional solicitor, [ø] commercial co-venturer, charitable fundraising platform, or platform charity fails to file any statement, report, written consent, or other information required to be filed under this chapter, the attorney general may demand that the charitable organization, the professional fundraising counsel, professional solicitor, [ø] commercial co-venturer, charitable fundraising platform, or platform charity provide the statement, report, written consent, or other information not more than twenty days after demanded by the attorney general. This demand may be mailed to the address on file with the department.

(b) Whenever the attorney general has reason to believe that any charitable organization, professional fundraising counsel, professional solicitor, commercial co-venturer, charitable fundraising platform, or platform charity, or other person is operating in violation of this chapter, the attorney general may investigate and bring an action in any court of this State to enjoin the charitable organization, professional fundraising counsel, professional solicitor, commercial co-venturer, charitable fundraising platform, or platform charity, or other person from continuing the violation or doing any acts in furtherance thereof, and for any other relief that the court deems appropriate.”

SECTION 11. Section 467B-9.7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The attorney general may refuse to register, revoke, or suspend the registration of any charitable organization, professional fundraising counsel, [ø] professional solicitor, charitable fundraising platform, or platform charity, or issue a cease and desist order whenever the attorney general finds that a charitable organization, professional fundraising counsel, [ø] professional solicitor,



charitable fundraising platform, or platform charity, or its agent, servant, or employee:

- (1) Has violated or is operating in violation of this chapter, the rules of the attorney general, or an order issued by the attorney general;
- (2) Has refused or failed, after notice, to produce any records of the organization or to disclose any information required to be disclosed under this chapter or the rules of the attorney general;
- (3) Has made a material false statement in an application, statement, or report required to be filed under this chapter; or
- (4) Has failed to file the financial report required by section 467B-2.5, or filed an incomplete financial report.”

SECTION 12. Section 467B-12, Hawaii Revised Statutes, is amended to read as follows:

“**§467B-12 Filing requirements for professional fundraising counsel [and], professional solicitors[-], charitable fundraising platforms, and platform charities.** (a) Every professional fundraising counsel [ø], professional solicitor, charitable fundraising platform, or platform charity, prior to any solicitation, shall register with the department. The registration statement shall contain the information set forth in subsection (e). The registration statement shall be accompanied by a fee in the amount of \$250, or in the amount and with any additional sums as may be prescribed by the attorney general. Renewal registration statements shall be filed with the department on or before July 1 of each calendar year by each professional fundraising counsel [ø], professional solicitor[-], charitable fundraising platform, or platform charity. The renewal statement shall contain the information set forth in subsection (e). A renewal fee of \$250, or in any amount and with any additional sums as may be prescribed by the attorney general, shall accompany the renewal statement. If a renewal registration required under this section is not filed, unless it is shown that the failure is due to reasonable cause, a fine of \$20 shall be imposed for each day during which the violation continues; provided that the total amount imposed under this subsection shall not exceed \$1,000.

(b) Each professional solicitor, charitable fundraising platform, or platform charity, at the time of each filing, shall file with and have approved by the attorney general a bond in which the applicant is the principal obligor in the penal sum of \$25,000 issued with good and sufficient surety or sureties approved by the attorney general and which shall remain in effect for one year. The bond shall inure to the benefit of the State, conditioned that the applicant, its officers, directors, employees, agents, servants, and independent contractors shall not violate this chapter. A partnership or corporation that is a professional solicitor, charitable fundraising platform, or platform charity may file a consolidated bond on behalf of all its members, officers, and employees.

(c) The attorney general shall examine each registration statement and supporting document filed by a professional fundraising counsel [ø], professional solicitor, charitable fundraising platform, or platform charity and shall determine whether the registration requirements are satisfied. If the attorney general determines that the registration requirements are not satisfied, the attorney general shall notify the professional fundraising counsel [ø], professional solicitor, charitable fundraising platform, or platform charity in writing within fifteen business days of its receipt of the registration statement; otherwise the registration statement is deemed to be approved. Within seven business days after receipt of a notification that the registration requirements are not satisfied, the professional fundraising counsel [ø], professional solicitor, charitable fundraising platform, or platform charity may request a hearing.

(d) The attorney general may require that registration and renewal registration, surety bonds, and contracts be filed with the department electronically and may require the use of electronic signatures.

- (e) Each registration and renewal registration shall contain:
  - (1) The names and addresses of all owners, officers, and directors of a professional fundraising counsel~~[-]~~ or charitable fundraising platform, and the names and addresses of all owners, officers, and directors of a professional solicitor~~[-]~~ or platform charity;
  - (2) A statement concerning the corporate form of the registrant, whether corporation, limited liability corporation, partnership, or individual;
  - (3) A statement whether the registrant has an office in Hawaii and the name and phone number of the person in charge of the office;
  - (4) The names and addresses of any individuals supervising any solicitation activity;
  - (5) A statement whether the [registrant] has entered into a consent agreement with, or been disciplined by or subject to administrative action by, another governmental agency;
  - (6) A statement whether any officer, director, or any person with a controlling interest in the registrant has ever been convicted of a felony or a misdemeanor involving dishonesty in the solicitation for a charitable purpose;
  - (7) The date that the registrant began soliciting Hawaii residents on behalf of a charitable organization or providing professional fundraising counsel services; and
  - (8) Whether any owners, directors, or officers are related to:
    - (A) Any other officers, directors, owners, or employees of the registrant;
    - (B) Any officer, director, trustee, or employee of a charitable organization under contract with the registrant; and
    - (C) Any vendor or supplier providing goods or services to a charitable organization under contract with the registrant.”

SECTION 13. Section 467B-12.5, Hawaii Revised Statutes, is amended by amending subsections (a), (b), and (c) to read as follows:

“(a) There shall be a written contract between a charitable organization and a professional fundraising counsel ~~[øƒ]~~, professional solicitor, charitable fundraising platform, or platform charity that shall be filed by the professional fundraising counsel ~~[øƒ]~~, professional solicitor, charitable fundraising platform, or platform charity with the attorney general at least ten business days prior to the performance by the professional fundraising counsel ~~[øƒ]~~, professional solicitor, charitable fundraising platform, or platform charity of any service. No solicitation or service pursuant to the contract shall begin before the contract is filed with the attorney general. The contract shall be signed by two authorized officials of the charitable organization, one of whom shall be a member of the organization’s governing body, and the authorized contracting officer for the professional fundraising counsel ~~[øƒ]~~, professional solicitor~~[-]~~, charitable fundraising platform, or platform charity. The contract shall contain all of the following provisions:

- (1) The legal name and address of the charitable organization;
- (2) A statement of the charitable purpose for which the solicitation campaign is being conducted;
- (3) A statement of the respective obligations of the professional fundraising counsel ~~[øƒ]~~, professional solicitor, charitable fundraising platform, or platform charity and the charitable organization;

- (4) A statement of the guaranteed minimum percentage of the gross receipts from contributions that will be remitted to or retained by the charitable organization, if any, or, if the solicitation involves the sale of goods, services, or tickets to a fundraising event, the percentage of the purchase price that will be remitted to the charitable organization, if any. The stated percentage shall exclude any amount that the charitable organization is to pay as fundraising costs;
- (5) Information concerning the compensation of the professional solicitor and professional fundraising counsel as follows:
  - (A) If the compensation of the professional fundraising counsel [øf], professional solicitor, charitable fundraising platform, or platform charity is contingent upon the number of contributions or the amount of revenue received, a statement shall be included specifying the percentage of the gross revenue that is the basis for that compensation. The stated percentage shall include any amount that the professional fundraising counsel [øf], professional solicitor, charitable fundraising platform, or platform charity is to be reimbursed for fundraising costs;
  - (B) If the compensation of the professional solicitor, charitable fundraising platform, or platform charity is not contingent upon the number of contributions or amount of revenue received from the solicitation campaign, the compensation shall be expressed as a reasonable estimate of the percentage of the gross revenue, and the contract shall clearly disclose the assumptions upon which the estimate is based. The stated assumptions shall be based upon all of the relevant facts known to the professional solicitor regarding the solicitation to be conducted by the professional solicitor; or
  - (C) If the compensation of the professional fundraising counsel, charitable fundraising platform, or platform charity is not contingent on the number of contributions or amount of revenue received from the solicitation campaign, the compensation shall be stated in a dollar amount;
- (6) The effective and termination dates of the contract or, if the contract does not have a set termination date, a clause allowing either party a reasonable period to terminate the contract or notify the other party if either party chooses not to renew. The contract shall also contain the date services will commence with respect to solicitation in this State of contributions for a charitable organization;
- (7) In the case of a professional fundraising counsel, charitable fundraising platform, or platform charity, a statement that the professional fundraising counsel will not at any time have custody or control of contributions~~;~~, as applicable;
- (8) A statement that the charitable organization exercises control and approval over the content and volume of any solicitation; and
- (9) Any other information required by the rules of the attorney general.
  - (b) No professional fundraising counsel [øf], professional solicitor, charitable fundraising platform, or platform charity shall contract with a charitable organization unless the professional fundraising counsel [øf], professional solicitor, charitable fundraising platform, or platform charity is registered with the department. A contract with an unregistered professional fundraising counsel [øf], professional solicitor, charitable fundraising platform, or platform charity shall be voidable at the option of the charitable organization.

(c) Whenever a charitable organization contracts with a professional fundraising counsel [øf], professional solicitor, charitable fundraising platform, or platform charity, the charitable organization shall have the right to cancel the contract without cost, penalty, or liability, for a period of ten days following the date on which that contract is executed. Any provision in the contract that is intended to waive this right of cancellation shall be void and unenforceable.”

SECTION 14. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 15. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 16. This Act shall take effect on January 1, 2026.

(Approved July 5, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 206**

H.B. NO. 1902

A Bill for an Act Relating to Emergency Management.

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

SECTION 1. Section 127A-1, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) It is the intent of the legislature to provide for and confer comprehensive powers for the purposes stated herein. This chapter shall be liberally construed to effectuate its purposes; provided that this chapter shall not be construed as conferring any power or permitting any action [~~which~~ that is inconsistent with the Constitution and laws of the United States~~;~~] or the Hawaii State Constitution, but, in so construing this chapter, due consideration shall be given to the circumstances as they exist from time to time. This chapter shall not be deemed to have been amended by any act hereafter enacted at the same or any other session of the legislature, unless this chapter is amended by express reference.”

SECTION 2. Section 127A-3, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The agency shall perform emergency management functions within the territorial limits of the State. In performing its duties, the agency shall:

- (1) Prepare a state comprehensive emergency management plan, which shall be integrated into and coordinated with the emergency management plans of the federal government. The plan shall be integrated by a continuous, integrated comprehensive emergency management program. The plan shall contain provisions to ensure that the State ~~[is prepared]~~ prepares for, mitigates against, responds to, and recovers from emergencies and minor, major, and catastrophic disasters. In preparing and maintaining the plan, the agency shall work closely with agencies and organizations with emergency management responsibilities;

- (2) Assign lead and support responsibilities to state agencies and personnel for emergency management functions[,] and other support activities;
- (3) Adopt standards and requirements for county emergency management plans. The standards and requirements shall ensure that county plans are coordinated and consistent with the state comprehensive emergency management plan;
- (4) Make recommendations to the legislature, building code organizations, and counties for zoning, building, and other land use controls; and other preparedness, prevention, and mitigation measures designed to eliminate emergencies or reduce their impact;
- (5) Anticipate trends and promote innovations that will enhance the emergency management system;
- (6) Institute statewide public awareness programs. This shall include intensive public educational campaigns on emergency preparedness issues, including but not limited to the personal responsibility of individual citizens to be self-sufficient for up to fourteen days following a natural or human-caused disaster;
- (7) Coordinate federal, state, and local emergency management activities and take all other steps, including the partial or full mobilization of emergency management forces and organizations in advance of an actual emergency, to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters;
- (8) Implement training programs to improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This shall include a continuous training program for agencies and individuals that will be called on to perform key roles in state and local post-disaster response and recovery efforts and for local government personnel on federal and state post-disaster response and recovery strategies and procedures;
- (9) Adopt standards and requirements for state agency emergency operating procedures and periodically review emergency operating procedures of state agencies and recommend revisions as needed to ensure consistency with the state comprehensive emergency management plan and program; and
- (10) Coordinate, in advance whenever possible, such executive orders, proclamations, and rules for issuance by the governor as are necessary or appropriate for coping with emergencies and disasters.”

SECTION 3. Section 127A-14, Hawaii Revised Statutes, is amended to read as follows:

“§127A-14 **State of emergency.** (a) The governor may declare the existence of a state of emergency in the State by proclamation if the governor finds that an emergency or a disaster has occurred or that there is imminent danger or threat of an emergency or a disaster in any portion of the State.

(b) A mayor may declare the existence of a local state of emergency in the county by proclamation if the mayor finds that an emergency or a disaster has occurred or that there is imminent danger or threat of an emergency or a disaster in any portion of the county.

(c) The governor or mayor shall be the sole judge of the existence of the danger, threat, or circumstances giving rise to a declaration, an extension, or a termination of a state of emergency in the State or a local state of emergency in

the county, as applicable. This section shall not limit the power and authority of the governor under section 127A-13(a)(5).

(d) A state of emergency and a local state of emergency shall terminate automatically sixty days after the issuance of a proclamation of a state of emergency or local state of emergency, respectively, ~~of~~ unless extended or terminated by a separate or supplementary proclamation of the governor or mayor ~~which ever occurs first~~.

SECTION 4. Section 127A-30, Hawaii Revised Statutes, is amended by amending subsections (a) to (c) to read as follows:

“(a) Whenever the governor declares a state of emergency for the entire State or any portion thereof, or a mayor declares a local state of emergency for the county or any portion thereof, or when the State, or any portion thereof, is the subject of a severe weather warning:

(1) There shall be prohibited any increase in the selling price of any commodity, whether at the retail or wholesale level, in the area that is the subject of the proclamation or ~~the~~ severe weather warning; provided that the prohibition may be restricted to particular commodities in the proclamation; and

(2) No landlord shall terminate any tenancy for a residential dwelling unit in the area that is the subject of the proclamation or ~~the~~ severe weather warning, except for a breach of a material term of a rental agreement or lease, or if the unit is unfit for occupancy as defined in this chapter; provided that:

(A) Nothing in this chapter shall be construed to extend a fixed-term lease beyond its termination date, except that a periodic tenancy for a residential dwelling unit may be terminated by the landlord upon forty-five days’ written notice:

- (i) When the residential dwelling unit is sold to a bona fide purchaser for value; or
- (ii) When the landlord or an immediate family member of the landlord will occupy the residential dwelling unit; or

(B) Under a fixed-term lease or ~~a~~ periodic tenancy, upon forty-five days’ written notice, a landlord may require a tenant or tenants to relocate during the actual and continuous period of any repair to render a residential dwelling unit fit for occupancy; provided that:

- (i) Reoccupancy shall first be offered to the same tenant or tenants upon completion of the repair;
- (ii) The term of the fixed-term lease or periodic tenancy shall be extended by a period of time equal to the duration of the repair; and
- (iii) It shall be the responsibility of the tenant or tenants to find other accommodations during the period of repair.

(b) Notwithstanding this section, any additional operating expenses incurred by the seller or landlord because of the emergency ~~of~~ disaster, or ~~the~~ severe weather ~~and which~~ warning that can be documented may be passed on to the consumer. In the case of a residential dwelling unit, if rent increases are contained in a written instrument that was signed by the tenant ~~prior to~~ before the declaration or severe weather warning, the increases may take place pursuant to the written instrument.

(c) The prohibitions under subsection (a) shall remain in effect until twenty-four hours after the severe weather warning is canceled by the ~~National Weather Service;~~ issuing agency; or in the event of a declaration, ~~the later of a~~

~~date specified by the governor or mayor in the declaration or ninety-six] seventy-two hours after the effective date and time of the declaration, unless [such] the prohibition is identified and continued [by a supplementary declaration issued] and the types of commodities are identified by the governor or mayor[-] in the proclamation or any supplementary proclamation. Any proclamation issued under this chapter that fails to state the time at which it will take effect, shall take effect at [twelve] noon [of] on the day on which it takes effect.”~~

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 5, 2024.)

## ACT 207

S.B. NO. 2787

A Bill for an Act Relating to Immigration.

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

SECTION 1. The legislature finds that there is an unfulfilled need in the State for broad-based, dedicated services for recent immigrants to assist them with issues relating to language access; legal issues relating to their status as immigrants; acculturation with respect to legal responsibilities, employment responsibilities, family matters, and other acculturation issues; employment searches; support for their children’s education; access to health care; inclusion and civic engagement; and a myriad of other challenges and opportunities.

The legislature also finds that Hawaii has a long history of welcoming immigrants. Immigrants and their children have made, and continue to make, significant contributions to the State, including the State’s economy, workforce, and community.

The legislature further finds that immigrants comprise two hundred seventy thousand persons, or eighteen per cent, of Hawaii’s population, including 145,000 persons who are naturalized citizens. Immigrants come to Hawaii from many countries; almost half of all immigrants in the State come from the Philippines. Immigrants make up forty per cent of agricultural workers, thirty-three per cent of tourism and hospitality workers, and twenty-three per cent of health care workers in the State.

The legislature further finds that other states provide immigrant and refugee services through state-funded offices with dedicated staff and program funds for immigrant integration. These offices also coordinate with other government and community agencies and apply for federal resources. This type of office exists in Maryland, Massachusetts, Nevada, and New York. In California, the department of social services has an immigrant services bureau that ensures the effective development and implementation of programs to support legal services, outreach, community education, and other integration efforts. Many cities across the nation, including Los Angeles, San Francisco, and Seattle, have also established comprehensive, government-funded offices for immigrant and refugee affairs. Many of these offices provide funds for English language training, translation and interpretation, workforce development, and legal services related to immigration status, naturalization, and accessing government services. In Hawaii, the counties of Maui and Hawaii have offices offering limited services, but there are none in the county of Kauai or the city and county of Honolulu.

Pursuant to House Concurrent Resolution No. 169 (2021), the legislature convened a working group to “improve access to government services for immigrants and increase immigrant opportunities to make civic and economic contributions to the community.” As part of the working group, community groups identified the office of community services as the best state agency to service immigrants and suggested that the office be given dedicated staff to address immigrant and refugee matters. In response, Act 256, Session Laws of Hawaii 2022, provided \$1,000,000 to the office of community services to reinstate immigrant resource centers and to support nonprofit immigrant service agencies. The legislature notes that in 1985, the office of community services was established as an attached agency to the department of labor and industrial relations. The legislative mandate of the office of community services is to serve low-income individuals, immigrants, and refugees.

The legislature believes that further action is needed to support programs for Hawaii’s immigrants and refugees, support immigrant services, and ensure that new immigrants have equal access to government services.

Accordingly, the purpose of this Act is to establish an immigration services and access unit within the office of community services and provide for additional dedicated staff and additional program funds to allow the office of community services to meet its full legislative mandate.

SECTION 2. Chapter 371K, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§371K- Immigration services and access unit.** The office of community services shall establish within the office an immigration services and access unit to provide for immigration services and access through program activities as described in this section. The purpose of the immigration services and access unit shall be to promote immigrant economic self-sufficiency, community inclusion, and integration. The immigration services and access unit shall provide statewide services, coordinate with relevant government and nonprofit agencies, and approve contracts with qualified nonprofit organizations to support integration and civic engagement. The immigration services and access unit shall also be responsible for the immigrant resource centers, administration of the refugee program, and management of other programs relating to immigrants.”

SECTION 3. 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 2024-2025 to fund the immigrant services and access unit within the office of community services, to be expended as follows:

- (1) \$80,000 to establish one full-time equivalent (1.0 FTE) unit supervisor position;
- (2) \$48,000 to establish one full-time equivalent (1.0 FTE) fiscal clerk position;
- (3) \$12,000 as operation funds, including funds for on-site monitoring, legal review costs, printing costs, and travel expenses to attend conference training;
- (4) \$300,000 to expand the immigration resource centers to provide more direct client assistance for naturalization fees and replacement of U.S. Customs and Border Protection Form I-94 Arrival/Departure Records, and to specifically provide further assistance to immigrants affected by the August 2023 Maui wildfires; and
- (5) \$10,000 for furniture and equipment for the newly established positions.



The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act.

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved July 5, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 208**

H.B. NO. 2193

A Bill for an Act Relating to Fireworks.

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

SECTION 1. Act 67, Session Laws of Hawaii 2023, created the illegal fireworks task force to, among other things, plan, coordinate, and engage in law enforcement operations to interdict illegal fireworks. The legislature finds that additional provisions are needed to enable county and state agencies to address the illegal use of fireworks in Hawaii.

The purpose of this Act is to amend the State's Fireworks Control Law to:

- (1) Authorize officers having police powers and every county fire department officer to enter and inspect the premises of a licensee or permittee for compliance with the Fireworks Control Law, and establish penalties for hindering an officer;
- (2) Establish procedures to authorize the department of law enforcement to conduct administrative inspections of controlled premises;
- (3) Require licensees and permittees who hold, store, transport, sell, possess, or otherwise dispose of fireworks or articles pyrotechnic to keep records and maintain inventories;
- (4) Require licensees and permittees to report to the director of law enforcement and appropriate county fire chief if they have reason to believe that fireworks or articles pyrotechnic were stolen, embezzled, or otherwise obtained by fraud or diversion;
- (5) Authorize law enforcement agencies and county fire departments to safely dispose of confiscated fireworks and articles pyrotechnic;
- (6) Require violators to be held liable for storage and disposal costs;
- (7) Specify that each type of prohibited firework constitutes a separate violation; and
- (8) Authorize the department of law enforcement, in addition to the counties, to enforce the Fireworks Control Law.

SECTION 2. Chapter 132D, Hawaii Revised Statutes, is amended by adding six new sections to be appropriately designated and to read as follows:

**“§132D- Entry onto premises; inspection of premises, books, and records; obstructing law enforcement or fire department operations; penalty.** (a) Any law enforcement or fire officer may, at reasonable hours, enter and inspect the premises of a licensee or permittee and any relevant books or records therein to verify compliance with this chapter and the conditions of the license or permit.

(b) Upon a request by any law enforcement or fire officer to enter and inspect the premises of a licensee or permittee at reasonable hours, the licensee, the permittee, or an employee of the licensee or permittee shall make available for immediate inspection and examination the premises and all relevant books and records therein.

(c) Any licensee or permittee who refuses the law enforcement or fire officer entry or access to the premises, books, or records shall be in violation of the conditions of the license or permit. After a hearing, the issuing department shall suspend or revoke the license or permit for refusing entry or access or for violations of any other requirement or condition of the license or permit or any provision of this chapter or rule adopted pursuant to this chapter. The issuing department shall provide the licensee or permittee with a written notice and order describing the basis for the suspension or revocation. Any person aggrieved by the suspension or revocation determination may request a contested case hearing pursuant to chapter 91. To request a contested case hearing, the person shall submit a written request to the issuing department within thirty calendar days of the date of the notice and order of the suspension or revocation. Appeal to the circuit court under section 91-14, or any other applicable statute, shall only be taken from the issuing department's final order pursuant to a contested case.

(d) Any licensee, permittee, employee of a licensee or permittee, or other person who:

- (1) Threatens with the use of violence, force, or physical interference or obstacle, or hinders, obstructs, or prevents any law enforcement or fire officer, or any person assisting a law enforcement or fire officer, from entering into the premises of the licensee or permittee; or
- (2) Opposes, obstructs, or molests a law enforcement or fire officer in the officer's enforcement of this chapter,

shall be guilty of a misdemeanor, punishable by a fine of no more than \$2,000 or imprisonment for no more than one year, or both.

(e) If any law enforcement or fire officer, having demanded admittance onto the premises of a licensee or permittee and declared the officer's name and office, is not admitted by the licensee, permittee, or person in charge of the premises, the officer may use force to enter the premises.

(f) For purposes of this section, "premises of a licensee or permittee" does not include the licensee's or permittee's private residence or a dwelling that is considered to be the person's home, including a single family house, apartment unit, condominium, townhouse, or cooperative unit.

**§132D- Administrative inspections; controlled premises.** (a) The director or the director's designee may conduct administrative inspections of controlled premises after presenting appropriate credentials to the licensee, permittee, other persons subject to this chapter, or their agents; provided that:

- (1) Inspections of controlled premises shall be at reasonable times, within reasonable limits, and conducted in a reasonable manner to verify compliance with this chapter and the conditions of the license or permit;
- (2) The director or the director's designee, without a warrant, shall have access to, and may copy, any records, books, logs, or documents relevant to the holding, storage, transportation, sale, possession, or disposition of fireworks or articles pyrotechnic regulated under this chapter;
- (3) The director or the director's designee may inventory the stock of any fireworks or articles pyrotechnic regulated under this chapter and se-

cure samples or specimens of any fireworks or articles pyrotechnic not seized as evidence by paying for the sample or specimen. The director or the director's designee shall make or cause to be made examinations of samples or specimens secured under this paragraph to verify compliance with this chapter or the conditions of the license or permit; and

- (4) The regulatory authority under this chapter shall remain with the county fire departments. The director or the director's designee conducting these inspections shall aid the county fire departments in enforcing the departments' regulatory authority.

(b) For purposes of this section, "controlled premises" means a place where any persons licensed or permitted under this chapter are required to keep records and authorized to hold, store, transport, sell, possess, or otherwise dispose of fireworks or articles pyrotechnic. "Controlled premises" includes factories, warehouses, establishments, businesses, storefronts, vehicles, and conveyances.

**§132D- Recordkeeping requirements.** (a) A person having a license or permit issued under this chapter to hold, store, transport, sell, possess, or otherwise dispose of fireworks or articles pyrotechnic shall keep records and maintain inventories in conformance with the recordkeeping and inventory requirements of this chapter.

(b) Each licensee and permittee shall create and keep for five years a record of all fireworks or articles pyrotechnic received, imported, held, distributed, sold, possessed, or disposed of, in that year, including the amounts of fireworks or articles pyrotechnic received, imported, held, distributed, sold, possessed, or disposed.

(c) Records required under this section shall be maintained separately in a file, log book, or electronic database that is readily accessible by the licensee or permittee.

(d) All records pertaining to the receipt, importation, storage, distribution, sale, possession, and disposal of fireworks or articles pyrotechnic shall be produced and made available upon request by the director, county fire chiefs, or their designees.

**§132D- Mandatory reporting requirements.** (a) Notwithstanding any other law requiring confidentiality, a licensee or permittee who, in the licensee's or permittee's professional or official capacity, has reason to believe that fireworks or articles pyrotechnic in the licensee's or permittee's inventory have been stolen, embezzled, or otherwise obtained by fraud or diversion shall immediately make a verbal report of the matter to the director and county fire chief of the county in which the licensee or permittee resides or conducts business.

(b) The licensee or permittee shall submit a written report to the director and county fire chief of the county in which the licensee or permittee resides or conducts business as soon as practicable following the verbal report. The written report shall contain:

- (1) The name and address of the suspected perpetrator, if known;
- (2) The nature and extent of the theft, embezzlement, fraud, or diversion; and
- (3) Any other information that the licensee or permittee believes may be helpful or relevant to the investigation of the theft, embezzlement, fraud, or diversion.

(c) Upon demand of the director or county fire chief of the county in which the licensee or permittee resides or conducts business, any person subject

to subsection (a) shall provide all information related to the alleged incident of theft, embezzlement, fraud, or diversion, including records, reports, and any image, film, video, or other electronic medium, that was not included in the written report submitted pursuant to subsection (b).

(d) This section shall not be construed to provide a basis for a cause of action against the director, department of law enforcement, county fire chief, or county fire departments.

(e) Any person subject to this section who knowingly prevents another person from complying with the mandatory reporting requirements of this section or who knowingly fails to provide information as required by this section shall be guilty of a misdemeanor.

**§132D- Disposal of confiscated fireworks or articles pyrotechnic.**

Any law enforcement agency or county fire department that confiscates prohibited fireworks or articles pyrotechnic pursuant to this chapter may safely destroy or dispose of the confiscated fireworks or articles pyrotechnic; provided that the law enforcement agency or county fire department shall retain a sample or specimen of each type of confiscated firework or article pyrotechnic for evidentiary purposes.

**§132D- Storage and disposal fine.** (a) In any administrative, civil, or criminal action to enforce this chapter, after providing notice and an opportunity for hearing, the agency or a court hearing the action shall hold any party violating this chapter liable for the total amount of any costs incurred by the agency or agencies for the storage and disposal of confiscated or seized fireworks or articles pyrotechnic.

(b) An administrative or civil order to pay a storage and disposal fine may be collected in the same manner as a judgment in a civil action. An agency or agencies may collect the full amount of the storage and disposal fine together with any costs, interest, and attorney's fees incurred in any action to enforce the order to pay."

SECTION 3. Section 132D-2, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

"Director" means the director of law enforcement.

"Law enforcement or fire officer" means any law enforcement officer having police power or county fire department officer, including firefighters."

SECTION 4. Section 132D-8, Hawaii Revised Statutes, is amended to read as follows:

**§132D-8 Application for license.** (a) All licenses required under section 132D-7 shall be issued by the county and shall be nontransferable. Licenses to import shall specify the date of issuance or effect and the date of expiration, which shall be March 31 of each year. The application shall be made on a form setting forth the date upon which the importations are to begin, the address of the location of the importer, and the name of the proprietor or, if a partnership, the name of the partnership and the names of all partners or, if a corporation, the name of the corporation and the names of its officers. The application for a license to import display fireworks, articles pyrotechnic, or aerial devices shall include written documentation of the proposed display event and related contact information in a form prescribed by the applicable county. If the state fire council or county discovers at a later date that a licensee has been convicted of a felony under this chapter, the licensee's license shall be revoked and no new license shall be issued to the licensee for two years.

(b) Each storage, wholesaling, and retailing site shall be required to obtain a separate license. The license shall specify the date of issuance or effect and the date of expiration, which shall be March 31 of each year. The application shall be made on a form setting forth the date upon which the storage, sale, or offers for sale are to begin, the address of the location of the licensee, and the name of the proprietor[-] or, if a partnership, the name of the partnership and the names of all partners or, if a corporation, the name of the corporation and the ~~[name]~~ names of its officers. Any license issued pursuant to this chapter may be revoked by the county if the licensee violates any provision of this chapter or if the licensee stores or handles the fireworks in ~~[such]~~ a manner ~~[as to present]~~ that presents an unreasonable safety hazard.

(c) Permanent and temporary fireworks storage buildings or structures and buildings or facilities where redistribution activities are performed shall comply with the currently adopted county building or fire codes or the latest edition of nationally recognized standards.

(d) It shall be unlawful for any licensee, other than a wholesaler who is selling or transferring fireworks or articles pyrotechnic to a licensed retailer, to sell or offer to sell, exchange for consideration, give, transfer, or donate any fireworks or articles pyrotechnic at any time to any person who does not present a permit duly issued as required by section 132D-10 or 132D-16. The permit shall be signed by the seller or transferor at the time of sale or transfer of the fireworks or articles pyrotechnic, and the seller or transferor shall indicate on the permit the amount and type of fireworks or articles pyrotechnic sold or transferred. No person shall sell or deliver fireworks to any permittee in any amount in excess of the amount specified in the permit, less the amount shown on the permit to have been previously purchased; provided that no fireworks shall be sold to a permittee holding a permit issued for purposes of section 132D-3, more than five calendar days before the applicable time period under section 132D-3.

(e) Aerial devices, display fireworks, or articles pyrotechnic shall only be sold or transferred by a wholesaler to a person with a valid permit under sections 132D-10 and 132D-16. No person with a valid permit under sections 132D-10 and 132D-16 shall sell or transfer aerial devices, display fireworks, or articles pyrotechnic to any other person.

(f) Any license issued pursuant to this chapter shall be prominently displayed in public view at each licensed location.

(g) A licensee under this chapter shall be deemed to have consented to allow the director or the director's designee to inspect the premises of the licensee, except the licensee's private residence. If a licensee withdraws consent to inspect the premises of the licensee, the license shall be revoked."

SECTION 5. Section 132D-8.6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The department of law enforcement or fire department of a county, in which a shipment of fireworks or articles pyrotechnic has landed and becomes subject to the jurisdiction of the fire department, shall be allowed to inspect, if it chooses, any shipment declared on the shipping manifest as fireworks or articles pyrotechnic[-] or any facility in which fireworks or articles pyrotechnic are to be stored."

SECTION 6. Section 132D-9, Hawaii Revised Statutes, is amended to read as follows:

**"§132D-9 Application for permit.** (a) The permit required under section 132D-10 or 132D-16 shall be issued by the county or its authorized designees and shall be nontransferable. The county or its authorized designees shall issue

all permits for which complete applications have been submitted and [which] that contain only correct information. The permit shall specify the date of issuance or effect and the date of expiration but in no case for a period to exceed one year. The permit for the purchase of consumer fireworks for the purposes of section 132D-3 shall not allow purchase for more than one event as set forth in section 132D-3. The application shall be made on a form setting forth the dates for which the permit shall be valid, the location where the permitted activity is to occur, and the name of the proprietor or, if a partnership, the name of the partnership and the names of all partners or, if a corporation, the name of the corporation and the names of its officers. The permit application may be denied if the proposed use of fireworks or articles pyrotechnic presents a substantial inconvenience to the public or presents an unreasonable fire or safety hazard.

(b) Any permit issued pursuant to this chapter shall be prominently displayed in public view at the site.

(c) A permittee under this chapter shall be deemed to have consented to allow the director or the director's designee to inspect the premises of the permittee, except the permittee's private residence. If a permittee withdraws consent to inspect the premises of the permittee, the permit shall be revoked."

SECTION 7. Section 132D-14, Hawaii Revised Statutes, is amended to read as follows:

**“§132D-14 Penalty.** (a) Any person:

- (1) Importing aerial devices, display fireworks, or articles pyrotechnic without having a valid license under section 132D-7 shall be guilty of a class C felony;
- (2) Purchasing, possessing, setting off, igniting, or discharging aerial devices, display fireworks, or articles pyrotechnic without a valid permit under sections 132D-10 and 132D-16, or storing, selling, or possessing aerial devices, display fireworks, or articles pyrotechnic without a valid license under section 132D-7, or allowing an individual to possess, set off, ignite, discharge, or otherwise cause to explode any aerial device in violation of section 132D-14.5:
  - (A) If the total weight of the aerial devices, display fireworks, or articles pyrotechnic is twenty-five pounds or more, shall be guilty of a class C felony; or
  - (B) If the total weight of the aerial devices, display fireworks, or articles pyrotechnic is less than twenty-five pounds, shall be guilty of a misdemeanor;
- (3) Who transfers or sells aerial devices, display fireworks, or articles pyrotechnic to a person who does not have a valid permit under sections 132D-10 and 132D-16, shall be guilty of a class C felony; and
- (4) Who removes or extracts the pyrotechnic contents from any fireworks or articles pyrotechnic and uses the contents to construct fireworks, articles pyrotechnic, or a fireworks or articles pyrotechnic related device shall be guilty of a misdemeanor.

(b) Except as provided in subsection (a) or as otherwise specifically provided for in this chapter, any person violating any other provision of this chapter, shall be fined no more than \$5,000 for each violation. Notwithstanding any provision to the contrary in this section, any person violating section 132D-14.5 shall be fined at least \$500 and no more than \$5,000.

(c) The court shall collect the fines imposed in subsections (a) and (b) for violating this chapter and, of the fines collected, shall pay twenty per cent to the State and eighty per cent to the county in which the fine was imposed, which shall be expended by the county for law enforcement purposes.

(d) Notwithstanding any penalty set forth herein, violations of subsection (a)(1) or (3) may be subject to nuisance abatement proceedings provided in part V of chapter 712.

(e) For the purposes of this section:

- (1) Each type of prohibited firework imported, purchased, sold, possessed, set off, ignited, or discharged shall constitute a separate violation for each unopened package; and
- (2) Each separate firework imported, purchased, sold, possessed, set off, ignited, or discharged shall be a separate violation if the package is opened or the firework is not in a package.

(f) For the purposes of this section, “package”:

- (1) Means any aerial device, display firework, or article pyrotechnic:
  - (A) Enclosed in a container or wrapped in any manner in advance of wholesale or retail sale; and
  - (B) With a weight or measure determined in advance of wholesale or retail sale; and
- (2) Does not mean:
  - (A) Inner wrappings not intended to be individually sold to the customer;
  - (B) Shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity;
  - (C) Auxiliary containers or outer wrappings used to deliver commodities if the containers or wrappings bear no printed matter pertaining to any particular aerial device, display firework, or article pyrotechnic;
  - (D) Containers used for retail tray pack displays when the container itself is not intended to be sold; or
  - (E) Open carriers and transparent wrappers or carriers for containers when the wrappers or carriers do not bear printed matter pertaining to any particular aerial devices, display fireworks, or articles pyrotechnic.”

SECTION 8. Section 132D-20, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) This chapter shall be enforced by the department of law enforcement or each county. The department of law enforcement and counties, or both, are authorized to enforce and administer the provisions of this chapter.”

SECTION 9. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 11. This Act shall take effect on July 1, 2024.

(Approved July 5, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to the State Fire Marshal.

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

SECTION 1. The legislature finds that in the aftermath of the Lahaina wildfire, six house of representatives interim working groups were established and charged with evaluating specific topics related to the wildfire and making recommendations for appropriate legislative action in the regular session of 2024. The wildfire prevention working group was tasked to identify the causes of wildfires and preventative action that may be taken to reduce the risk of wildfires throughout the State.

The legislature further finds that Hawaii is the only state without a state fire marshal. In 1979, the position of the state fire marshal was abolished and replaced with the state fire council. The state fire council is now composed of the fire chiefs of the four counties, the state aircraft rescue firefighting unit, and the state protections forester from the department of land and natural resources, division of forestry and wildlife. The state fire council's members serve as non-compensated volunteers as their time allows from their full-time employment. The state fire council has an office staff consisting of two part-time administrative specialists. The legislature further finds that rising global temperatures have increased the risk of fires and dangerous weather conditions in the State and as these risks increase, the State will be better served by having a dedicated state fire marshal.

Accordingly, the purpose of this Act is to re-establish the position of the state fire marshal by establishing the office of the state fire marshal within the department of labor and industrial relations, headed by the state fire marshal.

SECTION 2. Chapter 132, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§132- Office of the state fire marshal; established.** (a) There is established the office of the state fire marshal within the department of labor and industrial relations. The office shall be headed by a state fire marshal, who shall be appointed by the state fire council to serve for a term of five years. The appointment of the state fire marshal shall be made without regard to chapters 76 and 89, and shall not be subject to the advice and consent of the senate. In the event of a vacancy, the state fire council shall meet expeditiously to select and appoint a new state fire marshal to serve the remainder of the unexpired term. The state fire marshal may hire staff as necessary.

(b) The state fire marshal shall have the qualifications, experience, and expertise in fire safety, prevention, and control necessary to successfully perform the duties of the position.

(c) The duties of the state fire marshal shall include but not be limited to:

- (1) Coordinating fire protection efforts between local agencies for the State;
- (2) Working with the state fire council on matters relating to fire services in the State;
- (3) Working with state and county law enforcement agencies for enforcement of the state fire code;
- (4) Reviewing and assessing the fire risk of the State;



- (5) Reviewing and proposing amendments to the state fire code and submitting the proposed amendments to the state fire council for the state fire council's consideration in its adoption of or amendments to the state fire code;
  - (6) Reviewing the emergency resources that are available in the State to be deployed to address fires;
  - (7) Assessing whether the State would benefit from a statewide public fire safety messaging program;
  - (8) Assisting in the investigation of fires when requested by a county;
  - (9) Conducting inspections of state buildings and facilities to ensure fire safety compliance;
  - (10) Providing and coordinating public education and awareness on fire safety;
  - (11) Overseeing the training and certification of fire inspectors and investigators in the State;
  - (12) Maintaining records of all fires in the State, including the causes and circumstances;
  - (13) Assisting in the disbursement of federal grants for structural fire protection purposes to the counties; and
  - (14) Performing other duties as necessary or delegated by the state fire council.
- (d) In carrying out the duties of this section, the state fire marshal may utilize the services of the state fire council, including its advisory committees and administrative staff, as appropriate.”

SECTION 3. Section 76-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The civil service to which this chapter applies shall comprise all positions in the State now existing or hereafter established and embrace all personal services performed for the State, except the following:

- (1) Commissioned and enlisted personnel of the Hawaii National Guard as such, and positions in the Hawaii National Guard that are required by state or federal laws or regulations or orders of the National Guard to be filled from those commissioned or enlisted personnel;
- (2) Positions filled by persons employed by contract where the director of human resources development has certified that the service is special or unique or is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform the service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
- (3) Positions that must be filled without delay to comply with a court order or decree if the director determines that recruitment through normal recruitment civil service procedures would result in delay or noncompliance, such as the Felix-Cayetano consent decree;
- (4) Positions filled by the legislature or by either house or any committee thereof;
- (5) Employees in the office of the governor and office of the lieutenant governor, and household employees at Washington Place;
- (6) Positions filled by popular vote;
- (7) Department heads, officers, and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;

- (8) Judges, referees, receivers, masters, jurors, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;
- (9) One bailiff for the chief justice of the supreme court who shall have the powers and duties of a court officer and bailiff under section 606-14; one secretary or clerk for each justice of the supreme court, each judge of the intermediate appellate court, and each judge of the circuit court; one secretary for the judicial council; one deputy administrative director of the courts; three law clerks for the chief justice of the supreme court, two law clerks for each associate justice of the supreme court and each judge of the intermediate appellate court, one law clerk for each judge of the circuit court, two additional law clerks for the civil administrative judge of the circuit court of the first circuit, two additional law clerks for the criminal administrative judge of the circuit court of the first circuit, one additional law clerk for the senior judge of the family court of the first circuit, two additional law clerks for the civil motions judge of the circuit court of the first circuit, two additional law clerks for the criminal motions judge of the circuit court of the first circuit, and two law clerks for the administrative judge of the district court of the first circuit; and one private secretary for the administrative director of the courts, the deputy administrative director of the courts, each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in paragraph (16);
- (10) First deputy and deputy attorneys general, the administrative services manager of the department of the attorney general, one secretary for the administrative services manager, an administrator and any support staff for the criminal and juvenile justice resources coordination functions, and law clerks;
- (11)
  - (A) Teachers, principals, vice-principals, complex area superintendents, deputy and assistant superintendents, other certificated personnel, 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; 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; 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, 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;
  - (35) In the office of homeland security of the department of law enforcement, the statewide interoperable communications coordinator; ~~and~~
  - (36) In the social services division of the department of human services, the business technology analyst[-]; and
  - (37) The state fire marshal.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955.”

SECTION 4. Section 132-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In addition to adopting a state fire code pursuant to section 132-3, the state fire council shall:

- (1) Administer the requirements for reduced ignition propensity cigarettes, in accordance with chapter 132C; [~~and~~]
- (2) Serve as a focal point through which all applications to the federal government for federal grant assistance for fire-related projects shall be made. Upon the receipt of any such federal grants, the state fire council shall administer those federal grants[.];
- (3) Establish the terms of employment for the position of the state fire marshal; and
- (4) Appoint the state fire marshal.”

SECTION 5. The state fire council shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature by November 1, 2024. The report shall include the following, at minimum:

- (1) An organizational plan, including structure and personnel plan, for the office of the state fire marshal;
- (2) A description of the roles and division of responsibilities between the State and the counties, and the office of the state fire marshal and the state fire council, regarding fire prevention and response; and
- (3) Proposed operating budget for the office of the state fire marshal.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$172,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the following:

- (1) \$120,000 for the establishment of one full-time equivalent (1.00 FTE) permanent state fire marshal position;
- (2) \$40,000 for the establishment of one full-time equivalent (1.00 FTE) permanent position to support the state fire marshal; and
- (3) \$12,000 for training, office supplies, rent, and other operating and administrative costs to support the state fire marshal,

in carrying out the purposes of this Act.

The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this Act.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 8. This Act shall take effect on July 1, 2024.

(Approved July 5, 2024.)

#### Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Related to Disaster Services.

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

SECTION 1. The legislature finds that one out of nine people living in Hawaii is limited English proficient. These individuals often encounter disproportionate risks before, during, and after disasters. These risks include an inability to understand evacuation orders and procedures and information from emergency relief providers and impediments that slow access to emergency medical care, sheltering assistance, and other forms of emergency relief. Moreover, in the aftermath of a disaster, many limited English proficient persons encounter barriers to obtaining relief when applying for state or county programs, including financial, medical, housing, and food assistance programs.

The legislature also finds that in the immediate aftermath of the August 8, 2023, Maui wildfires, language interpreters and sign language interpreters were not present at the shelters, nor was any provision made to assist individuals through remote interpretation. In the absence of a planned coordinated response from the Hawaii emergency management agency and the Maui emergency management agency, Hawaii's professional and community interpreters stepped in to fill the void. Non-profit organizations adjusted their budgets and strategic and contractual obligations to meet the needs of the Maui community and continue to provide services as needed.

The legislature further finds that in addition to state and federal language access laws and regulations, section 308 of the Robert T. Stafford Disaster Relief and Emergency Act (Stafford Act, P.L. 93-288, as amended) specifically requires entities receiving funding from the Federal Emergency Management Agency to identify limited English proficient populations to ensure that they are incorporated into the disaster management planning process, ensure that such populations can access disaster relief information, and develop and maintain a database identifying qualified language assistance programs that could be activated in an emergency.

The purpose of this Act is to appropriate funds to the Hawaii emergency management agency for the establishment of a limited English proficiency language access coordinator and programming support for limited English proficiency community projects.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2024-2025 as follows:

- (1) \$100,000 for the establishment of one full-time equivalent (1.0 FTE) limited English proficiency language access coordinator position, which shall be exempt from chapter 76, Hawaii Revised Statutes, within the Hawaii emergency management agency; and
- (2) \$100,000 for programming support for limited English proficiency community projects, such as public service announcements, translation services, and other program projects and support.

The sum appropriated shall be expended by the Hawaii emergency management agency for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2024.

(Approved July 5, 2024.)

## ACT 211

S.B. NO. 2693

A Bill for an Act Relating to States of Emergency.

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

SECTION 1. Chapter 127A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§127A- Charitable fraud during a state of emergency.** (a) A person commits the offense of charitable fraud during a state of emergency if, during a state of emergency declared by the governor under section 127A-14(a), the person intentionally, knowingly, or recklessly performs any of the following actions in connection with a solicitation or acceptance of a contribution to assist a disaster victim:

- (1) The person uses any deceptive act or practice, false pretense, false promise, or misrepresentation in connection with the solicitation of a contribution;
  - (2) The person misrepresents, misleads, or omits information concerning the intended uses of contributions; or
  - (3) The person uses contributions in a manner other than the specific purposes represented by the solicitor at the time the contribution was solicited.
- (b) Charitable fraud during a state of emergency is a:
- (1) Class B felony if the value of contributions obtained or attempted to be obtained is \$20,000 or more;
  - (2) Class C felony if the value of contributions obtained or attempted to be obtained is more than \$750 and less than \$20,000; or
  - (3) Misdemeanor if the value of contributions obtained or attempted to be obtained is \$750 or less.
- (c) For purposes of this section:

“Contribution” includes money, credit or debit card transactions, online payments, payments made through a third party, goods, services, or anything else of value, whether tangible or intangible.

“Disaster victim” means any person adversely affected by the disaster or emergency that caused the governor to declare a state of emergency.

“Solicit” or “solicitation” means a request directly or indirectly for contributions on the plea or misrepresentation that the contributions, or any portion thereof, will be used for disaster relief, be used to benefit disaster victims, or go to a charitable organization engaged in assisting disaster victims. A person “solicits”, or a “solicitation” occurs, regardless of whether the person making the solicitation receives any contribution. “Solicit” or “solicitation” includes the following:

- (1) Any oral or written request, or request made by electronic message, electronic mail, blog, post, or any other form of electronic communications;
- (2) The making of any announcement to any organization for the purpose of further dissemination, including announcements to the press, over the radio or television, or by telephone, telegraph, the Internet, social media, or facsimile, concerning an appeal or campaign by or for disaster relief, to benefit disaster victims, or any charitable organization engaged in assisting disaster victims;
- (3) The distribution, circulation, posting, or publishing of any handbill, written advertisement, or other publication that directly or by implication seeks to obtain public support;

- (4) Where the sale, or offer or attempted sale, of any advertisement, advertising space, book, card, tag, coupon, device, magazine, membership, merchandise, subscription, flower, ticket, candy, cookies, or other tangible item in connection with which any appeal is made for disaster relief, to benefit disaster victims, or any charitable organization engaged in assisting disaster victims; or where the name of any disaster, disaster victims, or charitable organization engaged in assisting disaster victims is used or referred to in any appeal as an inducement or reason for making any sale; or where in connection with any sale, any statement is made that the whole or any part of the proceeds from any sale will be used for disaster relief, to benefit disaster victims, or go to a charitable organization engaged in assisting disaster victims; and
- (5) A request made through the use of receptacles for contributions such as honor boxes, vending machines, wishing wells, contribution boxes, and novelty machines, where a charitable appeal is used or referred to or implied as an inducement or reason to contribute.”

SECTION 2. New statutory material is underscored.<sup>1</sup>

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

(Approved July 5, 2024.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 212

H.B. NO. 2526

A Bill for an Act Relating to Motor Vehicles.

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

SECTION 1. The purpose of this Act is to:

- (1) Increase the penalty for a third or subsequent offense involving the unauthorized driving or operation of motor vehicles to a class C felony; and
- (2) Authorize the court, as part of the person’s sentencing for the third or subsequent offense, to order that the vehicle used by the person in the commission of the offense be subject to forfeiture.

SECTION 2. Section 286-136, Hawaii Revised Statutes, is amended to read as follows:

**“§286-136 Penalty.** (a) ~~[Except as provided in subsection (b), any]~~ Any person who violates section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134 shall be ~~[fined]~~ penalized as follows:

- (1) For a first offense, or any offense not preceded within a five-year period for the same offense, the person shall pay a fine of no more than \$1,000 or [imprisoned] serve a term of imprisonment of no more than thirty days, or both[-. Any person who violates any other section in this part shall be fined no more than \$1,000.];



~~[(b) Any person who is convicted of violating section 286-102, 286-122, 286-130, 286-131, 286-132, 286-133, or 286-134 shall be subject to]~~

- ~~(2) For an offense that occurs within five years of a prior conviction for the same offense, the person shall pay a minimum fine of \$500 and a maximum fine of \$1,000, or [imprisoned] serve a term of imprisonment of no more than one year, or both[; if the person has two or more prior convictions for the same offense in the preceding five-year period.]; or~~
- ~~(3) For an offense that occurs within five years of two or more prior convictions for the same offense, the person shall be guilty of a class C felony; provided that the court, as part of the person's sentencing, may order that the vehicle used by the person in the commission of the offense be subject to forfeiture under chapter 712A.~~

~~(b) Any person who violates any other section in this part shall be fined no more than \$1,000.~~

(c) Notwithstanding subsections (a) and (b), a minor under the age of eighteen under the jurisdiction of the family court who is subject to this section shall either lose the right to drive a motor vehicle until the age of eighteen or be subject to a fine of \$500.

(d) Any person subject to a fine under this section and who fails to timely pay the fine shall be given an opportunity to petition the court to demonstrate that the person's nonpayment or inability to pay is not wilful; provided that if the person petitions the court, the court shall make an individualized assessment of the person's ability to pay based upon the totality of the circumstances, including the person's disposable income, financial obligations, and liquid assets; provided further that if the court determines that the person's nonpayment or inability to pay is not wilful, the court may enter an order that allows additional time for payment; reduces the amount of each installment; revokes the fee or fine, or unpaid portion thereof, in whole or in part; or converts any outstanding fine to community service."

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, 2024.

(Approved July 5, 2024.)

## ACT 213

S.B. NO. 2347

A Bill for an Act Relating to Crime.

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

SECTION 1. The legislature finds that although many people from all socioeconomic groups break laws, only a few become persistent offenders who habitually commit crimes, including crimes of a violent nature. A pattern of convictions for violent behavior correlates to a likelihood of similar repeat offenses in the future. Therefore, repeat violent offenders pose a danger to the community. Legislatures have enacted laws to allow prosecutors to charge offenders

with repeat violent convictions, as a felony, if the offenders commit the same or similar offense within a given timeframe. In Hawaii, for example, the third or any subsequent offense of abuse of a family or household member would result in the charging of a class C felony, and the offense of habitual property crime is a class C felony for persons who, within ten years of the instant offense, have multiple property crime convictions.

Accordingly, the purpose of this Act is to establish the offense of habitual violent crime, to allow the prosecution to charge a person who, within five years of the instant offense, had been convicted of three or more violent misdemeanors or felonies, with a class C felony.

SECTION 2. Chapter 707, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§707- **Habitual violent crime.** (1) A person commits the offense of habitual violent crime if the person is a habitual violent crime perpetrator and commits:

- (a) Assault in the third degree under section 707-712 that is categorized as a misdemeanor;
- (b) Assault against a law enforcement officer in the second degree under section 707-712.6;
- (c) Sexual assault in the fourth degree under section 707-733; or
- (d) Abuse of a family or household member under section 709-906(1).

(2) For the purposes of this section, “habitual violent crime perpetrator” means a person who, within five years of the instant offense, has convictions for any combination of three or more of the following offenses set forth in sections 707-710, 707-711, 707-712, 707-712.5, 707-712.6, 707-730, 707-731, 707-732, 707-733, and 709-906; provided that the convictions were not for offenses categorized as petty misdemeanors. The convictions shall be for separate incidents on separate dates. The prosecution shall not be required to prove any state of mind with respect to the person’s status as a habitual violent crime perpetrator. Proof that the person has the requisite minimum prior convictions shall be sufficient to establish this element.

- (3) Habitual violent misdemeanor crime is a class C felony.
- (4) For a conviction under this section, the sentence shall be either:
  - (a) An indeterminate term of imprisonment of five years; provided that the minimum term of imprisonment shall be no less than one year; or
  - (b) A term of probation of five years, with conditions to include but not be limited to one year of imprisonment; provided that probation shall only be available for a first conviction under this section.”

SECTION 3. (a) The department of the attorney general shall submit an annual report to the legislature no later than twenty days prior to the convening of the regular sessions of 2025 and 2026 that includes the number of convictions under section 707- , Hawaii Revised Statutes, as added by section 2 of this Act.

(b) No later than December 1 of 2024 and 2025, the prosecuting attorney of each county shall provide the department of the attorney general with the data to enable the department to complete the report under subsection (a).

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.<sup>1</sup>

SECTION 6. This Act shall take effect upon its approval, and shall be repealed on June 30, 2027.

(Approved July 5, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 214**

S.B. NO. 2182

A Bill for an Act Relating to Ocean Stewardship.

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

SECTION 1. Section 187A-52, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) All ~~[operators of commercial vessels, water craft, or water sports equipment that are required to have a commercial operator]~~ persons required to obtain a permit [pursuant to section 13-256-3(a), Hawaii Administrative Rules,] from the department to engage in commercial activity pursuant to sections 200-4, 200-10, 200-24, and 200-37, or any rules adopted thereunder, shall collect an ocean stewardship user fee from each passenger carried or customer served.”

2. By amending subsection (c) to read:

“(c) All fees collected pursuant to this section shall be transferred to the department on a monthly basis and shall be deposited into the ocean stewardship special fund; provided that any fees collected on or after January 1, [2029,] 2031, shall be deposited into the general fund.”

SECTION 2. Act 46, Session Laws of Hawaii 2021, is amended by amending section 3 to read as follows:

“SECTION 3. Section 187A-A, Hawaii Revised Statutes, established in section 2 of this Act to create the ocean stewardship special fund, shall be repealed and the ocean stewardship special fund shall be abolished on January 1, [2029,] 2031, and any remaining balance shall lapse to the general fund.”

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

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

(Approved July 8, 2024.)

A Bill for an Act Relating to Ocean Recreation.

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

SECTION 1. The legislature finds that small boat harbors and boating facilities are some of the most heavily trafficked facilities in the State, used by residents and tourists alike. The division of conservation and resources enforcement of the department of land and natural resources is responsible for enforcing all statutes and administrative rules of the department but spends a large part of its time responding to violations in small boat harbors and boating facilities.

Much of the enforcement effort at small boat harbors and boating facilities is necessary to ensure public health and safety, such as responding to vandalism, theft, trespassing, and squatting. In order to deter violators and repeat offenders, stricter penalties are needed. The provisions of section 200-14, Hawaii Revised Statutes, are unclear regarding whether criminal penalties are authorized for violations of the section, which has hindered enforcement efforts.

Therefore, the purpose of this Act is to clarify that criminal penalties are authorized for certain violations of ocean recreation laws.

SECTION 2. Section 200-14, Hawaii Revised Statutes, is amended to read as follows:

**“§200-14 Violation of chapter or rules; penalty.** (a) ~~[Except as provided in subsection (b), any person who violates any rule adopted by the department under this part or who violates this part, shall be fined not more than \$1,000 or less than \$50 for each violation, and any vessel, the agents, owner, or crew of which violate the rules of the department or this part, shall be fined not more than \$1,000 or less than \$50 for each violation; provided that in addition to or as a condition to the suspension of the fines and penalties, the environmental court may deprive the offender of the privilege of operating or mooring any vessel in state waters for a period of not more than thirty days.]~~ Any person who violates any provision in this chapter, or rule adopted by the department, relating to boating accidents, reckless or unauthorized operation of a vessel, unauthorized mooring of a vessel, unauthorized commercial activity, unauthorized camping within state small boat harbors or boating facilities, animal abandonment within state small boat harbors or boating facilities, or creation of animal colonies within state small boat harbors or boating facilities shall be guilty of a petty misdemeanor and shall be fined not more than \$1,000.

(b) Any person who violates any rule adopted by the department under this part regulating vehicular parking or traffic movement shall have committed a traffic infraction as set forth in chapter 291D, the adjudication of which shall be subject to the provisions contained therein. A person found to have committed ~~[such]~~ a traffic infraction shall be fined not more than:

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

(c)<sup>1</sup> Notwithstanding the provisions of subsection (a) ~~[establishing a fine of not more than \$1,000 or less than \$50 for each violation]~~, any person who knowingly or intentionally violates any rule adopted by the department relating to unauthorized discharge, dumping, or abandoning, in any state boating facility or state waters, of any petroleum product, hazardous material, or sewage in

violation of the state water quality standards established by the department of health, shall be fined not more than \$10,000 for each day of violation, and any vessel, the agents, owner, or crew of which violate the rules of the department shall be fined not more than \$10,000 for each day or instance of violation, ~~and any vessel,~~ or sentenced to a term of imprisonment of not more than thirty days, or both. Each day or instance of each violation shall be deemed a separate offense. Additionally, the agents, owner, or crew of ~~[which violate]~~ any vessel that violates the rules of the department shall be fined not more than \$10,000 for each day of violation.

(d) As a condition of probation pursuant to sections 706-623 and 706-624, or as a condition to the suspension of any criminal penalties, the environmental court may provide that the defendant refrain from operating any vessel, including but not limited to any thrill craft or vessel engaged in parasailing or water sledding, in specified geographical areas of the waters of the State.

(e) For the purposes of this section, “operate”, “parasailing”, “thrill craft”, “vessel”, “water sledding”, and “waters of the State” have the same meaning as those terms are defined in section 200-23.”

SECTION 3. Section 200-14.5, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§200-14.5~~ **General administrative penalties.** (a) Except as otherwise provided by law, the board is authorized to set, charge, and collect administrative fines and to recover administrative fees and costs, including attorney’s fees and costs, or bring legal action to recover administrative fines and fees and costs, including attorney’s fees and costs, or payment for damages or for the cost to correct damages resulting from a violation of ~~[sub~~title 8 of title 12] this chapter, chapter 200A or 200D, or any rule adopted thereunder.

(b) In addition to, or as a condition to the suspension of, any administrative fines and penalties, the board may deprive the offender of the privilege of registering or titling any vessel for use on waters of the State, or mooring any vessel in any state small boat harbor, boating facility, or waters of the State, for a period of not more than twenty-four months. Each day or instance of violation shall constitute a separate offense.

~~(b)~~ For violations involving pollution of the waters of the State, the administrative fine shall be as follows:

- ~~(1) For a first violation or a violation beyond five years of a previous violation, a fine of not more than \$10,000;~~
- ~~(2) For a second violation within five years of a previous violation, by a fine of not more than \$15,000; and~~
- ~~(3) For a third or subsequent violation within five years of the last violation, by a fine of not more than \$25,000.]~~
- (c) For all violations, the administrative fine shall be as follows:
  - (1) For a first violation or a violation beyond five years of a previous violation, a fine of not more than \$5,000;
  - (2) For a second violation within five years of a previous violation, ~~by~~ a fine of not more than \$10,000; and
  - (3) For a third or subsequent violation within five years of the last violation, ~~by~~ a fine of not more than \$15,000.

(d) Any criminal action against a person for any violation of ~~[sub~~title 8 of title 12] this chapter, chapter 200A or 200D, or any rule adopted thereunder shall not preclude the State from pursuing civil legal action to recover administrative fines, fees and costs, or damages against that person. Any civil legal action

## ACT 216

to recover administrative fines, fees and costs, or damages for any violation of ~~[sub~~title 8 of title 12] this chapter, chapter 200A or 200D, or any rule adopted thereunder shall not preclude the State from pursuing any appropriate criminal action against that person. All fines, fees and costs, or damages recovered by the department under this section shall be deposited in the boating special fund.

(e) For the purposes of this section, “vessel” and “waters of the State” have the same meaning as those terms are defined in section 200-23.”

SECTION 4. Section 200-34, Hawaii Revised Statutes, is amended to read as follows:

**“§200-34 Disposition of revenues.** All fees and penalties collected pursuant to sections 200-10, 200-14, 200-14.5, ~~[200-25,]~~ and 200-32, and all fees and penalties established by rules adopted pursuant to sections 200-4 and 200-24, shall be deposited in the boating special fund.”

SECTION 5. Section 200-37.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

**“(b) [Notwithstanding the provisions of section 200-25, any] Any** person who violates this section shall be fined not more than \$100 for each separate offense. Each day of each violation constitutes a separate offense. Any action taken to impose or collect the fine provided by this section shall be considered a civil action.”

SECTION 6. Section 200-25, Hawaii Revised Statutes, is repealed.

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

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>2</sup>

SECTION 9. This Act shall take effect upon its approval.

(Approved July 8, 2024.)

### Notes

1. Subsection printed as enacted.
2. Edited pursuant to HRS §23G-16.5.

## ACT 216

H.B. NO. 2478

A Bill for an Act Relating to the Pacific Marine Fisheries Compact.

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

SECTION 1. The legislature finds that the Pacific States Marine Fisheries Commission is an interstate compact agency that helps state resource management agencies and the fishing industry sustainably manage Pacific ocean resources. The name of the Pacific Marine Fisheries Commission was changed to the Pacific States Marine Fisheries Commission in 1989, but the organization

is still referred to as the Pacific Marine Fisheries Commission in the original compact language. The Pacific States Marine Fisheries Commission's mission, "to promote the better utilization of fisheries – marine, shell, and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction", closely aligns with the mission of the department of land and natural resources to work with the people of Hawaii to manage, conserve, and restore the State's unique aquatic resources and ecosystems for present and future generations.

The legislature further finds that the State of Hawaii would benefit greatly from becoming a member of the Pacific States Marine Fisheries Commission and could also be a valuable contributor toward the mutual goal of better managing Pacific ocean fishery resources.

The purpose of this Act is to authorize the governor to execute a compact on behalf of the State to cooperate in the Pacific States Marine Fisheries Commission.

SECTION 2. The Hawaii Revised Statutes is amended by adding to title 12 a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
PACIFIC MARINE FISHERIES COMPACT**

**§ -1 Governor's power to execute compact.** The governor may execute a compact on behalf of the State to cooperate in the Pacific States Marine Fisheries Commission.

**§ -2 Compact.** The form and contents of the compact must be substantially as provided in this section, and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this chapter:

**PACIFIC MARINE FISHERIES COMPACT**

The contracting states agree as follows:

**ARTICLE I**

The purposes of this compact are to promote the better utilization of fisheries, marine, shell, and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of the fisheries in all of those areas of the Pacific Ocean and adjacent waters over which the compacting states jointly or separately have or acquire jurisdiction.

Nothing in this compact may be construed to authorize the compacting states to limit the production of fish or fish products, establish or fix the prices of the fish or fish products, or create and perpetuate a monopoly.

**ARTICLE II**

This agreement shall become operative immediately as to those states executing it whenever two or more of the compacting states have executed it in the form that is in accordance with the laws of the executing states and the Congress has given its consent.

**ARTICLE III**

Each state joining in this compact shall appoint, as determined by state statutes, one or more representatives to a commission constituted and designated in this compact as the Pacific Marine Fisheries Commission, of whom one shall

be the administrative or other officer of the agency of the state charged with the conservation of the fisheries resources to which this compact pertains. The commission shall be invested with the powers and duties set out in this compact.

The term of each commissioner of the Pacific Marine Fisheries Commission is four years. A commissioner holds office until a successor is appointed and qualified, but the successor's term expires four years from the legal date of expiration of the term of the successor's predecessor. Vacancies occurring in the office of a commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time to a deputy the power to be present and participate including voting as a representative or substitute, at a meeting of or hearing by, or other proceeding of the commission.

Voting powers under this compact are limited to one vote for each state regardless of the number of representatives.

#### ARTICLE IV

The duty of the said commission is to make inquiry and ascertain from time to time the methods, practices, circumstances, and conditions that are disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous, in all of those areas of the Pacific Ocean and adjacent waters over which the compacting states jointly or separately have or acquire jurisdiction. The commission may recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and the conservation zones to promote the preservation of those fisheries and their protection against overfishing, waste, depletion, or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties to this compact.

To that end, the commission shall draft and, after consultation with the advisory committee authorized by article VII of this compact, recommend to the governors and legislative branches of the signatory states to this compact, legislation dealing with the conservation of the marine, shell, and anadromous fisheries in all of those areas of the Pacific Ocean over which the compacting states jointly or separately have or acquire jurisdiction. The commission shall, more than one month before a regular meeting of the legislative branch in a signatory state, present to the governor of the state its recommendations relating to enactments by the legislative branch of that state in furthering the purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of the regulations it considers advisable and which lie within the jurisdiction of the agencies.

The commission may recommend to the signatory states the stocking of the waters of such states with marine, shell, or anadromous fish and fish eggs or joint stocking by some or all of the states, and, when two or more of the states jointly stock waters, the commission shall act as the coordinating agency for the stocking.

#### ARTICLE V

The commission shall elect from its number a chairperson and a vice chairperson and shall appoint and at its pleasure remove or discharge the officers and employees required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications, and compensation. The commission shall adopt rules for the conduct of its business. It may establish and



maintain one or more offices for the transaction of its business and may meet at any time or place in the signatory states, but must meet at least once a year.

#### ARTICLE VI

No action may be taken by the commission except by the affirmative vote of a majority of the number of compacting states represented at a meeting. No recommendation may be made by the commission in regard to a species of fish except by the vote of a majority of the compacting states which have an interest in the species.

#### ARTICLE VII

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of the Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fishers, commercial fishing industry, and other interests of each state that the commission deems advisable shall be established by the commission as soon as practicable to advise the commission upon the recommendations it desires to make.

#### ARTICLE VIII

Nothing in this compact may be construed to limit the powers of a state or to repeal or prevent the enactment of legislation or the enforcement of a requirement by a state imposing additional conditions and restrictions to conserve its fisheries.

#### ARTICLE IX

Continued absence of representation or of any representative on the commission from a signatory state shall be brought to the attention of the governor of the state.

#### ARTICLE X

The states agree to make available annual funds for the support of the commission on the following basis:

Eighty per cent (80%) of the annual budget shall be shared equally by those member states having as a boundary the Pacific Ocean; not less than five per cent (5%) of the annual budget shall be contributed by any other member state; the balance of the annual budget shall be shared by those member states having as a boundary the Pacific Ocean, in proportion to the primary market value of the products of their commercial fisheries on the basis of the latest five-year catch records.

The annual contribution of each member state shall be figured to the nearest one hundred dollars.

This amended article shall become effective upon its enactment by the states of Alaska, California, Idaho, Oregon, and Washington and upon ratification by Congress by virtue of the authority vested in it under Article I, Section 10, of the Constitution of the United States.

#### ARTICLE XI

This compact continues in force and remains binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties to the compact.

## ARTICLE XII

The states of Alaska or Hawaii or any state having rivers or streams tributary to the Pacific Ocean may become a contracting state by enactment of the compact. Upon admission of a new state to the compact, the purposes of the compact and the duties of the commission extend to the development of joint programs for the conservation, protection, and prevention of physical waste of fisheries in which the contracting states are mutually concerned and to all waters of the newly admitted state necessary to develop the programs.

This article becomes effective upon its enactment by the states of California, Oregon, and Washington and upon ratification by Congress by virtue of the authority vested in it under Article I, Section 10, of the Constitution of the United States.

**§ -3 Hawaii representatives.** In furtherance of the compact provisions, there are three members of the commission from the State of Hawaii—the chairperson of the board of land and natural resources serving in an ex officio capacity, and two commissioners who are representatives of the fishing community with wide knowledge of and interest in marine fisheries issues, to be nominated and, by and with the advice and consent of the senate, appointed by the governor in accordance with section 26-34; provided that at least one commissioner shall be a practitioner of and expert in traditional and customary native Hawaiian cultural fishing practices and shall serve as a representative of such on the commission.

**§ -4 Terms of commissioners.** (a) The term of the commissioner serving in an ex officio capacity shall be the term of the commissioner’s appointment as the chairperson of the board of land and natural resources. The ex officio commissioner holds office until a successor is appointed and qualified.

(b) The term of a non-ex officio commissioner is four years. A non-ex officio commissioner holds office until a successor is appointed and qualified, but the successor’s term expires four years from the legal date of expiration of the term of the successor’s predecessor.

(c) A non-ex officio commissioner may be removed or suspended by the governor after due notice and public hearing. Vacancies occurring in the office of a commissioner from any reason or cause shall be filled for the unexpired term in the same manner as for a full-term appointment.”

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

(Approved July 8, 2024.)

ACT 217

H.B. NO. 2743

A Bill for an Act Relating to Wastewater.

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

SECTION 1. The legislature finds that Hawaii has approximately eighty-three thousand cesspools that discharge an estimated fifty million gallons of untreated sewage into the State’s groundwater and surface waters every day. This antiquated technology threatens drinking water, increases the risk of human illness, and causes significant harm to streams and coastal resources, including coral reefs.

The legislature also finds that, although the counties are responsible for constructing and maintaining wastewater systems, the State presently does not

require the counties to develop wastewater management plans nor are the counties required to identify neighborhoods that could be connected to existing and planned wastewater treatment facilities.

Due to this lack of formal wastewater management planning, individual landowners, the counties, and the department of health currently do not know which cesspools are situated in areas that will eventually be connected with existing and proposed county wastewater facilities, and when those connections can be made. The legislature notes that although the university of Hawaii established the Hawaii cesspool prioritization tool to prioritize cesspools for connection and conversion, landowners and government agencies are currently unable to identify which priority cesspools are located in areas where wastewater facilities will be expanded. This lack of information makes it difficult for individuals currently served by cesspools to decide whether to invest in cesspool conversions or to wait to connect with existing or proposed county wastewater systems.

Accordingly, the purpose of this Act is to:

- (1) Require the university of Hawaii water resources research center and the university of Hawaii sea grant college program to develop an overlay with the Hawaii cesspool prioritization tool to identify specific priority areas in which the county sewer system or other centralized treatment system may most feasibly be expanded or constructed to reduce or eliminate cesspools before January 1, 2050; and
- (2) Appropriate moneys to the university of Hawaii to develop the overlay.

The legislature declares that the actions required of the university of Hawaii water resources research center and sea grant college program pursuant to this Act are a matter of statewide concern.

SECTION 2. (a) The university of Hawaii water resources research center and the university of Hawaii sea grant college program shall develop an overlay with the Hawaii cesspool prioritization tool to identify specific priority areas in which the county sewer system or other centralized treatment system may most feasibly be expanded or constructed to reduce or eliminate cesspools before January 1, 2050.

(b) In developing the overlay pursuant to this section, the university of Hawaii water resources research center and the university of Hawaii sea grant college program shall:

- (1) Consult with relevant stakeholders; and
- (2) Consider factors such as density of development, proximity to wastewater infrastructure, existing county plans, timing, cost, and any other factors deemed relevant and necessary.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$350,814 or so much thereof as may be necessary for fiscal year 2024-2025 for the university of Hawaii water resources research center and the sea grant college program to develop an overlay with the Hawaii cesspool prioritization tool to identify specific priority areas in which the county sewer system or other centralized treatment system may most feasibly be expanded or constructed to reduce or eliminate cesspools before January 1, 2050.

The sum appropriated shall be expended by the university of Hawaii for the purposes of this Act; provided that the moneys appropriated 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.

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved July 8, 2024.)

ACT 218

H.B. NO. 2453

A Bill for an Act Relating to Water Infrastructure.

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

PART I

SECTION 1. The legislature finds that the quality of the environment and the economy of the State are both of utmost importance to the welfare of the people of Hawaii. The legislature, in concert with the United States Environmental Protection Agency and the United States Congress, finds that there is increasing demand for the replacement of aging drinking water and wastewater system infrastructure in the State, the delay of which could pose short-term and long-term health hazards for consumers statewide.

The legislature further finds that the drinking water treatment revolving loan fund and the water pollution control revolving fund have been administered by the department of health in ways that manage yearly capitalization grants received from the United States Environmental Protection Agency, but not to the maximum extent allowed under the Safe Drinking Water Act (P.L. 93-523), preventing the construction of health-protective infrastructure projects in Hawaii.

The legislature additionally finds that the incorporation of capitalization grant transfer authority between the drinking water treatment revolving loan fund and the water pollution control revolving fund programs, as currently allowed under title 40 Code of Federal Regulations section 35.3530(c), can greatly assist the two programs with additional planning and priority setting; maximizing of the two infrastructure funding programs by directing federal funds where they are most needed; and ensuring that annual federal capitalization grant moneys awarded to the two programs will be disbursed as quickly as possible.

The restoration of Lahaina and other communities impacted by wildfires or other natural disasters would benefit from the ability to utilize the transfer authority between the programs to replace or repair drinking water, wastewater, or stormwater infrastructure.

Accordingly, the purpose of this Act is to authorize the governor, or a state official acting pursuant to authorization from the governor, to transfer federal capitalization grant funds in accordance with federal law.

PART II

SECTION 2. Chapter 340E, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

**“§340E- Drinking water treatment revolving loan fund; transfers.** (a) The governor, or a state official acting pursuant to authorization from the governor, may transfer an amount up to or equal to thirty-three per cent, calculated on the basis of a fiscal year’s drinking water treatment revolving loan fund capitalization grant amount from the drinking water treatment revolving loan fund to the water pollution control revolving fund established under section 342D-83, or an equivalent dollar amount from the water pollution control revolving fund to the drinking water treatment revolving loan fund established under section 340E-35. The following conditions shall apply:

- (1) When the State initially decides to transfer funds pursuant to this section:
  - (A) The attorney general, or an individual designated by the attorney general, shall have signed or concurred in a certification for the drinking water treatment revolving loan fund and water pollution control revolving fund that state law permits the State to transfer funds; and
  - (B) The operating agreements or other parts of the capitalization grant agreements for the drinking water treatment revolving loan fund and water pollution control revolving fund shall be amended to detail the method the State shall use to transfer funds;
- (2) The State shall not use the transfer provision to acquire state match for either fund or use transferred funds to secure or repay state match bonds;
- (3) The State may reserve fund amounts for transfer in future years pursuant to requirements under federal law; and
- (4) Funds may be transferred on a net basis between the drinking water treatment revolving loan fund and water pollution control revolving fund; provided that the thirty-three per cent transfer allowance associated with drinking water treatment revolving loan fund capitalization grants received is not exceeded.
  - (b) No later than twenty days prior to the convening of each regular session, the department of health shall submit to the legislature a report on:
    - (1) All transfers between the water pollution control revolving fund and drinking water treatment revolving loan fund pursuant to this section and section 342D- ; and
    - (2) Whether the transfers comply with federal law.”

SECTION 3. Chapter 342D, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

**“§342D- Water pollution control revolving fund; transfers.** The governor, or a state official acting pursuant to authorization from the governor, may transfer an amount up to or equal to thirty-three per cent, calculated on the basis of a fiscal year’s drinking water treatment revolving loan fund capitalization grant amount, from the water pollution control revolving fund to the drinking water treatment revolving loan fund established under section 340E-35, or an equivalent dollar amount from the drinking water treatment revolving loan fund to the water pollution control revolving fund established under section 342D-83. The following conditions shall apply:

- (1) When the State initially decides to transfer funds pursuant to this section:
  - (A) The attorney general, or an individual designated by the attorney general, shall have signed or concurred in a certification for the drinking water treatment revolving loan fund and water pollution control revolving fund that state law permits the State to transfer funds; and
  - (B) The operating agreements or other parts of the capitalization grant agreements for the drinking water treatment revolving loan fund and water pollution control revolving fund shall be amended to detail the method the State shall use to transfer funds;

## ACT 219

- (2) The State shall not use the transfer provision to acquire state match for either fund or use transferred funds to secure or repay state match bonds;
- (3) The State may reserve fund amounts for transfer in future years pursuant to requirements under federal law; and
- (4) Funds may be transferred on a net basis between the water pollution control revolving fund and drinking water treatment revolving loan fund; provided that the thirty-three per cent transfer allowance associated with drinking water treatment revolving loan fund capitalization grants received is not exceeded.”

### PART III

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved July 8, 2024.)

#### Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 219

H.B. NO. 2467

A Bill for an Act Relating to Rent Credits for Demolition and Infrastructure Costs on Public Land Leases.

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

SECTION 1. Act 222, Session Laws of Hawaii 2021, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect upon its approval [~~and shall be repealed on June 30, 2026; provided that section 171-6, 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 2. Statutory material to be repealed is bracketed and stricken.

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

(Approved July 8, 2024.)

## ACT 220

H.B. NO. 2471

A Bill for an Act Relating to Inspections on Public Land.

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

SECTION 1. The legislature finds that under chapter 171, Hawaii Revised Statutes, and the terms and conditions of the various land dispositions approved by the board of land and natural resources, the department of land and natural resources (department) has the authority to periodically inspect the

premises under lease or license. However, due to staff constraints, the department's land agents are not able to conduct regular inspections of every property under lease or license. Additionally, the department's land agents are typically not architects, engineers, or licensed contractors and may not be qualified to identify components of existing structures on the premises in need of repair or replacement. Furthermore, to the extent the department's land agents are able to identify items requiring repair or replacement, existing lease terms and conditions do not provide the department with sufficient leverage to compel the lessee to make the necessary repair or replacement. This is particularly problematic at the end of a long-term lease when the lessee has little incentive to invest significant funds in the upkeep of the property.

The legislature further finds that the house investigative committee (committee) established under House Resolution No. 164 during the regular session of 2021 was tasked with, among other things, reviewing audit report No. 19-12 by the state auditor, regarding the department's special land and development fund. Rather than having the department's land agents conduct the inspections, the committee recommended that the department require lessees to pay for third-party inspectors selected by the department to conduct physical inspections of the leased property every five years. The committee further recommended that if the third-party inspector finds any defaults with the lease terms, the lessee should be required to take any corrective actions recommended by the inspector.

The purpose of this Act is to establish a statutory framework for inspections of public land subject to a department of land and natural resources lease or license; provided that:

- (1) The inspections of structures or buildings may be conducted by qualified third-party inspectors contracted by the department but paid for by the lessee or licensee as applicable; and
- (2) If the inspection identifies structures or buildings needing repair or replacement, the lessee or licensee shall be required to make the necessary repair or replacement at its expense or risk termination of its land disposition.

SECTION 2. Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to subpart B of part II to be appropriately designated and to read as follows:

**“§171- Inspection of demised premises.** (a) The department may conduct inspections of all public land subject to a lease or license under this chapter only. The inspection is to ensure that:

- (1) The land is being used for the purpose for which it was originally leased or an alternative use as provided and approved by the board pursuant to section 171-36;
- (2) No unauthorized activities are taking place on the land;
- (3) The lease or license has not been transferred or assigned in violation of section 171-36;
- (4) No portion of the land has been sublet in violation of section 171-36 or the terms and conditions of the lease or license;
- (5) No hazardous materials are present on the land, except as specifically authorized under and in conformity with the applicable lease or license; and
- (6) All structures on, buildings on, and improvements to the land are maintained in acceptable condition so that:

- (A) The purpose of the lease or license may be adequately and safely fulfilled;
- (B) The use or conditions of the land do not endanger the health and safety of individuals present on the land or the public; and
- (C) All property and improvements that may revert to the State at the termination of the lease or license are present and maintained in functional and safe condition.

(b) Inspection of structures or buildings pursuant to this section may be conducted by a disinterested third-party inspector contracted by the department; provided that any land agent of the department and any party to the lease or license may be present during the inspection and may observe the inspection. All costs of the inspection of structures or buildings shall be paid by the lessee or licensee. Inspectors shall submit a report of their findings and recommendations to the department no later than fifteen days after the inspection has been completed. The department may use the inspector's report as a basis for taking any corrective action in regard to a structure or building that is allowable under this chapter. Any action taken by the department pursuant to the inspector's report shall be carried out in conformity with the requirements of this chapter. The lessee or licensee shall be responsible for the cost of and for carrying out any corrective action required under this section.

(c) It shall be a violation of the applicable lease or license for any lessee or licensee to:

- (1) Prevent, interfere with, unduly influence, obstruct, refuse to cooperate with, hinder, or unreasonably delay any inspection or attempt to inspect pursuant to this section;
- (2) Harass, interfere with, unduly influence, obstruct, refuse to cooperate with, hinder, or unreasonably delay any inspector, land agent, or officer or employee of the department acting or attempting to act in accordance with this section; or
- (3) Refuse to comply with, interfere with, obstruct, refuse to cooperate with, hinder, or unreasonably delay any corrective action ordered by the department pursuant to an inspector's report submitted pursuant to this section or attempted corrective action;

provided that the board may impose any penalty allowable for violation of this chapter, including termination of the lease or license; assessment of administrative penalties; and imposition of fines.

(d) This section shall be incorporated by operation of law as a provision of all leases or licenses entered into by the board after the effective date of this Act.”

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

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved July 8, 2024.)



## Note

1. Edited pursuant to HRS §23G-16.5.

## ACT 221

H.B. NO. 1527

A Bill for an Act Relating to Veterinary Medicine.

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

SECTION 1. Section 471-2, Hawaii Revised Statutes, is amended to read as follows:

**“§471-2 License required.** (a) No person shall engage in the practice of veterinary medicine, either gratuitously or for pay, or shall offer to so practice, or shall announce or advertise, publicly or privately, as prepared or qualified to so practice, or shall append the letters “Dr.” or affix any other letters to the person’s name with the intent thereby to imply that the person is a practitioner of veterinary medicine, without having a valid unrevoked license obtained from the Hawaii board of veterinary medicine; provided that nothing in this chapter prevents or prohibits the following:

- (1) Any person from gratuitously treating animals in case of emergency;
- (2) The owner of any animal or animals and the owner’s full-time, regular employees from caring for and treating any animals belonging to the owner; provided that a person who is not licensed under this chapter shall not perform any surgical procedure on a pet animal, including but not limited to:
  - (A) A cesarean section;
  - (B) Ear cropping;
  - (C) Tail docking;
  - (D) Ventriculocordectomy, also known as devocalization or de-barking;
  - (E) Onychectomy, also known as declawing, or dewclaw removal;  
or
  - (F) Elastration or castration via banding;
- (3) Any student enrolled in any veterinary school or college or any employee of a veterinarian from working under the direct supervision of a veterinarian;
- (4) Any person from practicing veterinary medicine in the employ of the United States government while engaged in the performance of the person’s official duties;
- (5) Any person licensed to engage in the practice of veterinary medicine in any jurisdiction, from practicing in the State when in consultation with veterinarians of this State; provided that the veterinarian receiving consultation shall maintain the veterinarian-client-patient relationship;
- (6) Any farmer from giving to another farmer the assistance customarily given in the ordinary practice of animal husbandry;
- (7) Any applicant who meets the licensing requirements of practicing veterinary medicine under a veterinarian by temporary permit; provided that the applicant applies for and takes the examination scheduled by the board. The temporary permit shall not be renewed;
- (8) An individual licensed to engage in the practice of veterinary medicine in another jurisdiction from practicing in the State under a

sponsor and indirect supervision of a veterinarian as part of an emergency response or enforcement action pursuant to chapter 711; provided that the sponsor shall file notification with the board regarding the arrival of the sponsored individual; provided further that the sponsored individual shall serve in an emergency capacity for no longer than twenty-one consecutive days; or

(9) Any person who has obtained a courtesy permit or relief permit pursuant to sections 471-9.5 and 471-9.6 from practicing in the State.

(b) For the purposes of this section, “pet animal” has the same meaning as defined in section 711-1100.”

SECTION 2. Section 471-15, Hawaii Revised Statutes, is amended to read as follows:

~~“[§471-15] Criminal penalties. (a) Any person convicted of violating section 471-2 shall have committed a misdemeanor and be subject to a fine not to exceed [\$500 or imprisoned not more than six months, or both.] \$1,000.~~

[Additionally,] (b) In addition to the penalties provided in subsection (a), all tools, implements, appliances, medicine, and drugs used in the practice of veterinary medicine by any person convicted of practicing veterinary medicine without a license shall be declared forfeited to the State by the court and turned over to the board for any disposition [as] it may choose [to make].”

SECTION 3. Section 711-1108.5, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

(2) Subsection (1)(a) shall not apply to:

- (a) Accepted veterinary practices[;] when the practices are performed by a veterinarian licensed under chapter 471; and
- (b) Activities carried on for scientific research governed by standards of accepted educational or medicinal practices[; ~~or~~
- (c) ~~Cropping or docking as customarily practiced].”~~

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

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

(Approved July 8, 2024.)

A Bill for an Act Relating to Aquatic Resources.

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

SECTION 1. The legislature finds that the department of land and natural resources is responsible for managing the aquatic resources of the State. To effectively manage these resources, the department utilizes a variety of tools and methods to increase yields for Hawaii fishers and to conserve and protect aquatic resources to ensure abundant fisheries for future generations.

To achieve the twin goals of ensuring healthy, well-managed fisheries in Hawaii and protecting aquatic resources from over-exploitation, the department of land and natural resources utilizes management tools, such as size limits, daily bag limits, seasonal restrictions, gear restrictions, bait restrictions, and marine managed areas, all of which are expressly authorized by the provisions of section 187A-5, Hawaii Revised Statutes, and other authorizing statutes. Other management tools are implied in statute but not expressly authorized.

The legislature further finds that clarifying the rulemaking authority provided in section 187A-5, Hawaii Revised Statutes, would enable the department of land and natural resources to more effectively carry out its responsibility to manage the aquatic resources of the State.

Furthermore, the legislature finds it necessary to improve the adaptive management authority granted in section 187A-5(b), Hawaii Revised Statutes. The existing statute authorizes the adoption of temporary rules by formal board action only if the board finds the rule necessary “in response to rapidly changing resource conditions”. However, it has come to the legislature’s attention that this provision is extremely limiting and that there are other compelling reasons to authorize temporary rulemaking through the adaptive management process. Therefore, the legislature finds it necessary to expand the adaptive management authority granted to the department of land and natural resources to include adaptive management rulemaking authority in light of newly available data and in light of newly available technology.

The purpose of this Act is to:

- (1) Clarify that the department of land and natural resources’ rulemaking authority includes adopting, amending, or repealing any rule to impose restrictions or requirements deemed necessary to implement the purposes of section 187A-5, Hawaii Revised Statutes; and
- (2) Expand the board of land and natural resources’ authority to temporarily adopt, amend, or repeal certain rules by formal action at a publicly noticed meeting if the board finds that an adoption, amendment, or repeal is necessary to implement effective and adaptive management measures in light of newly available technology or in light of newly available data.

SECTION 2. Section 187A-5, Hawaii Revised Statutes, is amended to read as follows:

**“§187A-5 Rules.** (a) Subject to chapter 91, the department shall adopt, amend, and repeal rules for and concerning the protection and propagation of introduced and transplanted aquatic life or the conservation and allocation of the natural supply of aquatic life in any area. The rules may include but are not limited to the following:

- (1) Size limits;
- (2) Bag limits;
- (3) Open and closed fishing seasons;
- (4) Permits for the use and possession of lay nets, including reasonable permit fees and provisions for revocation, suspension, and withholding of permits for noncompliance with lay net rules;
- (5) Specifications and numbers of fishing or taking gear that may be used or possessed; ~~and~~
- (6) Prescriptions and limits on the kind and amount of bait that may be used in taking aquatic life and the conditions for entry into areas for taking aquatic life[-]; and
- (7) Any other restriction or requirement as deemed necessary by the department to implement the purposes of this section.

The rules may vary from county to county or in any part of a county and may specify certain days of the week or certain hours of the day in designating open and closed fishing seasons. All rules shall have the force and effect of law. Except as provided by subsection (b), any person who violates any of the rules adopted pursuant to this section shall be guilty of a petty misdemeanor and upon conviction thereof shall be punished as provided by section 188-70.

(b) Notwithstanding any law to the contrary, the board may adopt, amend, or repeal any rule pertaining to bag limits, size limits, open or closed fishing seasons, or gear restrictions by formal board action at a publicly noticed meeting; provided that:

- (1) The board finds that the timely adoption, amendment, or repeal of the rule is necessary to implement effective and adaptive management measures ~~in~~:
  - (A) In response to rapidly changing resource conditions;
  - (B) In light of newly available technology; or
  - (C) In light of newly available data;
- (2) Notice of the rulemaking shall:
  - (A) Be given at least once statewide at least thirty days in advance of the public meeting;
  - (B) Include a statement of the topic of the proposed rule to be adopted, amended, or repealed or a general description of the subjects involved;
  - (C) Include a statement that a copy of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed will be mailed to any interested person who requests a copy and pays the required fees for the copy and the postage, if any, together with a description of where and how the requests may be made;
  - (D) Include a statement of when, where, and during what times the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed may be reviewed;
  - (E) Include the date, time, and place where the public meeting will be held and where interested persons may be heard on the proposed rule adoption, amendment, or repeal;
  - (F) Be mailed to all persons who have made a timely written request of the board for advance notice of its rule-making proceedings; and
- (3) The adoption, amendment, or repeal of the rule shall be effective for an initial period of no longer than two years, subject to legislative approval and renewal by the board; provided that renewal by the board shall extend for up to one year at a time.

Each rule hereafter adopted, amended, or repealed under this subsection shall become effective ten days after formal action by the board; provided that if a later effective date is specified in the rule, the later date shall be the effective date. The department shall post the final adopted, amended, or repealed rule on its website for the duration of time the rule is in effect.

Any such rule established by such action of the board pursuant to this subsection shall have the force and effect of law. Any person who violates any rule established by such action of the board shall be subject to administrative penalties as provided by section 187A-12.5.”

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 8, 2024.)

## ACT 223

H.B. NO. 1922

A Bill for an Act Relating to Wildlife.

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

SECTION 1. Section 183D-3, Hawaii Revised Statutes, is amended to read as follows:

**“§183D-3 Rules.** (a) Subject to chapter 91, the department shall adopt, amend, and repeal rules~~;~~ that may include but are not limited to rules:

- (1) Concerning the preservation, protection, regulation, extension, and utilization of, and conditions for entry into, wildlife sanctuaries, game management areas, and public hunting areas designated by the department;
- (2) Protecting, conserving, monitoring, propagating, and harvesting wildlife;
- (3) Concerning size limits, bag limits, open and closed seasons, and specifications of hunting gear ~~[which]~~ that may be used or possessed; ~~and]~~
- (4) Setting fees for activities permitted under this chapter, unless otherwise provided for by law~~[-];~~ and
- (5) Imposing any other restriction or requirement as deemed necessary by the department to implement the purposes of this section.

The rules may vary from county to county or in any part of the county and may specify certain days of the week or certain hours of the day in designating open and closed hunting seasons~~[-, except];~~ provided that any fees established by rule shall be the same for each county. All rules shall have the force and effect of law.

(b) Notwithstanding any law to the contrary, the board may adopt, amend, or repeal any rule pertaining to bag limits, size limits, open or closed hunting seasons, or gear restrictions by formal board action at a publicly noticed meeting; provided that:

- (1) The board finds that the timely adoption, amendment, or repeal of the rule is necessary to implement effective and adaptive management measures ~~[it]~~:
  - (A) In response to rapidly changing resource conditions;
  - (B) In response to impacted natural resources;
  - (C) In light of newly available technology; or
  - (D) In light of newly available data;
- (2) Notice of the rulemaking shall:
  - (A) Be given at least once statewide at least thirty days in advance of the public meeting;
  - (B) Include a statement of the topic of the proposed rule to be adopted, amended, or repealed or a general description of the subjects involved;

- (C) Include a statement that a copy of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed will be mailed to any interested person who requests a copy and pays the required fees for the copy and the postage, if any, together with a description of where and how the requests may be made;
  - (D) Include a statement of when, where, and during what times the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed may be reviewed;
  - (E) Include the date, time, and place where the public meeting will be held and where interested persons may be heard on the proposed rule adoption, amendment, or repeal; and
  - (F) Be mailed to all persons who have made a timely written request of the board for advance notice of its ~~[rule-making]~~ rule-making proceedings; and
- (3) The adoption, amendment, or repeal of the rule shall be effective for an initial period of no longer than two years, subject to legislative approval and renewal by the board; provided that renewal by the board shall extend for up to one year at a time.

Each rule hereafter adopted, amended, or repealed under this subsection shall become effective ten days after formal action by the board; provided that if a later effective date is specified in the rule, the later date shall be the effective date. The department shall post the final adopted, amended, or repealed rule on its website for the duration of time that the rule is in effect.

Any ~~[such]~~ rule established by ~~[such]~~ action of the board pursuant to this subsection shall have the force and effect of law. Any person who violates any rule established by ~~[such]~~ the action of the board pursuant to this subsection shall be subject to administrative penalties as provided by section 183D-12.”

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 8, 2024.)

## ACT 224

H.B. NO. 2058

A Bill for an Act Relating to Dangerous Dogs.

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

SECTION 1. The legislature finds that Hawaii struggles with the problem of loose dogs that behave aggressively. Some of these dogs are feral; other dogs have owners who have failed to control or train their dogs; and yet other dogs have been abandoned. The legislature further finds that for dogs with owners, these owners should clearly be held responsible for the aggressive actions of their dogs that harm persons or other animals.

Therefore, the purpose of this Act is to:

- (1) Define what constitutes a dangerous dog; and
- (2) Establish requirements and penalties for owners of dangerous dogs.

SECTION 2. Chapter 711, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . DANGEROUS DOGS**

**§711-A Definitions.** As used in this part, unless the context clearly indicates or requires a different meaning:

“Animal control authority” means a county agency that enforces animal control laws.

“Bite injury” means any contact between an animal’s mouth and teeth and the skin of a bite victim that causes visible trauma, such as a puncture wound, laceration, or other piercing of the skin.

“Bodily injury” has the same meaning as defined in section 707-700.

“Dangerous dog” means any dog that, without provocation, causes a bite injury to a person or another animal. A dog’s breed shall not be considered in determining whether it is dangerous.

“Escape-proof kennel” means a kennel:

- (1) That allows a dog to stand normally and without restriction, is at least two and one-half times the length of the dog, and protects the dog from the elements;
- (2) Having fencing or wall materials that have no openings or gaps that exceed two inches; and
- (3) Having no gates, or gates that are lockable and designed to prevent the entry of children or the escape of the dog.

“Microchip” has the same meaning as defined in section 143-1.

“Negligently” has the same meaning as set forth in section 702-206(4).

“Officer” means any sheriff, deputy, and any member of a police force and animal control officers of the several counties of the State.

“Owner” means any person owning, harboring, or keeping a dog; provided that, if the owner is a minor under the age of eighteen years, the parents, guardian, or another person having the care, custody, or control of the minor shall be presumed to be the owner; provided further that the person whose current contact information is registered with a microchip registration company shall be presumed to be the owner of the dog.

“Provocation” means behavior that precipitates a bite injury caused by a dog under the following circumstances:

- (1) The dog was protecting or defending its owner or a member of its owner’s household from an attack or assault;
- (2) The person bitten was committing a crime or offense while on the property of the owner of the dog;
- (3) The person bitten was teasing, tormenting, abusing, or assaulting the dog or at any time in the past had teased, tormented, abused, or assaulted the dog;
- (4) The dog was attacked or menaced by another animal, or the animal was on the property of the owner of the dog;
- (5) The dog was responding to pain or injury inflicted by the person bitten or another animal;
- (6) The dog was protecting itself, its kennel, or its offspring from the person bitten or an animal; or
- (7) The person bitten or an animal was disturbing the dog’s natural functions, such as sleeping or eating, while the dog was on its owner’s property.

“Serious bodily injury” has the same meaning as defined in section 707-700.

“Serious injury to any animal” means physical injury to an animal involving a broken bone, concussion, laceration requiring multiple stitches, or tearing or rupture of an organ.

“Substantial bodily injury” has the same meaning as defined in section 707-700.

**§711-B Designation as dangerous dog; basis.** (a) An officer may find and declare a dog to be a dangerous dog if the officer has probable cause to believe that the dog falls within the definition of “dangerous dog”. The declaration shall be based upon:

- (1) The written complaint of a person who is willing to testify that the dog has acted in a manner that causes it to fall within the definition of “dangerous dog”;
  - (2) Actions of the dog witnessed by an officer; or
  - (3) Other substantial evidence admissible in court.
- (b) The declaration in subsection (a) shall be in writing and shall be served by the officer upon the owner of the dangerous dog, if known, using one of the following methods:
- (1) Certified mail to the owner’s last known address; or
  - (2) Personally.
- (c) The owner of a dog declared to be a dangerous dog may initiate a contested case with the declarant officer’s department or agency within thirty days following the service date of the declaration.

**§711-C Legal requirements of owner.** (a) The owner of a dog declared to be a dangerous dog shall:

- (1) Provide the owner’s name, address, and telephone number to the animal control authority;
- (2) Provide the location at which the dangerous dog is currently kept, if the location is not the owner’s address, to the animal control authority;
- (3) Promptly notify the animal control authority of:
  - (A) Any changes in the ownership of the dangerous dog or the location of the dangerous dog, along with the names, addresses, and telephone numbers of the new owners or the new address at which the dangerous dog is located;
  - (B) Any further instances of an attack by the dangerous dog upon a person or an animal;
  - (C) Any current or future claims made or legal actions brought as a result of an attack by the dangerous dog upon a person or an animal; or
  - (D) The death of the dangerous dog;
- (4) Have a microchip implanted in the dangerous dog, register the owner’s microchip information pursuant to section 143-2.2, and provide the microchip identification number of the dangerous dog to the animal control authority;
- (5) Ensure that the dangerous dog is under the control of a person who is at least eighteen years of age, when the dangerous dog is indoors at the owner’s premises;
- (6) Ensure that when the dangerous dog is outdoors on the owner’s premises and unattended, the dangerous dog is confined to an escape-proof kennel that remains locked;
- (7) Ensure that when the dangerous dog is outdoors on the owner’s premises and attended, the dangerous dog is:



- (A) Kept on a fixed and secure leash no longer than four feet in length;
  - (B) Under the control of a person at least eighteen years of age; and
  - (C) Kept within a fenced or walled area from which it cannot escape;
- (8) Ensure that when the dangerous dog is outdoors outside the owner's premises, the dangerous dog is:
- (A) Kept on a fixed and secure leash no longer than four feet in length;
  - (B) Under the control of a person who is at least eighteen years of age; and
  - (C) Muzzled with a properly fitted, basket muzzle that prevents the dangerous dog from biting any person or animal but does not cause injury to the dangerous dog or interfere with its vision or respiration;
- (9) Place on the owner's premises a sign or signs provided by the animal control authority informing the public of the presence and dangerousness of the dangerous dog; and
- (10) Neuter or spay the dangerous dog at the owner's expense, unless neutering or spaying the dangerous dog is medically contraindicated.
- (b) The owner of a dangerous dog who keeps the dangerous dog in a manner found to be in violation of this section commits the offense of negligent failure to control a dangerous dog and the dangerous dog shall be subject to seizure and impoundment pursuant to this part if the owner is unable to immediately secure the dangerous dog.

**§711-D Rescission of declaration.** (a) The owner of a dangerous dog may apply to the animal control authority to have the declaration rescinded after three years if all of the following requirements have been met:

- (1) The owner and dangerous dog have had no subsequent violations of this part;
  - (2) The owner has complied with all provisions of this part for a period of three years; and
  - (3) The owner provides proof to the animal control authority of the dangerous dog's successful completion of a behavior modification or management program administered by an animal trainer or behaviorist who is certified by a nationally recognized organization.
- (b) If the animal control authority finds that the owner and dangerous dog have complied with all of the requirements of this section and the owner has provided sufficient evidence that the dog is no longer dangerous, the animal control authority shall rescind the declaration.

**§711-E Negligent failure to control a dangerous dog; penalties.** (a) The owner of a dangerous dog commits the offense of negligent failure to control a dangerous dog if:

- (1) A bite injury occurs due to the failure of the owner of a dangerous dog to comply with the requirements of this part; or
- (2) The owner of a dangerous dog negligently fails to take reasonable measures to prevent the dangerous dog from causing a bite injury, without provocation, to a person or another animal and the attack results in:

- (A) The serious injury to any animal or maiming or death of another animal;
- (B) Bodily injury to a person other than the owner; or
- (C) Substantial bodily injury to, serious bodily injury to, or the death of, a person other than the owner.

(b) An offense under subsection (a)(1), (a)(2)(A), or (a)(2)(B) shall be a misdemeanor for which the owner of the dangerous dog shall be sentenced to:

- (1) A fine of no less than \$1,000 but no more than \$2,000;
- (2) A term of imprisonment of up to six months or a period of probation of no more than one year;
- (3) The payment of restitution to any person who has suffered bodily injury or property damage as a result of an attack by the dangerous dog if the person suffers financial losses or medical expenses due to the attack. As used in this paragraph, "medical expenses" may include the costs of necessary counseling or rehabilitative services; and
- (4) The payment of all expenses for the boarding and retention of the dangerous dog if the dog is seized and impounded pursuant to this part;

provided that no sentence under this subsection shall be suspended.

(c) Unless the dangerous dog has been or is ordered to be euthanized, an owner who has negligently failed to control a dangerous dog shall also be required to:

- (1) Meet all conditions imposed on the owner of a dangerous dog pursuant to this part;
- (2) Obtain liability insurance or post bond of no less than \$50,000, or in a higher amount, if the court finds that a higher amount is appropriate to cover medical or veterinary costs, or both, resulting from potential future actions of the dangerous dog; and
- (3) Follow any other condition that the court deems necessary to restrain or control the dangerous dog.

(d) An offense under subsection (a)(2)(C) shall be a class C felony for which the owner of a dangerous dog shall be sentenced to:

- (1) A fine of no less than \$1,000 but no more than \$10,000;
- (2) A term of imprisonment of no less than one year but no more than five years, pursuant to chapter 706; and
- (3) The euthanasia of the dangerous dog;

provided that no sentence under this subsection shall be suspended.

**§711-F Impoundment of a dangerous dog.** (a) If there is probable cause to believe that the dangerous dog poses an imminent threat to a person or another animal, or if there is probable cause to believe that there is a violation of section 711-C or 711-E, a law enforcement officer, after obtaining a search warrant, or in any other manner authorized by law, may enter the premises where the dangerous dog is located to seize and impound the dog. If, after reasonable effort, the owner or person having custody of the dangerous dog cannot be found and notified of the impoundment, an impoundment notice shall be conspicuously posted on the premises and, within seventy-two hours after posting, the notice shall be sent by certified mail to the address, if any, from which the dangerous dog was removed.

A law enforcement officer shall not be liable for any damage resulting from an entry under this subsection, unless the damage was caused by acts be-

yond the scope of the officer's authority or the officer's negligence, gross negligence, or intentional misconduct.

(b) The owner of a dangerous dog that has been impounded under this section may decline to surrender ownership of the dangerous dog to the animal control authority by paying to the animal control authority impoundment, care, and provision costs in an amount determined by the animal control authority to be sufficient to provide for the dangerous dog's care by the animal control authority for at least thirty days, including the day on which the animal was taken into custody.

(c) If the owner of a dangerous dog that has been impounded under this section cannot be located within five days after the dangerous dog is impounded, ownership of the dangerous dog shall be deemed relinquished.

(d) At the request of the dangerous dog's owner, impoundment under this section may occur at the premises of a licensed veterinarian or a commercial kennel of the dangerous dog owner's choosing; provided that:

- (1) The owner shall secure the private boarding placement for the dangerous dog within five days after the dangerous dog has been impounded by the animal control authority; and
- (2) All expenses for the dangerous dog's boarding and care shall be borne by the dangerous dog's owner.

(e) If the owner of the dangerous dog does not arrange for private boarding placement, the following requirements shall apply:

- (1) The owner of the dangerous dog shall pay the animal control authority within five days after the dangerous dog is impounded; and
- (2) At the end of the time for which expenses are covered by an initial or any subsequent impoundment, care, and provision payment:
  - (A) If the owner of the dangerous dog declines to surrender ownership of the dangerous dog to the animal control authority, the owner shall make an additional payment to the animal control authority at least five days before the expiration of the previous payment; or
  - (B) If the owner of the dangerous dog has not made an additional payment in a timely manner to the animal control authority for impoundment, care, and provision costs for the dangerous dog, ownership of the dangerous dog shall be deemed relinquished.

(f) If the owner of a dangerous dog fails to pay impoundment, care, and provision costs for the dangerous dog pursuant to this section, the owner may forfeit the owner's right to contest those costs and any ownership rights to the dangerous dog.

(g) Any dangerous dog that is unclaimed by its owner, within five days after the owner has been notified that the dangerous dog is eligible for release from impoundment, shall be deemed abandoned, and ownership of the dangerous dog shall be deemed relinquished.

(h) If an animal control authority that is impounding a dangerous dog pursuant to this section determines that the dangerous dog is too dangerous for its staff to safely provide basic care, the dangerous dog may be euthanized by the animal control authority.

(i) If a licensed veterinarian determines that an impounded dangerous dog is:

- (1) Experiencing extreme pain or suffering;
- (2) Severely injured past recovery;
- (3) Severely disabled past recovery; or

(4) Severely diseased past recovery, the dangerous dog may be euthanized by the animal control authority.

(j) The owner of a dangerous dog shall not sell or transfer the ownership or physical custody of the dangerous dog before the time period stated in the court summons, and the citation shall notify the owner of this prohibition; provided that this prohibition shall not apply when the owner transfers ownership of the dangerous dog to an animal control authority.

(k) Any person who refuses to surrender a dangerous dog that is subject to relinquishment pursuant to this section shall be guilty of a petty misdemeanor.

If the owner of a dangerous dog that is seized and impounded pursuant to this section fails to appear in court as required, ownership of the dangerous dog shall be deemed relinquished, and the court may order disposition of the dangerous dog as it deems appropriate.

(l) Notwithstanding any relinquishment of ownership of the dangerous dog, the owner shall remain responsible for all expenses incurred in boarding, caring for, and providing for the dangerous dog and any fees and penalties that may be imposed by the court.

**§711-G Inspection.** Upon the presentation of proper credentials, any officer may enter at reasonable times any building, structure, or premises in the State for the purpose of determining and enforcing compliance with this part or of any court order issued under this part; provided that the entry shall be made in a manner that causes the least possible inconvenience to the person in possession or occupying the building, structure, or premises; provided further that a court order authorizing the entry shall be obtained if entry is denied or resisted.

**§711-H Exemption.** This part shall not apply to dogs owned by any law enforcement agency and used in the performance of law enforcement work.

**§711-I Civil action not precluded.** Nothing in this part shall preclude any person injured by a dangerous dog from bringing a civil action against the owner of the dangerous dog pursuant to law.”

SECTION 3. Chapter 711, Hawaii Revised Statutes, is amended by designating sections 711-1100 to 711-1114 as part I, entitled “General Provisions Relating to Offenses Against Public Order”.

SECTION 4. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. This Act shall take effect on July 1, 2024; provided that sections 711-B, 711-C, 711-D, and 711-G, Hawaii Revised Statutes, shall take effect on July 1, 2025.

(Approved July 8, 2024.)

## ACT 225

S.B. NO. 3364

A Bill for an Act Relating to Destination Management.

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

SECTION 1. Chapter 201B, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**“§201B- Destination management action plans; counties; objectives; execution.** To meet the destination management objectives for each county, the authority shall perform the actions specified in each of the following plans:

- (1) Oahu destination management action plan;
- (2) Maui nui destination management action plan;
- (3) Hawaii island destination management action plan; and
- (4) Kauai destination management action plan,

during the specified phases; provided that the execution of each destination management action plan shall be dependent on the cooperation and participation of the applicable state or county agency or an advisory group established pursuant to section 201B-13.”

SECTION 2. Section 201B-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows: “Destination management” means a collaborative and coordinated process with public, private, and community stakeholders to manage the various elements of a visitor destination to:

- (1) Create, implement, and monitor strategies that attract targeted visitor markets and improve visitor experiences;
- (2) Improve natural and cultural resources valued by Hawaii residents and visitors;
- (3) Develop and maintain tourism-related infrastructure to prevent overcrowding and overtaxing sites and resources; and
- (4) Ensure that the provision of services enhances the visitor experience.

“Hawaii brand” means the qualities and programs that collectively differentiate the Hawaii experience from other destinations.

“Regenerative tourism” means a tourism model that:

- (1) Is designed and carefully managed to bring net benefits to local communities and destinations; and
- (2) Implements an innovative and sustainable economic development plan to:
  - (A) Make net positive contributions;
  - (B) Create conditions that allow communities to flourish;
  - (C) Engage in collaborative efforts that provide visitors with genuine and meaningful experiences in Hawaii; and
  - (D) Improve destinations for current and future generations for the well-being of the environment, residents, indigenous communities, and visitors.”

SECTION 3. Section 201B-3, Hawaii Revised Statutes, is amended to read as follows:

**“§201B-3 Powers, generally.** (a) Except as otherwise limited by this chapter, the authority may:

- (1) Sue and be sued;

- (2) Have a seal and alter the same at its pleasure;
- (3) Through its president and chief executive officer, make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter; provided that the authority may enter into contracts and agreements for a period of up to five years, subject to the availability of funds; ~~and~~ provided further that the authority may enter into agreements for the use of the convention center facility for a period of up to ten years;
- (4) Make and alter bylaws for its organization and internal management;
- (5) Unless otherwise provided in this chapter, adopt rules in accordance with chapter 91 with respect to its projects, operations, properties, and facilities;
- (6) Through its president and chief executive officer, represent the authority in communications with the governor and ~~the~~ legislature;
- (7) Through its president and chief executive officer, provide for the appointment of officers, agents, a sports coordinator, and employees, subject to the approval of the board, prescribing their duties and qualifications, and fixing their salaries, without regard to chapters 76 and 78, if funds have been appropriated by the legislature and allotted as provided by law;
- (8) Through its president and chief executive officer, purchase supplies, equipment, or furniture;
- (9) Through its president and chief executive officer, allocate the space or spaces that are to be occupied by the authority and appropriate staff;
- (10) Through its president and chief executive officer, engage the services of qualified persons to implement the State's strategic tourism ~~marketing~~ management plan or portions thereof as determined by the authority;
- (11) Through its president and chief executive officer, engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice;
- (12) Procure insurance against any loss in connection with its property and other assets and operations in amounts and from insurers as it deems desirable;
- (13) Contract for or accept revenues, compensation, proceeds, and gifts or grants in any form from any public agency or any other source;
- (14) Develop, coordinate, and implement state policies and directions for tourism and related activities taking into account the economic, social, and physical impacts of tourism on the State, Hawaii's natural environment, and areas frequented by visitors;
- (15) Have a permanent, strong focus on Hawaii brand management;
- (16) Coordinate all agencies and advise the private sector in the development of tourism-related activities and resources;
- (17) Work to eliminate or reduce barriers to travel to provide a positive and competitive business environment, including coordinating with the department of transportation on issues affecting airlines and air route development;
- (18) Market and promote sports-related activities and events;
- (19) Coordinate the development of new products with the counties and other persons in the public sector and private sector, including

- the development of sports, culture, health and wellness, education, technology, agriculture, and nature tourism;
- (20) Establish a public information and educational program to inform the public of tourism and tourism-related problems;
  - (21) ~~Encourage~~ Coordinate the development of tourism educational, training, and career counseling programs;
  - (22) Establish a program to monitor, investigate, and respond to complaints about problems resulting directly or indirectly from the tourism industry and taking appropriate action as necessary;
  - (23) Develop and implement emergency measures to respond to any adverse effects on the tourism industry, pursuant to section 201B-9;
  - (24) Set and collect rents, fees, charges, or other payments for the lease, use, occupancy, or disposition of the convention center facility without regard to chapter 91;
  - (25) Notwithstanding chapter 171, acquire, lease as lessee or lessor, own, rent, hold, and dispose of the convention center facility in the exercise of its powers and the performance of its duties under this chapter; ~~and~~
  - (26) Acquire by purchase, lease, or otherwise, and develop, construct, operate, own, manage, repair, reconstruct, enlarge, or otherwise effectuate, either directly or through developers, a convention center facility[-];
  - (27) Enhance the tourism industry in the State to grow its positive contributions to residents of the State; provided that the authority's initiatives shall follow destination management practices and integrate regenerative tourism; and
  - (28) Focus on perpetuating the uniqueness of the Hawaiian culture and community and their significance to the quality of the visitor experience by ensuring that:
    - (A) The Hawaiian culture is accurately portrayed by Hawaii's visitor industry;
    - (B) The Hawaiian language is supported and normalized as an official language of the State;
    - (C) Hawaiian cultural practitioners and cultural sites are supported, nurtured, and engaged in sustaining the visitor industry; and
    - (D) A Hawaiian cultural education and training program is provided for the members of the visitor industry workforce who have direct contact with visitors.

(b) The authority shall do any and all things necessary to carry out its purposes, to exercise the powers and responsibilities given in this chapter, and to perform other functions required or authorized by law.

~~(c) As used in this section, "Hawaii brand" shall have the same meaning as in section 201B-6.]~~

SECTION 4. Section 201B-6, Hawaii Revised Statutes, is amended to read as follows:

**"§201B-6 [Tourism-marketing] Strategic tourism management plan; measures of effectiveness.** (a) The authority shall be responsible for developing a strategic tourism [marketing] management plan[-] that advances tourism marketing, complies with destination management best practices, and promotes regenerative tourism. The plan shall be a single, comprehensive document that shall be updated every year and include the following:

- (1) Statewide Hawaii brand management efforts and programs;
- (2) Targeted markets;
- (3) Efforts to enter into Hawaii brand management projects that make effective use of cooperative programs;
- (4) Program performance goals and targets that can be monitored as market gauges and used as attributes to evaluate the authority's programs; ~~and~~
- (5) The authority's guidance and direction for the development and coordination of promotional and marketing programs that build and promote the Hawaii brand, which are implemented through contracts and agreements with destination marketing organizations or other qualified organizations, including:
  - (A) Target markets and the results being sought;
  - (B) Key performance indicators; and
  - (C) Private sector collaborative or cooperative efforts that may be required~~[-]; and~~
- (6) Statewide destination management and regenerative tourism efforts and programs.

[As used in this section, "Hawaii brand" means the programs that collectively differentiate the Hawaii experience from other destinations.]

(b) In accordance with subsection (a), the authority shall develop measures of effectiveness to assess the overall benefits and effectiveness of the ~~marketing~~ strategic tourism management plan and include documentation of the progress of the ~~marketing~~ strategic tourism management plan ~~towards~~ toward achieving the authority's strategic plan goals."

SECTION 5. Section 201B-7, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The authority may enter into contracts and agreements that include the following:

- (1) Tourism promotion, marketing, ~~and~~ development[;], and destination management;
- (2) Market development-related research;
- (3) Product development and diversification issues focused on visitors;
- (4) Promotion, development, and coordination of festivals, community events, cultural activities, environmental stewardship activities, sports-related activities, and events[;] that strengthen the relationships between the place and people for Hawaii's residents and visitors alike;
- (5) Promotion of Hawaii, through a coordinated statewide effort, as a place to do business, including high technology business, and as a business destination;
- (6) Reduction of barriers to travel;
- (7) Marketing, management, use, operation, or maintenance of the convention center facility, including the purchase or sale of goods or services, logo items, concessions, sponsorships, and license agreements, or any use of the convention center facility as a commercial enterprise; provided that effective January 1, 2020, and thereafter, contracts issued pursuant to this paragraph for the marketing of all uses of the convention center facility may be issued separately from the management, use, operation, or maintenance of the facility;
- (8) Tourism research and statistics to:



- (A) Measure and analyze tourism trends;
- (B) Provide information and research to assist in the development and implementation of state tourism policy; and
- (C) Provide tourism information on:
  - (i) Visitor arrivals, visitor characteristics, and expenditures;
  - (ii) The number of transient accommodation units available, occupancy rates, and room rates;
  - (iii) Airline-related data including seat capacity and number of flights;
  - (iv) The economic, social, and physical impacts of tourism on the State; and
  - (v) The effects of the marketing strategic tourism management programs of the authority on the measures of effectiveness developed pursuant to section 201B-6(b); and
- (9) Any and all other activities necessary to carry out the intent of this chapter;

provided that the authority shall periodically submit a report of the contracts and agreements entered into by the authority to the governor, ~~the~~ speaker of the house of representatives, and ~~the~~ president of the senate.

- (b) The authority shall be responsible for:
  - (1) Creating a vision and developing a long-range strategic plan for tourism in Hawaii;
  - (2) Developing destination management action plans for each county;
  - ~~(2)~~ (3) Promoting, marketing, and developing the tourism industry in the State;
  - ~~(3)~~ (4) Arranging for the conduct of research through contractual services with the University of Hawaii or any agency or other qualified persons concerning social, economic, and environmental aspects of tourism development in the State;
  - ~~(4)~~ (5) Providing technical or other assistance to agencies and private industry upon request;
  - ~~(5)~~ ~~Perpetuating the uniqueness of the native Hawaiian culture and community, and their importance to the quality of the visitor experience, by ensuring that:~~
    - ~~(A) The Hawaiian culture is accurately portrayed by Hawaii's visitor industry;~~
    - ~~(B) Hawaiian language is supported and normalized as both an official language of the State as well as the foundation of the host culture that draws visitors to Hawaii;~~
    - ~~(C) Hawaiian cultural practitioners and cultural sites that give value to Hawaii's heritage are supported, nurtured, and engaged in sustaining the visitor industry; and~~
    - ~~(D) A native Hawaiian cultural education and training program is provided for the visitor industry workforce having direct contact with visitors;] and~~
  - (6) Reviewing annually the expenditure of public funds by any visitor industry organization that contracts with the authority to perform tourism promotion, marketing, and development and making recommendations necessary to ensure the effective use of the funds for the development of tourism.”

SECTION 6. Section 201B-16, Hawaii Revised Statutes, is amended to read as follows:

“**§201B-16 Annual report.** The authority shall submit a complete and detailed report of its activities, expenditures, and results, including the progress of the strategic tourism [~~marketing~~] management plan developed pursuant to section 201B-6, toward achieving the authority’s strategic plan goals, to the governor and [~~the~~] legislature [~~at least~~] no later than twenty days prior to the convening of each regular session of the legislature. The annual report shall include the descriptions and evaluations of programs funded, together with any recommendations by the authority [~~may make~~].”

SECTION 7. Section 201B-5, Hawaii Revised Statutes, is repealed.

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

SECTION 9. This Act shall take effect on July 1, 2024.

(Approved July 8, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 226**

H.B. NO. 2248

A Bill for an Act Relating to Beach Management on the North Shore of Oahu.

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

SECTION 1. The legislature finds that the northwest-facing shoreline of the north shore of Oahu from Sunset point to Kapo’o (Sharks Cove) is an iconic beach of primary importance to state residents and visitors from around the world due to its natural beauty, famous surf breaks, recreational opportunities, marine resources, wildlife, and scenic vistas.

The legislature further finds that this north shore beach faces an increasing risk of erosion and deterioration from a combination of high-energy waves, winter surf, summer swells, sea-level rise from climate change, coastal erosion, shifting sand, inadequate building setbacks, deteriorating coral reefs, and intensive use by individuals accessing the shoreline. Estimates indicate that nearly half of all visitors to Oahu visit the north shore during their stay.

The legislature additionally finds that the infrastructure of most of the shoreline beach parks and coastal access areas along the north shore of Oahu is inadequate to handle the high number of residents and visitors who are attracted to these beaches each year, thereby causing additional damage to natural resources.

During the past fifteen to twenty years, homes in this area on the north shore of Oahu have been damaged and are at risk from high surf, summer swells, and eroding beaches, which cause significant disruption and calls for both immediate and long-term action by state and county government, beachfront homeowners, beach users, and the community at large. This area of coastline is at severe risk from the lack of overall planning for beach protection, beach access, and shoreline uses.

Furthermore, the legislature finds that Hawaii’s beaches and coastline constitute part of the public trust, held by the State for the benefit of the people,

and the State has a fiduciary duty to affirmatively protect this beach and coastal access. This beach is also a public park of the city and county of Honolulu, which also has an obligation to maintain this beach and coastal access.

The legislature finds that the long-term protection of this north shore beach, which is subject to a common wave regime and common beach erosion characteristic, is a matter of statewide concern pursuant to article X, section 6, of the Hawaii State Constitution, and requires a comprehensive assessment and plan that recognizes the risks of sea level rise from climate change. The large number of government, business, private, and community entities and individuals involved in the use and enjoyment of this north shore beach would benefit from participating in the development and implementation of a comprehensive beach management plan for this vulnerable area.

In 2010, the university of Hawaii sea grant college program successfully produced a beach and dune management program plan for Kailua beach, which provided an extensive analysis of the existing state of that beach and recommended management measures for federal, state, and local government as well as community partners, in response to threats such as sea level rise from climate change. That study serves as a useful prototype for the implementation of a beach management plan for this north shore beach and demonstrates the effectiveness of location-specific beach management policies and practices.

In October 2022, the north shore coastal resilience working group, which comprised a diverse group of government and private stakeholders, published a report titled “Adaptive Coastal Management Recommendations, Actions and Strategies”. The report documents that long-term erosion is driven by a combination of natural sand movement from large waves, sea level rise over the past century, degradation of natural dune systems from development, and the removal of sand from some beaches by sand mining operations and shoreline armoring.

One of the three coastal erosion “hot spots” identified on the north shore of Oahu was the Sunset/Kammies area. One of the key recommendations of the report was to develop a beach and dune management plan for north shore beach parks and accessways.

Therefore, the purpose of this Act is to appropriate funds to the university of Hawaii sea grant college program to develop, with diverse stakeholder input, a comprehensive, actionable north shore beach management plan covering the area from Sunset point to Kapo‘o (Sharks Cove) on the north shore of Oahu.

**SECTION 2.** (a) The university of Hawaii sea grant college program shall develop a comprehensive, actionable beach management plan for the area of the north shore of Oahu from Sunset point to Kapo‘o (Sharks Cove).

(b) In developing the beach management plan, the university of Hawaii sea grant college program shall ensure the inclusion of diverse community input. The plan shall consider innovative means to address beach erosion and the erosion of private beachfront property, protection of recreational access, and preservation of natural beauty and vistas.

(c) The beach management plan shall also consider:

- (1) Long- and short-term planning and climate change scenarios;
- (2) Temporary and emergency erosion management measures;
- (3) Beach and dune management techniques based on sediment transport;
- (4) Shoreline public access and foot-traffic management;
- (5) Beach and dune nourishment;

- (6) Long-term coastal protection and land use strategies;
- (7) Shoreline protection, erosion management, and county land use ordinance impacts on the shoreline;
- (8) Modification of public parks;
- (9) Shoreline setbacks and rolling easements; and
- (10) Other innovative means to adapt to coastal erosion.

(d) The university of Hawaii sea grant college program shall submit the north shore beach management plan to the governor and legislature by December 1, 2025.

(e) In developing the north shore beach management plan, the university of Hawaii sea grant college program may accept private funding to supplement any legislative appropriations; provided that the donor of the private funding:

- (1) Remains anonymous or expressly releases all control over the use of the funding, as long as it is used for the purpose of developing the plan; and
- (2) Has no influence over the development of the plan, including any of its conclusions or recommendations.

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 2024-2025 for the university of Hawaii sea grant college program to develop a north shore beach management plan for the area from Sunset point to Kapo'o (Sharks Cove) pursuant to section 2 of this Act.

The sum appropriated shall be expended by the university of Hawaii for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2024.

(Approved July 8, 2024.)

**ACT 227**

H.B. NO. 2475

A Bill for an Act Relating to Commercial Ocean Activity.

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

SECTION 1. The department of land and natural resources (department) division of boating and ocean recreation is responsible for ocean recreation management in state ocean waters, among other responsibilities. Public safety and marine natural resources can be affected by a variety of environmental factors and emerging ocean recreation technologies, some of which may change rapidly and frequently. This Act is part of a comprehensive ocean recreation management package put forth by the department to ensure effective natural resource protection by providing better management and enforcement tools.

Over the years, overcommercialization of state ocean waters has been unnaturally encouraged via social media and through unpermitted ocean tour operators who advertise and operate without regard for laws, rules, regulations, and cultural awareness. These unpermitted commercial operators set up advertisements and online payment schemes, circumventing commercial ocean activity laws and restrictions. Subsequently, when attempting to enforce laws against illegal commercial activity, department staff have oftentimes encountered difficulty in proving that commercial activity or compensation of the alleged illegal commercial operator occurred. Many illegal commercial operators and their

customers claim that a commercial tour is a “friends and family” outing for no compensation, preventing effective enforcement.

Therefore, the purpose of this Act is to, for purposes of regulating commercial activity under the laws regulating ocean recreation:

- (1) Provide that advertisements and offers of unpermitted commercial ocean use activities or commercial ocean recreational equipment are prima facie evidence that:
  - (A) The owner disseminated or directed dissemination of the advertisements or offers; and
  - (B) The commercial activity is operated at the location advertised or offered; and
- (2) Include advertisements and offers within the definition of “commercial activity”.

SECTION 2. Chapter 200, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§200- Unpermitted commercial activity; prima facie evidence; burden of proof.** (a) For purposes of determining whether an administrative violation of commercial activity restrictions under this chapter or rules adopted by the department has occurred, advertisement or offers 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 or offered commercial activity disseminated or directed the dissemination of the advertisement or offer in that form and manner; and
- (2) The commercial activity is being operated at the location advertised or offered.

(b) The burden of proof shall be on a person charged with an administrative violation of commercial activity restrictions under this chapter or rules adopted by the department to establish that vessels or equipment, or both, are not being used for unpermitted commercial activity or that the person’s conduct is authorized pursuant to a permit, lease, or license issued by the department.

(c) As used in this section:

“Administrative violation” means any violation enforced administratively by the board pursuant to section 200-14.5.

“Commercial activity” has the same meaning as in section 200-4(a).

“Social media” means any form of electronic communication through which users create online communities to share information, personal messages, and other content, offered from platforms, including but not limited to Facebook, Foursquare, Instagram, Reddit, TikTok, Tripadvisor, X, Yelp, and YouTube.”

SECTION 3. Section 200-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The chairperson may adopt rules necessary:

- (1) To regulate the manner in which all vessels may enter the ocean waters and navigable streams of the State and moor, anchor, or dock at small boat harbors, launching ramps, and other boating facilities owned or controlled by the State;

- (2) To regulate the embarking and disembarking of passengers at small boat harbors, launching ramps, other boating facilities, and public beaches;
- (3) For the safety of small boat harbors, launching ramps, and other boating facilities, and the vessels anchored or moored therein;
- (4) For the conduct of the public using small boat harbors, launching ramps, and other boating facilities owned or controlled by the State;
- (5) To regulate and control recreational and commercial use of small boat harbors, launching ramps, and other boating facilities owned or controlled by the State and the ocean waters and navigable streams of the State;
- (6) To prevent the discharge or throwing into small boat harbors, launching ramps, other boating facilities, ocean waters, and navigable streams, of rubbish, refuse, garbage, or other substances likely to affect the quality of the water or that contribute to making the small boat harbors, launching ramps, other boating facilities, ocean waters, and streams unsightly, unhealthful, or unclean, or that are liable to fill up, shoal, or shallow the waters in, near, or affecting small boat harbors, launching ramps, and other boating facilities and the ocean waters and navigable streams of the State, and likewise to prevent the escape of fuel or other oils or substances into the waters in, near, or affecting small boat harbors, launching ramps, or other boating facilities and the ocean waters and navigable streams of the State from any source point, including but not limited to any vessel or from pipes or storage tanks upon land, including:
  - (A) Requirements for permits and fees for:
    - (i) The mooring, docking, or anchoring of recreational and commercial vessels or the launching of recreational or commercial vessels at small boat harbors, launching ramps, and other boating facilities; or
    - (ii) Other uses of these facilities;
  - (B) Requirements for permits and fees for use of a vessel as a principal place of habitation while moored at a state small boat harbor;
  - (C) Requirements governing:
    - (i) The transfer of any state commercial, mooring, launching, or any other type of use or other permit, directly or indirectly, including but not limited to the imposition or assessment of a business transfer fee upon transfer of ownership of vessels operating commercially from, within or in any way related to the state small boat harbors; and
    - (ii) The use of state small boat harbors, launching ramps, or other boating facilities belonging to or controlled by the State, including but not limited to the establishment of minimum amounts of annual gross receipts required to renew a commercial use permit, and conditions under which a state commercial, mooring, launching, or any other type of use or other permit may be terminated, canceled, or forfeited; and
  - (D) Any other rule necessary to implement this chapter pertaining to small boat harbors, launching ramps, and other boating facilities belonging to or controlled by the State;

- (7) To continue the ocean recreational and coastal areas programs and govern the ocean waters and navigable streams of the State, and beaches encumbered with easements in favor of the public to protect and foster public peace and tranquility and to promote public safety, health, and welfare in or on the ocean waters and navigable streams of the State, and on beaches encumbered with easements in favor of the public, including:
- (A) Regulating the anchoring and mooring of vessels, houseboats, and other contrivances outside of any harbor or boating facility, including:
    - (i) The designation of offshore mooring areas;
    - (ii) The licensing and registration of vessels, houseboats, and other contrivances; and the issuance of permits for offshore anchoring and mooring of vessels, houseboats, and other contrivances; and
    - (iii) The living aboard on vessels, houseboats, or other contrivances while they are anchored or moored within ocean waters or navigable streams of the State.

The rules shall provide for consideration of environmental impacts on the State's aquatic resources in the issuance of any permits for offshore mooring;
  - (B) Safety measures, requirements, and practices in or on the ocean waters and navigable streams of the State;
  - (C) The licensing and registration of persons or organizations engaged in commercial activities in or on the ocean waters and navigable streams of the State;
  - (D) The licensing and registration of equipment utilized for commercial activities in or on the ocean waters and navigable streams of the State;
  - (E) For beaches encumbered with easements in favor of the public, the prohibition or denial of the following uses and activities:
    - (i) Commercial activities;
    - (ii) The storage, parking, and display of any personal property;
    - (iii) The placement of structures or obstructions;
    - (iv) The beaching, landing, mooring, or anchoring of any vessels; and
    - (v) Other uses or activities that may interfere with the public use and enjoyment of these beaches; and
  - (F) Any other matter relating to the safety, health, and welfare of the general public;
- (8) To regulate the examination, guidance, and control of harbor agents and their assistants; and
- (9) To regulate commercial activities in state waters including operations originating from private marinas; provided that no new or additional permits shall be required for those commercial activities regulated by any other chapter.

For the purposes of this paragraph:

“Commercial activity” means to engage in any action or attempt to engage in any action for compensation in any form. The action or actions may include providing or attempting to provide, advertising, or offering or attempting to offer guide services, charters, tours, and transportation to and from the location or locations for which such services are provided.

“Compensation” means money, barter, trade, credit, and other instruments of value, goods, and other forms of payment.”

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2024.

(Approved July 8, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 228**

S.B. NO. 2575

A Bill for an Act Relating to the Environment.

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

SECTION 1. This Act shall be known and may be cited as the Hawaii Seabed Mining Prevention Act.

SECTION 2. The legislature finds and declares that:

- (1) Seabed mineral mining is not consistent with the public interest, including the right that each person has to a clean and healthy environment as enshrined in article XI, section 9, of the Hawaii State Constitution;
- (2) Seabed mining poses an unacceptably high risk of damage and disruption to the marine environment of the State. It is in the best interest of the people of Hawaii that leasing for hard mineral mining on the seafloor be prohibited;
- (3) Hawaii marine waters are home to rich, diverse, and globally significant ecosystems, including the deep-water column and seafloor. These environments host thousands of species, a biodiversity that may be comparable with tropical rainforests. The extent of this diversity is still largely unknown, which makes its disruption by industrial-scale mining a perilous choice;
- (4) The seafloor provides compounds to help treat disease, from cancer to inflammation, treat nerve damage, and analyze illness;
- (5) Hawaii’s deep water column and seafloor are critically important to its people, who maintain strong spiritual, cultural, and economic connections to the deep ocean;
- (6) Seabed mining could erode the sovereignty and harm the ancestral lands and waters of Native Hawaiians;
- (7) Seabed mining poses risks to the State’s existing ocean-dependent industries, including commercial fishing, recreational fishing, and tourism;
- (8) Damage from seabed mining could take several forms. Large machinery could remove or destroy entire communities of sponges, corals, and other marine life. Sediment clouds, some capable of traveling long distances, could smother or negatively impact the feeding or reproduction of other marine life, including plankton and fish like tuna, billfish, and other pelagic species. These sediment plumes and associated noise may negatively impact whales, dolphins, and



- other marine mammals throughout the region. Also at risk are the breathtaking beaches, shallow coral reefs, seagrass beds, and rocky beaches that help support a multibillion-dollar tourism industry;
- (9) The legislatures of Oregon, Washington, and California have passed analogous legislation to prohibit seabed mining in their state waters, in 1991, 2021, and 2022, respectively. The call for a global moratorium on seabed mining has grown, arising from indigenous peoples, concerned citizens, scientists, and companies in technology and car manufacturing that require materials found in the seabed. In June 2021, the European Parliament adopted a resolution in support of a moratorium on seabed mining. In September 2021, eighty-one governments and governmental agencies attending the International Union for Conservation of Nature World Conservation Congress voted in favor of a moratorium;
  - (10) Hawaii state waters are unlikely to represent a marketable source for battery metals, the primary global justification for extraction at the seafloor. The most likely interest would occur from two different types of extraction:
    - (A) Mining for polymetallic nodules likely present in low densities and small areas; and
    - (B) Mining for cobalt-rich ferromanganese crusts, which are relatively thin; and
  - (11) An estimated 0.01 per cent of the deep seafloor has been explored worldwide. History is fraught with hard lessons learned about destroying what is not known or understood. The potential harms of seabed mining underscore the need to take a precautionary approach, both in the State and as a global community.

Accordingly, the purpose of this Act is to prohibit seabed mining in the State.

SECTION 3. Chapter 190D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§190D- Seabed mining; permits; prohibited.** (a) Notwithstanding any law to the contrary, the mining, extraction, and removal of minerals from the seabed shall be prohibited in state marine waters.

(b) No permit shall be issued for or in connection with the development or operation of any facility or infrastructure associated with the mining, extraction, or removal of minerals from the seabed within state marine waters.

(c) Notwithstanding subsections (a) and (b), the collection of sand from state marine waters to replenish beaches in the State shall be permitted; provided that prior approval from the board is obtained.

(d) This section shall not be construed to prohibit scientific research or collections conducted by or on behalf of an educational, scientific, or research institution or a governmental agency.

(e) 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.

(f) As used in this section, “minerals” means natural deposits of valuable minerals, including metals and placer deposits of metals, nonmetallic minerals, gemstones, ores, gold, silver, copper, lead, iron, manganese, silica, chrome, platinum, tungsten, zirconium, titanium, garnet, phosphorous, polymetallic nodules, and cobalt-rich ferromanganese crusts.”

SECTION 4. New statutory material is underscored.<sup>1</sup>

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

(Approved July 8, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 229**

H.B. NO. 40

A Bill for an Act Relating to the General Fund.

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

SECTION 1. The legislature finds that article VII, section 6, of the Hawaii State Constitution requires the legislature to dispose of excess general fund revenues when certain factors are met, as follows:

- (1) Provide for a tax refund or tax credit to the taxpayers of the State, as provided by law;
- (2) Make a deposit into one or more funds, as provided by law, which shall serve as temporary supplemental sources of funding for the State in times of an emergency, economic downturn, or unforeseen reduction in revenue, as provided by law; or
- (3) Appropriate general funds for the pre-payment of either or both of the following, as provided by law:
  - (A) Debt service for general obligation bonds issued by the State;
  - or
  - (B) Pension or other post-employment benefit liabilities accrued for state employees.

The legislature further finds that the necessary factors have been met for two successive fiscal years and that the legislature is constitutionally required to dispose of excess tax revenues, as authorized under article VII, section 6, of the Hawaii Constitution.

Accordingly, the purpose of this Act is to implement article VII, section 6, of the Hawaii Constitution, by:

- (1) Making a deposit into the emergency and budget reserve fund established under section 328L-3, Hawaii Revised Statutes; and
- (2) Making a deposit into the pension accumulation fund established under section 88-114, Hawaii Revised Statutes.

SECTION 2. In accordance with article VII, section 6, of the Hawaii Constitution, there is appropriated out of the general revenues of the State of Hawaii the sum of ~~\$300,000,000~~ \$1<sup>1</sup> or so much thereof as may be necessary for fiscal year 2024-2025 for deposit into the emergency and budget reserve fund established under section 328L-3, Hawaii Revised Statutes.

SECTION 3. In accordance with article VII, section 6, of the Hawaii Constitution, there is appropriated out of the general revenues of the State of Hawaii the sum of ~~\$135,000,000~~ \$1<sup>1</sup> or so much thereof as may be necessary for fiscal year 2024-2025 for deposit into the pension accumulation fund established under section 88-114, Hawaii Revised Statutes.

SECTION 4. In accordance with section 9 of article VII of the Constitution of the State of Hawaii 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 \$323,323,869 or 3.1 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 5. This Act shall take effect on July 1, 2024.

(Approved July 9, 2024.)

**Note**

1. Item vetoed, replaced, and initialed "JG".

**ACT 230**

H.B. NO. 1800

A Bill for an Act Relating to the State Budget.

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

SECTION 1. This Act shall be known and may be cited as the Supplemental Appropriations Act of 2024.

SECTION 2. This Act amends Act 164, Session Laws of Hawaii 2023, and other appropriations and authorizations effective during fiscal biennium 2023-2025.

SECTION 3. Part I of Act 164, Session Laws of Hawaii 2023, is amended by amending section 2 to read as follows:

“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. Such<sup>1</sup> 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.”

SECTION 4. Part II of Act 164, Session Laws of Hawaii 2023, is amended by amending section 3 to read as follows:

“SECTION 3. APPROPRIATIONS. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are hereby appropriated or authorized, as the case may be, from the means of financing specified to the expending agencies designated for the fiscal biennium beginning July 1, 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

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
<b>A. ECONOMIC DEVELOPMENT</b>					
1.	BED100 - STRATEGIC MARKETING AND SUPPORT			10.00 *	10.00 *
	OPERATING		BED	1.00 # 9,076,255A	1.00 # 7,571,940A
			BED	1,822,845W	1,823,451W
			BED	700,000 P	700,000 P
2.	BED101 - OFFICE OF INTERNATIONAL AFFAIRS				
	OPERATING		BED	500,000 A	250,000 A
3.	BED105 - CREATIVE INDUSTRIES DIVISION				
	OPERATING		BED	14.00 * 1.00 # 1,736,865 A	13.00 * 1.00 # 1,774,007 A
			BED	780,000 B	1,255,000 B
4.	BED107 - FOREIGN TRADE ZONE				
	OPERATING		BED	16.00 * 2,612,545 B	16.00 * 2,791,090 B
	INVESTMENT CAPITAL		BED	2,500,000 C	C
5.	BED142 - GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT				
	OPERATING		BED	26.00 * 4.00 # 2,994,083 A	26.00 * 4.00 # 3,082,898 A
6.	BED113 - HAWAII TOURISM AUTHORITY - ADMINISTRATION AND GOVERNANCE				
	OPERATING		BED	* 64,000,000 A	14.00 * 3,696,660 A
	INVESTMENT CAPITAL		BED	B C	34,000,000 B 64,000,000 C
6A.	BED114 - HAWAII TOURISM AUTHORITY - BRANDING AND MARKETING				
	OPERATING		BED	* A	5.00 * 39,249,201 A
6B.	BED115 - HAWAII TOURISM AUTHORITY - SPORTS AND SIGNATURE EVENTS				
	OPERATING		BED	* A	1.00 * 7,318,075 A
6C.	BED116 - HAWAII TOURISM AUTHORITY - DESTINATION STEWARDSHIP AND COMMUNITY				
	OPERATING		BED	* A	7.00 * 7,923,883 A
6D.	BED117 - HAWAII TOURISM AUTHORITY - REGENERATIVE TOURISM DEVELOPMENT				
	OPERATING		BED	* A	3.00 * 3,762,181 A
6E.	BED118 - HAWAII TOURISM AUTHORITY - WORKFORCE DEVELOPMENT				
	OPERATING		BED	A	1,050,000 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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 *	114.00 *
	OPERATING		AGR	8,625,407 A	9,214,059 A
				46.00 *	0.00 *
			AGR	8,711,874 B	4,130,800 B
			AGR	512,962 T	512,962 T
			AGR	212,095 U	212,095 U
			AGR	50,360 W	50,360 W
				2.00 #	2.00 #
			AGR	528,412 P	528,412 P
9.	AGR131	RABIES QUARANTINE		32.32 *	32.32 *
	OPERATING		AGR	4,536,462 B	5,472,787 B
	INVESTMENT CAPITAL		AGS	400,000 A	A
10.	AGR132	ANIMAL DISEASE CONTROL		22.68 *	25.68 *
	OPERATING		AGR	2,277,433 A	3,336,355 A
			AGR	47,802 B	47,802 B
				3.00 #	3.00 #
			AGR	438,438 P	438,438 P
11.	LNR172	FORESTRY - RESOURCE MANAGEMENT AND DEVELOPMENT		34.00 *	34.00 *
	OPERATING		LNR	23,735,463 A	<del>11,152,052 A</del> 8,227,052 A <sup>2</sup>
			LNR	2,455,475 B	2,455,475 B
				1.00 *	1.00 *
	INVESTMENT CAPITAL		LNR	14,600,000 P	6,150,000 P
			LNR	7,400,000 A	A
			LNR	C	5,500,000 C
12.	AGR151	QUALITY AND PRICE ASSURANCE		20.00 *	24.50 *
	OPERATING		AGR	1,523,734 A	1,834,959 A
				1.00 *	1.00 *
			AGR	244,848 B	244,848 B
			AGR	100,000 N	100,000 N
			AGR	300,000 T	300,000 T
				6.50 #	0.00 #
			AGR	530,898 W	127,848 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	15,000 B
				0.75 *	0.75 *
			AGR	2,051,568 N	2,051,568 N
				1.25 *	1.25 *
			AGR	5,289,219 P	5,289,219 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
14.	AGR141	AGRICULTURAL RESOURCE MANAGEMENT			
	OPERATING		AGR	19.00* 6,746,432 A	19.00* 1,793,732 A
				13.50* 2,821,971 B	13.50* 2,836,320 B
			AGR	7.50* 1,334,766 W	7.50* 1,361,087 W
	INVESTMENT CAPITAL		AGR	0 A	A
			AGR	11,700,000 C	31,000,000 C
			AGR	3,000,000 N	1,000 N
15.	AGR192	GENERAL ADMINISTRATION FOR AGRICULTURE			
	OPERATING		AGR	31.00* 3,974,146 A	31.00* 5,445,713 A
				1.00* #	0.00* 1.00#
			AGR	34,278 T	164,450 T
	INVESTMENT CAPITAL		AGS	1,000,000 A	A
16.	BED170	AGRIBUSINESS DEVELOPMENT AND RESEARCH			
	OPERATING		BED	9.00* 17,360,761 A	12.50* 3,430,359 A
				* #	0.50* 82,126 U
			BED	U *	2.00* 2.00*
				6.00# 3,793,407 W	6.00# 4,156,363 W
	INVESTMENT CAPITAL		BED	A	0 A
			BED	1,100,000 C	5,500,000 C
17.	AGR153	AQUACULTURE DEVELOPMENT			
	OPERATING		AGR	7.00* 969,259 A	7.00* 977,419 A
			AGR	125,000 B	125,000 B
18.	BED120	HAWAII STATE ENERGY OFFICE			
	OPERATING		BED	1.00* 25.00# 2,501,930 A	1.00* 25.00# 2,567,296 A
			BED	95,000 B	795,000 B
				2.00# 667,124 N	2.00# 1,500,000 N
			BED	7,146,250 T	7,146,250 T
19.	BED143	HAWAII TECHNOLOGY DEVELOPMENT CORPORATION			
	OPERATING		BED	7.00* 5.00# 8,624,444 A	8.00* 5.00# 13,700,438 A
			BED	1,604,258 B	7,700,438 A <sup>2</sup> 1,604,258 B
			BED	7,017,203 W	2,017,203 W
				10.00# 994,214 P	10.00# 994,214 P
20.	BED146	NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY			
	OPERATING		BED	17.00# 7,853,284 B	17.00# 7,924,147 B
	INVESTMENT CAPITAL		BED	1,500,000 C	C
			BED	1,900,000 D	D

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
21.	BED138 - HAWAII GREEN INFRASTRUCTURE AUTHORITY				
	OPERATING		BED	50,000,000 A 5.00 #	A 6.25 #
			BED	86,018,740 B #	86,419,942 B 1.75 #
	INVESTMENT CAPITAL		BED	P	444,261 P
			BED	C	15,000,000 C
22.	LNR141 - WATER AND LAND DEVELOPMENT			24.00 *	24.00 *
	OPERATING		LNR	3,306,742 A	3,443,755 A 3,418,755 A <sup>2</sup>
				4.00 *	4.00 *
			LNR	850,713 B	905,553 B
			LNR	199,479 T	199,479 T
	INVESTMENT CAPITAL		LNR	2,000,000 A	2,000,000 A
			LNR	1,500,000 C	C
23.	BED150 - HAWAII COMMUNITY DEVELOPMENT AUTHORITY			10.00 *	12.00 *
				1.00 #	1.00 #
	OPERATING		BED	78,814,260 A	6,424,987 A
				11.00 *	11.00 *
				1.00 #	1.00 #
	INVESTMENT CAPITAL		BED	2,494,334 B	2,550,914 B
			BED	A	0 A
			BED	4,500,000 C	20,125,000 C
			BED	4,500,000 S	S
24.	BED160 - HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION				
	OPERATING		BED	150,000,000 A	255,000,000 A 198,557,000 A <sup>2</sup>
			BED	3,100,000 N	3,100,000 N
				23.00 *	23.00 *
				45.00 #	48.00 #
			BED	13,533,889 W	16,022,225 W
			BED	3,000,000 P	3,000,000 P
	INVESTMENT CAPITAL		BED	45,000,000 C	230,500,000 C
<b>B. EMPLOYMENT</b>					
1.	LBR111 - WORKFORCE DEVELOPMENT			9.10 *	13.10 *
	OPERATING		LBR	6,043,333 A	6,822,007 A
			LBR	5,364,646 B	5,364,646 B
				71.20 *	57.20 *
				34.00 #	34.00 #
			LBR	15,550,000 N	8,795,490 N
			LBR	2,891,173 U	2,891,173 U
				0.70 *	0.70 *
			LBR	600,000 P	400,000 P
1A.	LBR135 - WORKFORCE DEVELOPMENT COUNCIL				
	OPERATING		LBR	A	455,026 A
				*	7.00 *
			LBR	N	6,528,870 N



PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
2.	LBR171	UNEMPLOYMENT INSURANCE PROGRAM			
	OPERATING		LBR	8.00 * 42,098,246 A	8.00 * 1,098,246 A
			LBR	2,173,756 B	2,173,756 B
				192.50 *	189.50 *
			LBR	16,000,000 N	17,972,056 N
			LBR	391,500,000 T	341,400,000 T
3.	LBR903	OFFICE OF COMMUNITY SERVICES			
	OPERATING		LBR	11.00 * 5.00 #	11.00 * 5.00 #
			LBR	3,513,823 A	3,534,523 A
			LBR	5,000 B	5,000 B
				4.00 #	4.00 #
	INVESTMENT CAPITAL		LBR	6,517,000 N	6,517,000 N
			LBR	20,000,000 C	20,000,000 C
4.	HMS802	VOCATIONAL REHABILITATION			
	OPERATING		HMS	40.07 * 4,460,424 A	38.73 * 4,433,863 A
				73.93 *	73.27 *
			HMS	18,472,196 N	19,122,589 N
			HMS	2,000,000 W	2,000,000 W
	INVESTMENT CAPITAL		AGS	495,000 A	A
5.	LBR143	HAWAII OCCUPATIONAL SAFETY AND HEALTH PROGRAM			
	OPERATING		LBR	17.30 * 0.50 #	17.30 * 0.50 #
			LBR	1,343,947 A	1,393,204 A
				19.00 *	19.00 *
			LBR	2,693,796 W	2,746,077 W
				19.70 *	19.70 *
			LBR	2,400,000 P	2,400,000 P
6.	LBR152	WAGE STANDARDS PROGRAM			
	OPERATING		LBR	19.00 * 1,327,228 A	18.00 * 1,315,139 A
			LBR	B	300,000 B
7.	LBR153	HAWAII CIVIL RIGHTS COMMISSION			
	OPERATING		LBR	22.50 * 1,784,504 A	22.50 * 1,843,633 A
				0.50 *	0.50 *
				5.00 #	5.00 #
			LBR	350,000 P	350,000 P
8.	LBR183	DISABILITY COMPENSATION PROGRAM			
	OPERATING		LBR	76.00 * 5,657,561 A	76.00 * 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			
	OPERATING		LBR	3.00 * 6.00 #	3.00 * 6.00 #
			LBR	1,023,702 A	1,043,087 A
10.	LBR812	LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD			
	OPERATING		LBR	12.00 * 1,192,173 A	12.00 * 1,209,410 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
10A.	LBR901	RESEARCH AND STATISTICS			
	OPERATING	LBR		*	2.00*
				A	178,081 A
				*	4.00*
				#	1.00#
		LBR		N	440,322 N
		LBR		P	76,798 P
11.	LBR902	GENERAL ADMINISTRATION			
				16.83*	15.83*
				3.46#	3.46#
	OPERATING	LBR		3,153,766 A	2,168,056 A
		LBR		200,000 B	200,000 B
				32.17*	32.17*
				1.54#	1.54#
		LBR		3,286,941 P	3,210,143 P
<b>C. TRANSPORTATION FACILITIES</b>					
1.	TRN102	DANIEL K. INOUE INTERNATIONAL AIRPORT			
				667.00*	662.00*
				15.00#	15.00#
	OPERATING	TRN		250,279,440 B	255,885,436 B
	INVESTMENT CAPITAL	TRN		175,250,000 E	541,484,000 E
		TRN		1,000 N	121,701,000 N
2.	TRN104	GENERAL AVIATION			
				31.00*	31.00*
	OPERATING	TRN		9,601,863 B	15,796,712 B
	INVESTMENT CAPITAL	TRN		6,000,000 E	7,500,000 E
		TRN		1,000 N	1,000 N
3.	TRN111	HILO INTERNATIONAL AIRPORT			
				85.00*	85.00*
				2.00#	2.00#
	OPERATING	TRN		22,591,416 B	23,320,879 B
	INVESTMENT CAPITAL	TRN		2,400,000 E	9,002,000 E
		TRN		1,000 N	1,826,000 N
4.	TRN114	ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE			
				102.00*	110.00*
				3.00#	3.00#
	OPERATING	TRN		27,570,320 B	29,609,709 B
	INVESTMENT CAPITAL	TRN		4,804,000 E	4,002,000 E
		TRN		1,000 N	2,800,000 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

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
7.	TRN131	- KAHULUI AIRPORT		185.00*	183.00*
				4.00#	4.00#
		OPERATING	TRN	46,877,427 B	48,076,183 B
		INVESTMENT CAPITAL	TRN	40,270,000 E	26,950,000 E
			TRN	2,000 N	5,110,000 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	30,303,640 B
		INVESTMENT CAPITAL	TRN	4,687,000 B	B
			TRN	7,690,000 E	62,228,000 E
			TRN	N	24,901,000 N
			TRN	1,074,000 X	9,700,000 X
14.	TRN163	- PORT ALLEN AIRPORT			
		OPERATING	TRN	1,841 B	1,841 B
15.	TRN195	- AIRPORTS ADMINISTRATION		134.00*	133.00*
		OPERATING	TRN	392,811,575 B	448,402,160 B
		INVESTMENT CAPITAL	TRN	4,428,000 B	4,588,000 B
			TRN	534,446,000 E	312,253,000 E
			TRN	3,000 N	166,687,000 N
			TRN	64,157,000 X	22,163,000 X
16.	TRN301	- HONOLULU HARBOR		120.00*	101.00*
		OPERATING	TRN	26,690,658 B	34,226,053 B
		INVESTMENT CAPITAL	TRN	4,000 B	4,000 B
			TRN	49,988,000 E	78,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
17.	TRN303	- KALAELOA BARBERS POINT HARBOR		6.00*	6.00*
		OPERATING	TRN	1,632,388 B	2,366,944 B
		INVESTMENT CAPITAL	TRN	B	4,000 B
			TRN	E	14,494,000 E
			TRN	N	4,000 N
			TRN	R	4,000 R

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
18.	TRN311 - HILO HARBOR			15.00 *	15.00 *
	OPERATING		TRN	3,072,902 B	4,530,872 B
	INVESTMENT CAPITAL		TRN	4,000 B	4,000 B
			TRN	14,988,000 E	30,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
19.	TRN313 - KAWAIHAE HARBOR			2.00 *	2.00 *
	OPERATING		TRN	860,589 B	2,363,110 B
	INVESTMENT CAPITAL		TRN	4,000 B	4,000 B
			TRN	14,988,000 E	14,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
20.	TRN331 - KAHULUI HARBOR			19.00 *	18.00 *
	OPERATING		TRN	3,773,026 B	6,838,097 B
	INVESTMENT CAPITAL		TRN	4,000 B	4,000 B
			TRN	9,988,000 E	30,988,000 E
			TRN	4,000 N	4,000 N
			TRN	4,000 R	4,000 R
21.	TRN341 - KAUNAKAKAI HARBOR			1.00 *	1.00 *
	OPERATING		TRN	262,976 B	640,922 B
22.	TRN361 - NAWILIWILI HARBOR			15.00 *	15.00 *
	OPERATING		TRN	3,160,117 B	4,512,754 B
	INVESTMENT CAPITAL		TRN	B	4,000 B
			TRN	E	23,988,000 E
			TRN	N	4,000 N
			TRN	R	4,000 R
23.	TRN363 - PORT ALLEN HARBOR			1.00 *	1.00 *
	OPERATING		TRN	204,024 B	265,091 B
24.	TRN351 - KAUMALAPAU HARBOR			1.00 *	1.00 *
	OPERATING		TRN	171,756 B	484,702 B
25.	TRN395 - HARBORS ADMINISTRATION			72.00 *	72.00 *
	OPERATING		TRN	90,690,792 B	95,092,026 B
	INVESTMENT CAPITAL		TRN	2,504,000 B	2,504,000 B
			TRN	9,992,000 E	24,988,000 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			190.00 *	190.00 *
	OPERATING		TRN	91,594,359 B	96,997,899 B
	INVESTMENT CAPITAL		TRN	C	11,300,000 C
			TRN	E	3,450,000 E
			TRN	N	1,000 N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
28.	TRN511 - HAWAII HIGHWAYS				
	OPERATING		TRN	118.50 *	118.50 *
	INVESTMENT CAPITAL		TRN	21,187,067 B	24,435,476 B
			TRN	39,600,000 E	4,590,000 E
				1,000 N	4,360,000 N
29.	TRN531 - MAUI HIGHWAYS				
	OPERATING		TRN	90.00 *	90.00 *
	INVESTMENT CAPITAL		TRN	1.00 #	1.00 #
			TRN	25,895,031 B	26,362,284 B
			TRN	1,216,000 E	6,600,000 E
			TRN	4,001,000 N	26,400,000 N
30.	TRN561 - KAUAI HIGHWAYS				
	OPERATING		TRN	55.00 *	55.00 *
	INVESTMENT CAPITAL		TRN	12,885,036 B	13,042,171 B
			TRN	3,200,000 E	1,700,000 E
			TRN	12,800,000 N	6,800,000 N
31.	TRN595 - HIGHWAYS ADMINISTRATION				
	OPERATING		TRN	3,600,000 A	5,000,000 A
				544.50 *	545.50 *
				4.00 #	3.00 #
			TRN	200,645,923 B	198,164,189 B
				1.00 #	1.00 #
	INVESTMENT CAPITAL		TRN	15,453,000 N	16,012,724 N
			TRN	8,700,000 B	19,943,000 B
			TRN	91,299,000 E	259,941,000 E
			TRN	295,600,000 N	707,736,000 N
32.	TRN597 - HIGHWAYS SAFETY				
	OPERATING		TRN	32.20 *	32.20 *
				12,051,792 B	12,103,370 B
				6.00 *	6.00 *
			TRN	6,449,865 N	6,475,305 N
				0.80 *	0.80 *
			TRN	1,211,286 P	1,214,379 P
33.	TRN995 - GENERAL ADMINISTRATION				
	OPERATING		TRN	110.00 *	110.00 *
				2.00 #	2.00 #
			TRN	26,445,188 B	29,192,958 B
				1.00 *	1.00 *
			TRN	10,884,696 N	18,809,696 N
			TRN	743,067 R	743,067 R
			TRN	8,400,000 P	475,000 P
34.	TRN695 - ALOHA TOWER DEVELOPMENT CORPORATION				
	OPERATING		TRN	1.00 *	1.00 *
				1,842,173 B	1,842,173 B

D. ENVIRONMENTAL PROTECTION

1.	HTH840 - ENVIRONMENTAL MANAGEMENT				
	OPERATING		HTH	75.00 *	82.00 *
				1.00 #	1.00 #
				5,736,520 A	6,748,498 A
				59.00 *	59.00 *
				4.00 #	4.00 #

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
			HTH	80,626,501 B 34.10 * 1.00 #	80,828,503 B 33.50 * 1.00 #
			HTH	6,749,271 N 2.00 *	17,415,960 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 #	260,493,454 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 * #	25.00 * 2.00 #
	OPERATING		AGR	478,663 A 18.00 * 2.00 #	1,924,163 A 0.00 * 0.00 #
			AGR	3,328,531 W 2.00 * 1.00 #	3,144,401 W 2.00 * 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 #	5,509,851 A 3.00 * 1.25 #
			LNR	1,854,490 B 1.00 * 1.75 #	4,285,718 B 1.00 * 1.75 #
			LNR	4,796,021 N 2.00 * 7.50 #	5,165,000 N 2.00 * 7.50 #
		INVESTMENT CAPITAL	LNR	25,665,452 P	24,246,866 P
			LNR	2,350,000 A	A
			LNR	2,500,000 C	C
4.	LNR402 - NATIVE RESOURCES AND FIRE PROTECTION PROGRAM			51.50 * 17,382,568 A 18.50 * 4,047,467 N 106,475 T 7.00 #	51.50 * 17,556,140 A 18.50 * 2,739,440 N 106,475 T 7.00 #
	OPERATING		LNR	1,686,056 U 2.50 * 1.00 #	1,686,056 U 2.50 * 1.00 #
			LNR	4,680,000 P	10,544,254 P
		INVESTMENT CAPITAL	LNR	285,000 A	700,000 A
			LNR	5,050,000 C	3,465,000 C
			LNR	D	2,360,000 D
			LNR	N	1,000 N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
5.	LNR404 - WATER RESOURCES				
	OPERATING		LNR	28.00* 3,373,097 A	28.00* 4,093,139 A 3,855,639 A <sup>2</sup>
			LNR	5.00*	5.00*
	INVESTMENT CAPITAL		LNR	1,210,093 B	1,280,710 B
			LNR	2,000,000 A	3,000,000 A
6.	LNR405 - CONSERVATION AND RESOURCES ENFORCEMENT				
	OPERATING		LNR	153.25* 16,660,215 A	178.25* 16,686,864 A
			LNR	910,297 B	920,201 B
			LNR	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	1,000,000 C
7.	LNR407 - NATURAL AREA RESERVES AND WATERSHED MANAGEMENT				
				69.50*	69.50*
	OPERATING		LNR	4.00# 15,328,051 A	4.00# 15,483,116 A
			LNR	180,000 B	180,000 B
			LNR	250,000 N	250,000 N
			LNR	0.50*	0.50*
	INVESTMENT CAPITAL		LNR	2,429,592 P	25,707,357 P
			LNR	5,700,000 A	5,350,000 A
8.	LNR906 - LNR - NATURAL AND PHYSICAL ENVIRONMENT				
				44.00*	54.00*
	OPERATING		LNR	1.00# 4,659,261 A	1.00# 6,646,992 A
			LNR	19.00*	20.00*
			LNR	1.00#	1.00#
	INVESTMENT CAPITAL		LNR	2,928,906 B	3,144,276 B
9.	HTH849 - ENVIRONMENTAL HEALTH ADMINISTRATION				
				27.50*	29.50*
	OPERATING		HTH	1.25# 3,456,518 A	1.25# 3,878,888 A
			HTH	34,097 B	0 B
			HTH	1.55*	2.15*
			HTH	0.60#	0.60#
			HTH	144,015 N	189,937 N
			HTH	11.00*	11.00*
			HTH	2,776,056 W	2,826,328 W
			HTH	11.95*	11.95*
			HTH	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				
				2.00*	2.00*
	OPERATING		LNR	14.00# 1,803,789 A	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

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
<b>E. HEALTH</b>					
1.	HTH100 - COMMUNICABLE DISEASE AND PUBLIC HEALTH NURSING				
				230.87*	232.87*
				1.00#	1.00#
	OPERATING		HTH	30,793,172 A	32,416,760 A
			HTH	13,343 B	0 B
				21.00#	22.00#
			HTH	8,723,375 N	8,827,137 N
				3.00*	3.00*
			HTH	637,849 U	637,849 U
				13.00*	13.00*
				19.50#	24.50#
	INVESTMENT CAPITAL		HTH	10,993,949 P	9,943,053 P
			AGS	100,000 C	440,000 C
2.	HTH131 - DISEASE OUTBREAK CONTROL				
				21.60*	21.60*
	OPERATING		HTH	1,963,373 A	2,023,890 A
				22.40*	22.40*
				9.00#	9.00#
			HTH	3,700,447 N	6,435,617 N
				1.00*	1.00*
				24.50#	21.50#
			HTH	4,252,020 P	43,778,970 P
3.	HTH730 - EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM				
				10.00*	10.00*
				1.40#	1.40#
	OPERATING		HTH	53,788,778 A	54,035,067 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
4.	HTH560 - FAMILY HEALTH SERVICES				
				93.00*	93.50*
				0.50#	0.50#
	OPERATING		HTH	34,852,455 A	40,197,408 A
				14.50*	13.40*
				2.00#	2.00#
			HTH	18,257,916 B	18,202,690 B
				112.10*	116.30*
				11.30#	8.50#
			HTH	38,303,396 N	38,224,669 N
				#	1.00#
			HTH	U	101,558 U
				13.90*	15.30*
				14.20#	14.00#
			HTH	11,768,880 P	12,523,019 P
5.	HTH590 - CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION				
				40.50*	43.50*
				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#	0.00#



PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
			HTH	1,188,304 U 9.50 * 20.50 #	1,192,408 U 9.50 * 19.50 #
			HTH	6,776,898 P	6,776,898 P
6.	HTH595 - HEALTH RESOURCES ADMINISTRATION			2.00 *	2.00 *
	OPERATING		HTH	249,628 A	244,093 A
			HTH	31,713 B	0 B
7.	HTH596 - OFFICE OF MEDICAL CANNABIS CONTROL & REGULATION			17.00 * 5.00 #	21.00 * 5.00 #
	OPERATING		HTH	2,821,277 A 3.00 *	3,221,806 A 7.00 *
			HTH	954,204 B	1,424,611 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	2,032,500 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 2,340.75 *	160,286,303 A 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	31,783,000 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	17,400,000 A
	INVESTMENT CAPITAL		HTH	6,000,000 A	6,000,000 A
			HTH	27,700,000 C	C
13.	HTH215 - HHSC - OAHU REGION				
	OPERATING		HTH	20,189,000 A 440.00 *	23,372,000 A 440.00 *
			HTH	45,000,000 B	46,000,000 B
	INVESTMENT CAPITAL		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 * 127.00 #	254.00 * 117.50 #
	OPERATING		HTH	67,655,576 A	86,908,392 A
			HTH	11,610,000 B 1.00 #	11,610,000 B 1.00 #
			HTH	2,333,370 N 1.00 #	2,333,370 N 1.00 #
			HTH	137,363 P	137,363 P
15.	HTH430 - ADULT MENTAL HEALTH - INPATIENT			843.00 * 20.00 #	847.00 * 20.00 #

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
		OPERATING	HTH	97,979,834 A	134,698,176 A
		INVESTMENT CAPITAL	AGS	2,500,000 C	5,160,000 C
16.	HTH440 -	ALCOHOL AND DRUG ABUSE DIVISION			
				29.00 *	28.00 *
		OPERATING	HTH	20,337,209 A	20,395,713 A
			HTH	750,000 B	750,000 B
				*	1.00 *
			HTH	8,857,980 N	9,038,656 N
				8.00 #	4.00 #
			HTH	6,570,543 P	3,974,673 P
17.	HTH460 -	CHILD AND ADOLESCENT MENTAL HEALTH			
				159.50 *	159.50 *
				8.00 #	8.00 #
		OPERATING	HTH	44,301,094 A	63,631,355 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 *	2.00 *
		OPERATING	HTH	394,424 A	210,907 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
				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			
				74.00 *	67.00 *
		OPERATING	HTH	9,496,570 A	10,035,180 A
				*	0.75 *
				2.00 #	2.00 #
			HTH	201,000 B	272,901 B
				9.00 #	9.00 #
			HTH	1,029,222 N	1,029,222 N
				*	0.25 *
			HTH	W	23,967 W
				2.00 #	2.00 #
			HTH	429,999 P	429,999 P
		INVESTMENT CAPITAL	AGS	17,157,000 C	11,960,000 C

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
22.	HTH720	HEALTH CARE ASSURANCE		22.55 *	22.55 *
				2.00 #	2.00 #
	OPERATING		HTH	3,744,070 A	3,846,417 A
				2.85 *	2.85 *
			HTH	1,315,000 B	2,105,000 B
				21.60 *	21.60 *
			HTH	4,841,562 P	4,841,562 P
23.	HTH906	STATE HEALTH PLANNING AND DEVELOPMENT AGENCY		6.00 *	6.00 *
	OPERATING		HTH	566,120 A	655,717 A
			HTH	114,000 B	114,000 B
24.	HTH760	HEALTH STATUS MONITORING		38.50 *	38.50 *
				3.00 #	3.00 #
	OPERATING		HTH	2,043,490 A	2,538,908 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		2.50 *	2.50 *
	OPERATING		HTH	258,039 A	262,940 A
				5.00 *	5.00 *
			HTH	527,570 N	527,570 N
26.	HTH907	GENERAL ADMINISTRATION		174.00 *	175.00 *
				13.00 #	12.00 #
	OPERATING		HTH	24,727,767 A	40,006,407 A
				8.00 *	8.00 *
				20.00 #	20.00 #
			HTH	5,275,000 N	5,275,000 N
				4.00 #	4.00 #
			HTH	737,888 P	737,888 P
	INVESTMENT CAPITAL		AGS	1,000,000 A	1,000,000 A
			AGS	C	0 C
27.	HTH908	OFFICE OF LANGUAGE ACCESS		6.00 *	6.00 *
	OPERATING		HTH	699,476 A	914,494 A
<b>F. SOCIAL SERVICES</b>					
1.	HMS301	CHILD PROTECTIVE SERVICES		303.75 *	303.75 *
	OPERATING		HMS	54,581,360 A	53,953,525 A
				1.00 *	1.00 *
			HMS	1,120,019 B	6,124,053 B
				84.75 *	84.75 *
			HMS	43,660,620 N	47,813,450 N
			HMS	106,225 P	400,000 P
2.	HMS302	GENERAL SUPPORT FOR CHILD CARE		38.35 *	38.35 *
	OPERATING		HMS	3,216,445 A	2,816,618 A
				37.65 *	37.65 *
			HMS	12,965,823 N	13,112,950 N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
3.	HMS303 - CHILD PROTECTIVE SERVICES PAYMENTS				
	OPERATING		HMS	48,265,586 A	48,265,586 A
			HMS	29,350,000 N	30,040,000 N
4.	HMS305 - CASH SUPPORT FOR CHILD CARE				
	OPERATING		HMS	25,011,811 A	57,811,811 A
			HMS	69,565,754 N	69,565,754 N
5.	HMS501 - IN-COMMUNITY YOUTH PROGRAMS				
				14.50 *	17.50 *
				1.00 #	1.00 #
	OPERATING		HMS	9,442,539 A	10,741,938 A
				0.50 *	0.50 *
				0.50 #	0.50 #
			HMS	2,456,919 N	1,534,135 N
6.	HMS503 - HAWAII YOUTH CORRECTIONAL FACILITY (HYCF)				
				93.00 *	90.00 *
	OPERATING		HMS	10,239,621 A	10,361,417 A
	INVESTMENT CAPITAL		AGS	6,450,000 C	2,311,000 C
7.	DEF112 - SERVICES TO VETERANS				
				28.00 *	28.00 *
	OPERATING		DEF	2,031,728 A	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				
				69.48 *	69.48 *
	OPERATING		HMS	5,968,473 A	6,300,163 A
				7.02 *	7.02 *
				3.00 #	3.00 #
			HMS	3,988,661 N	798,105 N
			HMS	10,000 R	10,000 R
			HMS	387,560 U	387,560 U
			HMS	1,321,390 P	1,321,390 P
9.	HMS202 - AGED, BLIND AND DISABLED PAYMENTS				
	OPERATING		HMS	4,029,480 A	4,029,480 A
10.	HMS204 - GENERAL ASSISTANCE PAYMENTS				
	OPERATING		HMS	23,889,056 A	23,889,056 A
			HMS	3,000,000 B	3,000,000 B
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				
				*	5.00 *
	OPERATING		HMS	4,561,054 A	4,690,342 A
				180.00 *	191.00 *
				4.50 #	4.50 #

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
			HMS	87,935,732 N	96,507,056 N
				15.00 *	18.00 *
		INVESTMENT CAPITAL	HMS	4,840,862 W	5,208,540 W
			HMS	5,400,000 A	5,800,000 A
			HMS	11,400,000 C	20,000,000 C
14.		HMS229 - HAWAII PUBLIC HOUSING AUTHORITY ADMINISTRATION		2.00 *	2.00 *
				3.00 #	3.00 #
		OPERATING	HMS	497,162 A	11,002,838 A
				68.00 *	62.00 *
				30.00 #	28.00 #
			HMS	38,373,557 N	37,672,148 N
				62.00 *	55.00 *
				17.00 #	18.00 #
			HMS	7,682,980 W	7,264,699 W
15.		HMS222 - RENTAL ASSISTANCE SERVICES		1.00 *	1.00 *
		OPERATING	HMS	7,551,082 A	2,556,815 A
				34.00 *	34.00 *
				1.00 #	1.00 #
			HMS	62,475,031 N	67,273,000 N
16.		HMS224 - HOMELESS SERVICES		11.00 *	11.00 *
		OPERATING	HMS	26,777,993 A	28,021,783 A
			HMS	740,000 N	814,000 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	1,052,902,246 A
			HMS	1,376,660 B	1,376,660 B
			HMS	2,058,700,188 N	2,250,971,558 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		289.63 *	289.63 *
		OPERATING	HMS	18,803,958 A	19,431,885 A
				228.37 *	228.37 *
			HMS	26,303,192 N	26,303,192 N
			HMS	30,237 P	30,237 P
20.		HMS238 - DISABILITY DETERMINATION		50.00 *	50.00 *
		OPERATING	HMS	8,859,927 N	8,859,927 N
21.		ATG500 - CHILD SUPPORT ENFORCEMENT SERVICES		69.70 *	69.70 *
				0.34 #	0.34 #
		OPERATING	ATG	7,209,246 A	5,429,876 A
			ATG	2,231,224 T	2,231,224 T
				135.30 *	135.30 *
				0.66 #	0.66 #
			ATG	20,353,165 P	16,906,088 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
22.	HMS237 - EMPLOYMENT AND TRAINING		HMS	469,505 A	469,505 A
	OPERATING		HMS	1,564,231 N	2,575,945 N
23.	HHL602 - PLANNING AND DEVELOPMENT FOR HAWAIIAN HOMESTEADS		HHL	10,000,000 A	10,000,000 A
	OPERATING		HHL	4,824,709 B	4,824,709 B
				4.00 *	4.00 *
				2.00 #	8.00 #
			HHL	23,318,527 N	24,126,731 N
			HHL	3,740,534 T	3,740,534 T
			HHL	7,000,000 W	7,000,000 W
	INVESTMENT CAPITAL		HHL	20,000,000 C	20,000,000 C
24.	HHL625 - ADMINISTRATION AND OPERATING SUPPORT			200.00 *	200.00 *
	OPERATING		HHL	16,428,191 A	16,796,100 A
25.	HTH904 - EXECUTIVE OFFICE ON AGING			13.60 *	13.60 *
				2.35 #	2.35 #
	OPERATING		HTH	12,693,686 A	12,714,792 A
				7.40 *	7.40 *
				1.00 #	1.00 #
			HTH	10,405,377 N	10,405,377 N
				8.00 #	8.00 #
			HTH	1,223,791 P	1,223,791 P
26.	HTH520 - DISABILITY AND COMMUNICATIONS ACCESS BOARD			6.00 *	6.00 *
	OPERATING		HTH	663,694 A	682,346 A
				13.00 *	13.00 *
			HTH	2,143,263 B	2,186,855 B
				2.00 *	2.00 *
			HTH	308,735 U	314,641 U
27.	HMS902 - GENERAL SUPPORT FOR HEALTH CARE PAYMENTS			136.00 *	137.00 *
	OPERATING		HMS	5.50 #	4.50 #
				15,791,334 A	16,105,056 A
				0.56 *	0.87 *
			HMS	1,551,772 B	1,604,142 B
				144.19 *	145.63 *
				17.50 #	16.50 #
			HMS	80,436,951 N	80,510,167 N
			HMS	1,200,000 P	1,200,000 P
28.	HMS903 - GENERAL SUPPORT FOR SELF-SUFFICIENCY SERVICES			49.20 *	49.20 *
	OPERATING		HMS	39,242,937 A	45,703,057 A
				44.80 *	44.80 *
			HMS	92,248,945 N	92,585,895 N
			HMS	3,000 P	10,000 P
29.	HMS904 - GENERAL ADMINISTRATION - DHS			150.25 *	153.59 *
	OPERATING		HMS	5.00 #	5.00 #
				14,198,897 A	17,737,677 A
				30.75 *	31.41 *

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS		
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025	
			HMS	4,734,481 N	4,788,768 N	
			HMS	1,500 P	0 P	
		INVESTMENT CAPITAL	HMS	C	20,000,000 C	
			HMS	N	20,000,000 N	
30.	HMS901	GENERAL SUPPORT FOR SOCIAL SERVICES			33.50 *	33.50 *
		OPERATING	HMS	4,498,005 A	3,581,397 A	
				9.50 *	9.50 *	
			HMS	3,246,414 N	3,246,986 N	
31.	HMS777	OFFICE ON HOMELESSNESS AND HOUSING SOLUTIONS			8.00 *	8.00 *
		OPERATING	HMS	31,000,000 A	33,920,000 A	
<b>G. FORMAL EDUCATION</b>						
1.	EDN100	SCHOOL-BASED BUDGETING			12,485.75 *	12,414.25 *
				680.25 #	680.25 #	
		OPERATING	EDN	1,192,034,817 A	1,231,177,613 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	
				9.00 *	9.00 *	
			EDN	2,921,333 W	3,221,333 W	
			EDN	7,749,999 P	7,749,999 P	
		INVESTMENT CAPITAL	EDN	88,415,000 A	<del>58,120,000 A</del> 27,760,000 A <sup>2</sup>	
			EDN	<del>293,721,000 C</del> 274,721,000 C <sup>2</sup>	394,442,000 C	
			EDN	N	1,000 N	
			EDN	102,400,000 P	144,000,000 P	
2.	EDN150	SPECIAL EDUCATION AND STUDENT SUPPORT SERVICES			5,350.50 *	5,350.50 *
				1,228.25 #	1,228.25 #	
		OPERATING	EDN	462,222,222 A	469,522,450 A	
			EDN	250,000 B	250,000 B	
				2.00 *	2.00 *	
				33.00 #	33.00 #	
			EDN	52,164,701 N	52,164,701 N	
				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			436.00 *	439.00 *
				81.00 #	81.00 #	
		OPERATING	EDN	80,565,206 A	105,876,609 A	
				11.00 *	11.00 *	
			EDN	2,396,308 B	2,396,308 B	
				2.00 #	2.00 #	
			EDN	900,000 N	900,000 N	
				1.00 #	1.00 #	
			EDN	273,794 P	273,794 P	

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
4.		EDN300 - STATE ADMINISTRATION		403.00 *	401.00 *
				8.00 #	8.00 #
	OPERATING		EDN	62,248,091 A	63,338,750 A
			EDN	112,140 N	112,140 N
			EDN	30,000 P	30,000 P
5.		EDN400 - SCHOOL SUPPORT		844.50 *	848.50 *
				4.00 #	4.00 #
	OPERATING		EDN	258,785,885 A	307,820,425 A
				11.00 *	11.00 *
			EDN	44,178,059 B	44,199,081 B
				718.50 *	718.50 *
				98.50 #	98.50 #
			EDN	66,097,300 N	66,097,300 N
			EDN	150,000 R	150,000 R
				4.00 *	4.00 *
				2.00 #	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 *	12.00 *
	OPERATING		EDN	51,761,193 A	1,761,193 A
	INVESTMENT CAPITAL		EDN	10,100,000 C	109,000,000 C
7.		EDN500 - SCHOOL COMMUNITY SERVICES		38.00 *	38.00 *
				6.00 #	6.00 #
	OPERATING		EDN	4,980,235 A	5,075,127 A
				1.00 *	1.00 *
			EDN	1,745,268 B	1,748,284 B
				2.00 #	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	144,693,253 A
			EDN	5,042,000 N	5,042,000 N
	INVESTMENT CAPITAL		EDN	275,000 A	A
			EDN	6,290,000 C	1,477,000 C
9.		EDN612 - CHARTER SCHOOLS COMMISSION AND ADMINISTRATION			
				21.12 *	81.12 *
	OPERATING		EDN	5,861,019 A	12,494,269 A
				6.88 *	6.88 *
			EDN	1,800,000 N	1,800,000 N
10.		EDN700 - EARLY LEARNING			
				133.00 *	223.00 *
	OPERATING		EDN	12,304,185 A	16,108,333 A
			EDN	3,000,000 B	3,000,000 B
				1.00 #	1.00 #
			EDN	125,628 N	125,628 N
				#	2.00 #
			EDN	P	130,000 P



PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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	146,542,469 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			75.00 *	81.00 *
	OPERATING		AGS	6,341,209 A	6,786,901 A
				10.00 *	10.00 *
			AGS	2,165,204 U	2,206,640 U
15.	EDN407 - PUBLIC LIBRARIES			566.50 *	566.50 *
	OPERATING		EDN	43,193,371 A	45,798,553 A
			EDN	4,000,000 B	4,000,000 B
			EDN	1,365,244 N	2,000,000 N
	INVESTMENT CAPITAL		AGS	<del>10,000,000 A</del>	<del>10,000,000 A</del>
				5,717,000 A <sup>2</sup>	5,000,000 A <sup>2</sup>
			AGS	26,000,000 C	14,000,000 C
16.	DEF114 - HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY			24.50 #	24.50 #
	OPERATING		DEF	1,972,854 A	1,847,854 A
				73.50 #	73.50 #
	INVESTMENT CAPITAL		DEF	6,286,610 P	6,286,610 P
			DEF	3,000,000 A	A
17.	UOH100 - UNIVERSITY OF HAWAII, MANOA			2,935.14 *	2,947.64 *
	OPERATING		UOH	42.25 #	42.25 #
				274,009,077 A	<del>289,417,405 A</del>
					289,292,405 A <sup>2</sup>
				377.25 *	377.25 *
				2.00 #	2.00 #
			UOH	361,506,629 B	361,506,629 B
				77.06 *	77.06 *
			UOH	6,873,565 N	6,873,565 N
				28.00 *	28.00 *
	INVESTMENT CAPITAL		UOH	65,467,386 W	65,563,757 W
			UOH	5,250,000 A	0 A
			UOH	19,750,000 C	7,000,000 C
18.	UOH110 - UNIVERSITY OF HAWAII, JOHN A. BURNS SCHOOL OF MEDICINE			205.03 *	209.03 *
	OPERATING		UOH	3.50 #	3.50 #
			UOH	25,400,743 A	27,524,862 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			522.25 *	531.25 *
				7.00 #	7.00 #

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
		OPERATING	UOH	47,428,371 A 64.00 *	49,943,253 A 64.00 *
			UOH	47,227,520 B	47,227,520 B
			UOH	443,962 N 2.00 *	443,962 N 2.00 *
		INVESTMENT CAPITAL	UOH	7,474,443 W	7,488,856 W
			UOH	6,000,000 A	0 A
			UOH	10,500,000 C	21,000,000 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 * 1.50 #	237.50 * 1.50 #
	OPERATING		UOH	21,302,764 A	22,686,492 A
			UOH	21,383,209 B	22,024,842 B
			UOH	802,037 N	802,037 N
	INVESTMENT CAPITAL		UOH	2,089,262 W C	2,097,308 W 5,000,000 C
22.	UOH800 - UNIVERSITY OF HAWAII, COMMUNITY COLLEGES			1,812.50 * 46.00 #	1,817.50 * 46.00 #
	OPERATING		UOH	177,676,803 A	189,360,131 A
			UOH	75,630,837 B 0.50 *	75,630,837 B 0.50 *
			UOH	4,428,296 N 34.00 *	4,428,296 N 34.00 *
	INVESTMENT CAPITAL		UOH	31,824,086 W	31,824,086 W
			UOH	<del>50,250,000 A</del> 25,250,000 A <sup>2</sup>	0 A
			UOH	78,000,000 C	69,000,000 C
23.	UOH900 - UNIVERSITY OF HAWAII, SYSTEMWIDE SUPPORT			416.00 * 1.00 #	416.00 * 1.00 #
	OPERATING		UOH	62,925,512 A 20.00 *	65,488,107 A 24.00 *
			UOH	22,648,946 B 4.00 * 4.00 #	25,034,217 B 4.00 * 4.00 #
			UOH	1,094,875 N 15.00 *	1,094,875 N 15.00 *
	INVESTMENT CAPITAL		UOH	18,486,475 W	18,501,237 W
			UOH	<del>30,000,000 A</del> 15,134,000 A <sup>2</sup>	0 A
			UOH	C	100,000,000 C
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	54,800,862 A
26.	BUF728 - DEBT SERVICE PAYMENTS - UH OPERATING		BUF	144,231,585 A	161,636,915 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
27.	UOH115 - UNIVERSITY OF HAWAII, CANCER CENTER				
	OPERATING		UOH	37.00 * 3,466,369 A	37.00 * 3,703,285 A
<b>H. CULTURE AND RECREATION</b>					
1.	UOH881 - AQUARIA				
	OPERATING		UOH	9.00 * 876,978 A	9.00 * 915,855 A
			UOH	7.00 * 3,517,141 B	7.00 * 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	1.50 * 10,585,556 A
			AGS	17.00 * 5,675,823 B	17.00 * 9,217,241 B
			AGS	4.50 * 805,300 N	4.50 * 907,500 N
			AGS	1.00 # 70,175 T	1.00 # 70,175 T
3.	LNR802 - HISTORIC PRESERVATION				
	OPERATING		LNR	45.00 * 4,382,199 A	45.00 * 4,503,844 A
			LNR	3.00 * 904,366 B	3.00 * 922,109 B
			LNR	6.00 * 615,982 N	6.00 * 646,758 N
4.	LNR804 - FOREST AND OUTDOOR RECREATION				
	OPERATING		LNR	38.00 * 4,613,886 A	38.00 * 4,801,668 A
			LNR	3.00 * 902,074 B	3.00 * 915,971 B
			LNR	18.50 * 4,400,000 N	18.50 * 5,350,000 N
			LNR	3.00 * 1,006,411 W	3.00 * 912,795 W
	INVESTMENT CAPITAL		LNR	200,000 A	2,500,000 A
5.	LNR806 - PARKS ADMINISTRATION AND OPERATION				
	OPERATING		LNR	155.00 * 37,545,402 A	155.00 * 12,850,611 A
			LNR	23,094,536 B	33,094,536 B
	INVESTMENT CAPITAL		LNR	150,000 A	A
			LNR	8,700,000 C	17,500,000 C
			LNR	500,000 N	502,000 N
6.	LNR801 - OCEAN-BASED RECREATION				
	OPERATING		LNR	10.00 * 465,440 A	10.00 * 617,561 A
			LNR	118.00 * 41,008,508 B	121.00 * 43,017,239 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	6,500,000 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
<b>I. PUBLIC SAFETY</b>					
1.	PSD402 - HALAWA CORRECTIONAL FACILITY			411.00 *	410.00 *
	OPERATING		PSD	35,994,959 A	39,058,676 A
2.	PSD403 - KULANI CORRECTIONAL FACILITY			83.00 *	83.00 *
	OPERATING		PSD	6,736,900 A	7,078,768 A
3.	PSD404 - WAIAWA CORRECTIONAL FACILITY			113.00 *	112.00 *
	OPERATING		PSD	8,521,926 A	9,008,447 A
4.	PSD405 - HAWAII COMMUNITY CORRECTIONAL CENTER			193.00 *	193.00 *
	OPERATING		PSD	14,730,758 A	15,820,198 A
5.	PSD406 - MAUI COMMUNITY CORRECTIONAL CENTER			205.00 *	205.00 *
	OPERATING		PSD	14,872,239 A	16,616,875 A
			PSD	3.00 #	0.00 #
			PSD	209,721 S	0 S
6.	PSD407 - OAHU COMMUNITY CORRECTIONAL CENTER			501.00 *	500.00 *
	OPERATING		PSD	40,621,493 A	42,708,191 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 *	269.00 *
	OPERATING		PSD	15,860,044 A	21,010,058 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 #
			PSD	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 * 42,582,753 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	220.00 * 19,897,370 A
			LAW	300,000 N	600,000 N
			LAW	100.00 * 6,744,259 U	242.00 * 28,389,334 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 * <del>2,258,000 A</del> 2,008,000 A <sup>2</sup>
20.	LAW900 - GENERAL ADMINISTRATION				
	OPERATING		LAW	64.00 * 56,022,542 A	64.00 * 11,077,456 A
	INVESTMENT CAPITAL		AGS	U C	7,600,000 U 4,000,000 C
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 #	4.00 * 4.00 #

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
			LAW	554,446 N	5,101,012 N
			LAW	5,603,750 U	4,802,857 U
				1.00 #	1.00 #
			LAW	69,998 P	9,550,715 P
22.	PSD611	- ADULT PAROLE DETERMINATIONS		7.00 *	7.00 *
	OPERATING		PSD	563,384 A	569,056 A
23.	PSD612	- ADULT PAROLE SUPERVISION AND COUNSELING		61.00 *	61.00 *
	OPERATING		PSD	5,033,732 A	5,192,966 A
24.	PSD613	- CRIME VICTIM COMPENSATION COMMISSION		13.00 *	13.00 *
	OPERATING		PSD	1,112,102 A	1,124,602 A
			PSD	1,186,017 B	1,186,017 B
				1.00 #	1.00 #
			PSD	859,315 P	859,315 P
25.	PSD900	- GENERAL ADMINISTRATION		159.00 *	149.00 *
	OPERATING		PSD	25,049,233 A	25,360,524 A
				4.00 *	4.00 *
			PSD	1,310,363 B	1,330,312 B
			PSD	75,065 T	75,065 T
	INVESTMENT CAPITAL		AGS	15,000,000 A	7,500,000 A
			PSD	3,000,000 A	3,000,000 A
			AGS	5,000,000 C	50,500,000 C
			PSD	6,000,000 C	36,000,000 C
26.	ATG231	- STATE CRIMINAL JUSTICE INFORMATION AND IDENTIFICATION		23.50 *	23.50 *
	OPERATING		ATG	2,208,727 A	2,208,727 A
				24.50 *	24.50 *
			ATG	3,851,158 W	3,915,042 W
			ATG	1,204,841 P	1,204,841 P
27.	LNR810	- PREVENTION OF NATURAL DISASTERS		8.00 *	8.00 *
	OPERATING		LNR	2,544,668 B	2,655,548 B
			LNR	487,938 P	487,938 P
28.	DEF110	- AMELIORATION OF PHYSICAL DISASTERS		100.25 *	97.25 *
				4.50 #	2.00 #
	OPERATING		DEF	10,532,284 A	11,154,604 A
				4.00 *	0.00 *
				5.00 #	#
			DEF	4,746,780 N	20,000 N
				21.75 *	21.75 *
				1.50 #	1.50 #
	INVESTMENT CAPITAL		DEF	11,800,481 P	1,378,932 P
			DEF	250,000 C	C
29.	DEF116	- HAWAII ARMY AND AIR NATIONAL GUARD		19.75 *	20.00 *
	OPERATING		DEF	6,102,732 A	7,082,119 A
				97.25 *	98.00 *
				21.00 #	21.00 #
			DEF	39,365,648 P	39,621,732 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
		INVESTMENT CAPITAL	DEF	1,680,000 A	1,657,000 A
			DEF	4,490,000 P	4,680,000 P
30.	DEF118 -	HAWAII EMERGENCY MANAGEMENT AGENCY		28.00 *	27.00 *
				67.25 #	67.25 #
	OPERATING		DEF	14,362,784 A	19,009,979 A
			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	46,703,938 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	2,664,416 B
2.	CCA103 -	CONSUMER ADVOCATE FOR COMMUNICATION, UTILITIES, AND TRANSPORTATION SERVICES		25.00 *	25.00 *
	OPERATING		CCA	4,657,737 B	4,875,695 B
3.	CCA104 -	FINANCIAL SERVICES REGULATION		43.00 *	43.00 *
	OPERATING		CCA	6,154,437 B	6,402,194 B
			CCA	301,000 T	301,000 T
4.	CCA105 -	PROFESSIONAL AND VOCATIONAL LICENSING		71.00 *	72.00 *
				11.00 #	11.00 #
	OPERATING		CCA	9,413,602 B	9,869,729 B
				8.00 *	8.00 *
				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	22,036,820 B
			CCA	201,000 T	201,000 T
6.	CCA107 -	POST-SECONDARY EDUCATION AUTHORIZATION		1.00 *	1.00 *
	OPERATING		CCA	228,750 B	241,318 B
7.	CCA901 -	PUBLIC UTILITIES COMMISSION		67.00 *	67.00 *
	OPERATING		CCA	18,737,324 B	20,004,676 B
8.	CCA110 -	OFFICE OF CONSUMER PROTECTION		19.00 *	19.00 *
				1.00 #	1.00 #
	OPERATING		CCA	3,177,727 B	3,381,077 B
			CCA	100,681 T	100,681 T

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
9.	AGR812 - MEASUREMENT STANDARDS			10.00 *	10.00 *
	OPERATING		AGR	697,180 A	769,980 A
10.	CCA111 - BUSINESS REGISTRATION AND SECURITIES REGULATION			79.00 *	78.00 *
	OPERATING		CCA	9,635,378 B	10,058,463 B
11.	CCA112 - REGULATED INDUSTRIES COMPLAINTS OFFICE			66.00 *	66.00 *
	OPERATING		CCA	8,427,660 B	8,925,272 B
12.	CCA191 - GENERAL SUPPORT			0 A	0 A
	OPERATING		CCA	53.00 *	54.00 *
			CCA	1.00 #	1.00 #
			CCA	18,391,850 B	27,596,257 B
13.	AGS105 - ENFORCEMENT OF INFORMATION PRACTICES			10.50 *	10.50 *
	OPERATING		AGS	1,234,122 A	1,258,905 A
14.	BUF151 - OFFICE OF THE PUBLIC DEFENDER			133.50 *	133.50 *
	OPERATING		BUF	13,140,782 A	13,578,613 A
15.	LNR111 - CONVEYANCES AND RECORDINGS			57.00 *	57.00 *
	OPERATING		LNR	8,043,432 B	8,621,081 B
16.	HMS888 - COMMISSION ON THE STATUS OF WOMEN			1.00 *	1.00 *
	OPERATING		HMS	1.00 #	1.00 #
				178,235 A	183,984 A
<b>K. GOVERNMENT-WIDE SUPPORT</b>					
1.	GOV100 - OFFICE OF THE GOVERNOR			30.00 *	30.00 *
	OPERATING		GOV	23.00 #	23.00 #
				5,341,153 A	5,426,774 A
2.	LTG100 - OFFICE OF THE LIEUTENANT GOVERNOR			17.00 *	17.00 *
	OPERATING		LTG	2,319,967 A	2,365,231 A
			LTG	300,000 B	312,000 B
3.	BED144 - STATEWIDE PLANNING AND COORDINATION			25.00 *	25.00 *
	OPERATING		BED	4.00 #	4.00 #
			BED	4,621,715 A	3,574,888 A
			BED	6.00 *	6.00 *
			BED	5.00 #	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	1,000,000 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*	18.46*
				5.00#	5.00#
	OPERATING		BED	5,249,887 A	5,735,147 A
				8.04*	8.04*
			BED	864,351 P	864,351 P
5.	BUF101	DEPARTMENTAL ADMINISTRATION AND BUDGET DIVISION		52.00*	53.00*
	OPERATING		BUF	745,128,102 A	26,374,057 A
			BUF	377,575,000 B	427,305,000 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*	16.50*
				3.00#	3.00#
	OPERATING		AGS	6,169,276 A	2,470,761 A
				0.50*	0.50*
				1.00#	1.00#
			AGS	99,694 N	99,694 N
9.	TAX100	COMPLIANCE		145.00*	148.00*
				#	1.00#
	OPERATING		TAX	9,695,426 A	10,544,979 A
10.	TAX103	TAX COLLECTION SERVICES OFFICE		47.00*	47.00*
				1.00#	1.00#
	OPERATING		TAX	2,835,971 A	3,418,469 A
11.	TAX105	TAX SERVICES AND PROCESSING		133.00*	133.00*
				76.00#	76.00#
	OPERATING		TAX	6,762,616 A	7,173,850 A
12.	TAX107	SUPPORTING SERVICES - REVENUE COLLECTION		87.00*	87.00*
				9.00#	8.00#
	OPERATING		TAX	22,095,704 A	17,807,561 A
				13.00#	13.00#
			TAX	3,603,402 B	3,627,620 B
13.	AGS101	ACCOUNTING SYSTEM DEVELOPMENT AND MAINTENANCE		16.00*	16.00*
	OPERATING		AGS	2,383,836 A	3,556,869 A
14.	AGS102	EXPENDITURE EXAMINATION		18.00*	18.00*
	OPERATING		AGS	1,591,459 A	1,624,096 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
15.	AGS103 -	RECORDING AND REPORTING			
	OPERATING		AGS	13.00 * 1,199,770 A	13.00 * 1,382,505 A
16.	AGS104 -	INTERNAL POST AUDIT			
	OPERATING		AGS	7.00 * 3.00 # 992,642 A	7.00 * 3.00 # 1,017,713 A
17.	BUF115 -	FINANCIAL ADMINISTRATION			
	OPERATING		BUF	15.00 * 2,545,891 A 9.00 * 14,781,758 T	15.00 * 2,589,242 A 9.00 * 15,806,481 T
18.	BUF721 -	DEBT SERVICE PAYMENTS - STATE			
	OPERATING		BUF	604,828,310 A	658,334,469 A
19.	ATG100 -	LEGAL SERVICES			
	OPERATING		ATG	299.74 * 18.17 # 39,349,513 A 31.40 * 1.00 # 5,270,492 B 5.73 # 11,715,410 N 1.00 * 4,040,631 T 118.20 * 29.60 # 19,477,004 U 5.60 * 2.00 # 3,480,792 W 24.34 * 1.00 # 4,555,588 P	313.74 * 18.67 # 41,540,603 A 29.40 * 1.00 # 5,401,844 B 5.23 # 11,641,670 N 1.00 * 4,062,466 T 111.60 * 18.10 # 19,480,327 U 5.60 * 2.00 # 3,509,792 W 23.94 * 0.50 # 4,526,615 P
20.	AGS131 -	ENTERPRISE TECHNOLOGY SERVICES			
	OPERATING		AGS	133.00 * 13.00 # 45,233,054 A 12.00 * 1.00 # 2,552,290 B 33.00 * 6,312,584 U 4,500,000 C	143.00 * 0.00 # 46,575,178 A 45,325,178 A <sup>2</sup> 12.00 * 1.00 # 2,578,244 B 33.00 * 6,312,584 U 2,700,000 C
21.	AGS111 -	ARCHIVES - RECORDS MANAGEMENT			
	OPERATING		AGS	18.00 * 1,471,156 A 3.00 * 510,214 B 3,400,000 C	18.00 * 1,574,902 A 3.00 * 519,016 B C

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
22.	AGS891	- ENHANCED 911 BOARD			
				*	2.00*
				2.00#	0.00#
	OPERATING		AGS	11,014,447B	11,022,491B
23.	HRD102	- WORKFORCE ATTRACTION, SELECTION, CLASSIFICATION, AND EFFECTIVENESS			
				81.00*	89.00*
	OPERATING		HRD	23,483,068A	25,696,893A
			HRD	700,000B	700,000B
				2.00*	2.00*
			HRD	5,173,326U	5,177,980U
24.	HRD191	- SUPPORTING SERVICES - HUMAN RESOURCES DEVELOPMENT			
				13.00*	11.00*
	OPERATING		HRD	4,786,554A	1,800,654A
25.	BUF141	- EMPLOYEES' RETIREMENT SYSTEM			
				116.00*	116.00*
	OPERATING		BUF	20,677,825X	21,216,288X
26.	BUF143	- HAWAII EMPLOYER UNION TRUST FUND			
				62.00*	62.00*
	OPERATING		BUF	9,642,559T	10,189,407T
27.	BUF741	- RETIREMENT BENEFITS - STATE			
	OPERATING		BUF	462,528,547A	493,824,254A
			BUF	4,000,000U	4,000,000U
28.	BUF761	- HEALTH PREMIUM PAYMENTS - STATE			
	OPERATING		BUF	130,755,603A	126,784,565A
29.	BUF762	- HEALTH PREMIUM PAYMENT FOR ANNUAL REQUIRED CONTRIBUTION (ARC).			
	OPERATING		BUF	821,984,000A	867,193,000A
30.	LNR101	- PUBLIC LANDS MANAGEMENT			
				1.00#	1.00#
	OPERATING		LNR	174,977A	177,571A
				63.00*	63.00*
			LNR	22,149,609B	23,858,389B
	INVESTMENT CAPITAL		LNR	650,000A	A
			LNR	4,560,000C	26,200,000C
			LNR	8,000,000D	3,000,000D
31.	AGS203	- STATE RISK MANAGEMENT AND INSURANCE ADMINISTRATION			
	OPERATING		AGS	26,987,995A	26,987,995A
				5.00*	5.00*
			AGS	25,671,478W	25,697,250W
32.	AGS211	- LAND SURVEY			
				10.00*	10.00*
	OPERATING		AGS	868,010A	906,360A
			AGS	285,000U	285,000U
33.	AGS223	- OFFICE LEASING			
				8.00*	8.00*
	OPERATING		AGS	5,561,435A	5,573,123A
			AGS	5,500,000U	5,500,000U

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
34.	LNR102	LEGACY LAND CONSERVATION PROGRAM			
	OPERATING		LNR	2.00 * 8,958,423 B	2.00 * 9,031,791 B
35.	AGS221	PUBLIC WORKS - PLANNING, DESIGN, AND CONSTRUCTION			
	OPERATING		AGS	91.00 * 14,330,669 A	91.00 * 8,083,178 A
			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	9,014,000 C
36.	AGS231	CENTRAL SERVICES - CUSTODIAL SERVICES			
	OPERATING		AGS	125.00 * 1.00 # 24,092,352 A	125.00 * 1.00 # 24,352,828 A
			AGS	1,699,084 U	1,699,084 U
37.	AGS232	CENTRAL SERVICES - GROUNDS MAINTENANCE			
	OPERATING		AGS	31.00 * 2,728,086 A	32.00 * 2,711,502 A
38.	AGS233	CENTRAL SERVICES - BUILDING REPAIRS AND ALTERATIONS			
	OPERATING		AGS	33.00 * 3,591,600 A	33.00 * 3,686,525 A
39.	AGS240	STATE PROCUREMENT			
	OPERATING		AGS	25.00 * 1.00 # 2,286,888 A	25.00 * 1.00 # 2,313,491 A
40.	AGS244	SURPLUS PROPERTY MANAGEMENT			
	OPERATING		AGS	5.00 * 1,915,830 W	5.00 * 1,934,772 W
41.	AGS251	AUTOMOTIVE MANAGEMENT - MOTOR POOL			
	OPERATING		AGS	13.00 * 3,456,146 W	13.00 * 3,538,148 W
42.	AGS252	AUTOMOTIVE MANAGEMENT - PARKING CONTROL			
	OPERATING		AGS	27.00 * 4,446,696 W	27.00 * 4,560,184 W
43.	AGS901	GENERAL ADMINISTRATIVE SERVICES			
	OPERATING		AGS	41.00 * 1.00 # 4,495,615 A	44.00 * 1.00 # 9,957,611 A
	INVESTMENT CAPITAL		AGS	1.00 * 88,394 U C	0.00 * 0 U 31,000,000 C
44.	SUB201	CITY AND COUNTY OF HONOLULU			
	INVESTMENT CAPITAL		CCH	10,500,000 C	C
			CCH	500,000 S	S
44A.	SUB301	COUNTY OF HAWAII			
	INVESTMENT CAPITAL		COH	C	2,000,000 C
			COH	S	2,000,000 S

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
45.	SUB401 - COUNTY OF MAUI	INVESTMENT CAPITAL	COM	34,750,000 C	C
			COM		63,560,000 D
			COM	34,750,000 S	S
			COM	1,000 P	P
46.	SUB501 - COUNTY OF KAUAI	INVESTMENT CAPITAL	COK	2,975,000 C	8,950,000 C
			COK	1,025,000 S	8,950,000 S

SECTION 5. Part III of Act 164, Session Laws of Hawaii 2023, is amended as follows:

1. By adding a new section to read:

“SECTION 5.1 Provided that for appropriations contained in this Act, which are expended on utilities including water, sewer, electricity, and telecommunications, the expending department shall provide a written report detailing the department’s plan(s) to decrease costs of these utilities, provided further that this report shall be drafted in reference to section 196-1(2), Hawaii Revised Statutes, for such utilities; and provided further that these reports shall be submitted to the legislature no later than twenty days prior to the convening of the regular session of 2025.”

2. By adding a new section to read:

“SECTION 5.2 Provided that for positions that are appropriated in this Act, the department of budget and finance (BUF101) shall determine the amount of appropriated funds dedicated to vacant positions; and provided further that this report shall be submitted to the legislature no later than twenty days prior to the convening of the regular session of 2025.”

SECTION 6. Part IV of Act 164, Session Laws of Hawaii 2023, is amended as follows:

1. By adding a new section to read:

“SECTION 6.1 SUPPLEMENTAL APPROPRIATIONS.<sup>3</sup> 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.

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 2024-2025 to the expending agencies listed in this part and in the sums indicated for the purpose of providing grants to the corresponding grant recipient.

The supplemental 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. <u>\$116,000.00</u>	<u>ACCESSURF HAWAII</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>ACCESSURF HAWAII FOR COSTS RELATED</u> <u>TO PROVIDING ADAPTIVE OCEAN ACTIVI-</u> <u>TIES FOR PEOPLE WITH DISABILITIES FOR</u> <u>OFFICE OF COMMUNITY SERVICES (LBR903)</u> <u>ALL EXPENSES RELATED TO THEIR APPLI-</u> <u>CATION OF FUNDS; AND</u>
2. <u>\$200,000.00</u>	<u>ADULT FRIENDS FOR YOUTH</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>ADULT FRIENDS FOR YOUTH FOR COSTS</u> <u>RELATED TO PROGRAMS TO CREATE SAFER</u> <u>SCHOOLS AND COMMUNITIES ON OAHU</u> <u>FOR IN-COMMUNITY YOUTH PROGRAMS</u> <u>(HMS501) ALL EXPENSES RELATED TO</u> <u>THEIR APPLICATION OF FUNDS; AND</u>
3. <u>\$50,000.00</u>	<u>ADVANTAGE SPORTS ACADEMY</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>ADVANTAGE SPORTS ACADEMY FOR COSTS</u> <u>RELATED TO EXPANDING CURRENT SER-</u> <u>VICES TO REACH ADDITIONAL STUDENTS</u> <u>IN LOWER-INCOME SCHOOLS FOR OFFICE</u> <u>OF COMMUNITY SERVICES (LBR903) ALL EX-</u> <u>PENSES RELATED TO THEIR APPLICATION</u> <u>OF FUNDS; AND</u>
4. <u>\$100,000.00</u>	<u>AFTER-SCHOOL ALL-STARS HAWAII</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>AFTER-SCHOOL ALL-STARS HAWAII FOR</u> <u>COSTS RELATED TO AFTER-SCHOOL PRO-</u> <u>GRAMS FOR LOW-INCOME AND AT-RISK</u> <u>STUDENTS FOR IN-COMMUNITY YOUTH</u> <u>PROGRAMS (HMS501) ALL EXPENSES RELAT-</u> <u>ED TO THEIR APPLICATION OF FUNDS; AND</u>
5. <u>\$40,000.00</u>	<u>ALOHA DIAPER BANK</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>ALOHA DIAPER BANK FOR COSTS RELATED</u> <u>TO EXPANDING THE DIAPER ASSISTANCE</u> <u>PROGRAM TO FAMILIES ON KAUAI AND</u> <u>MOLOKAI FOR OFFICE OF COMMUNITY</u> <u>SERVICES (LBR903) ALL EXPENSES RELATED</u> <u>TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
6. <u>\$100,000.00</u>	<u>ALOHA HARVEST</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>ALOHA HARVEST FOR COSTS RELATED TO</u> <u>CREATING COMMUNITY BASED PANTRIES</u> <u>FOR GENERAL ADMINISTRATION - DHS</u> <u>(HMS904) ALL EXPENSES RELATED TO</u> <u>THEIR APPLICATION OF FUNDS; AND</u>
7. <u>\$100,000.00</u>	<u>ALOHA ILIO RESCUE</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>ALOHA ILIO RESCUE FOR COSTS RELATED</u> <u>TO RESCUING DOGS AND REDUCING OVER-</u> <u>POPULATION ON THE ISLAND OF HAWAII</u> <u>FOR GENERAL ADMINISTRATION FOR</u> <u>AGRICULTURE (AGR192) ALL EXPENSES RE-</u> <u>LATED TO THEIR APPLICATION OF FUNDS;</u> <u>AND</u>
8. <u>\$30,000.00</u>	<u>ALOHA KITTY TNR</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>ALOHA KITTY TNR FOR COSTS RELATED</u> <u>TO INCREASING TRAP, NEUTER AND RE-</u> <u>TURN PROGRAMS FOR OAHU'S FERAL AND</u> <u>FREE-ROAMING CAT POPULATIONS FOR</u> <u>GENERAL ADMINISTRATION FOR AGRICUL-</u> <u>TURE (AGR192) ALL EXPENSES RELATED TO</u> <u>THEIR APPLICATION OF FUNDS; AND</u>
9. <u>\$105,000.00</u>	<u>ALOHA MEDICAL MISSION</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>ALOHA MEDICAL MISSION FOR COSTS</u> <u>RELATED TO SUPPORTING A FREE DEN-</u> <u>TAL CLINIC FOR THE POOR FOR FAMILY</u> <u>HEALTH SERVICES (HTH560) ALL EXPENSES</u> <u>RELATED TO THEIR APPLICATION OF</u> <u>FUNDS; AND</u>
10. <u>\$75,000.00</u>	<u>ALZHEIMER'S CAREGIVING &amp;</u> <u>THE CAREGIVERS</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>ALZHEIMER'S CAREGIVING &amp; THE CARE-</u> <u>GIVERS FOR COSTS RELATED TO SUP-</u> <u>SUPPORTING CAREGIVERS OF ALZHEIMER'S/</u> <u>DEMENTIA PATIENTS FOR GENERAL AD-</u> <u>MINISTRATION (HTH907) ALL EXPENSES</u> <u>RELATED TO THEIR APPLICATION OF</u> <u>FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>11. \$60,000.00</u>	<u>BEST BUDDIES HAWAII, LLC ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. BEST BUDDIES HAWAII, LLC FOR COSTS RE- LATED TO PROVIDING INCLUSION SERVICES IN HAWAII SCHOOLS AND COMMUNITIES FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>12. \$100,000.00</u>	<u>CATHOLIC CHARITIES HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. CATHOLIC CHARITIES HAWAII FOR COSTS RELATED TO PROMOTING THE WELL-BEING AND INDEPENDENCE OF OLDER ADULTS FOR GENERAL ADMINISTRATION (HTH907) ALL EXPENSES RELATED TO THEIR APPLI- CATION OF FUNDS; AND</u>
<u>13. \$75,000.00</u>	<u>DOWNTOWN ART CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. DOWNTOWN ART CENTER FOR COSTS RELATED TO ESTABLISHING HONOLULU'S ARTS AND CULTURE CENTER FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>14. \$66,000.00</u>	<u>DREAM CULTIVATORS HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. DREAM CULTIVATORS HAWAII FOR COSTS RELATED TO SUPPORTING THE CREATIVE LAB AND CULTIVATING CREATIVITY FOR HAWAII'S KEIKI FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) ALL EXPENSES RELATED TO THEIR APPLICA- TION OF FUNDS; AND</u>
<u>15. \$40,000.00</u>	<u>EPILEPSY FOUNDATION OF HAWAII, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. EPILEPSY FOUNDATION OF HAWAII, INC. FOR COSTS RELATED TO TRAINING PEOPLE TO OVERCOME THE CHALLENGES OF LIV- ING WITH EPILEPSY FOR FAMILY HEALTH SERVICES (HTH560) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>



<u>AMOUNT</u>	<u>PROJECT</u>
<u>16. \$150,000.00</u>	<u>FEEDING HAWAII TOGETHER.ORG ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. FEEDING HAWAII TOGETHER.ORG FOR COSTS RELATED TO ADDRESSING FOOD SECURITY NEEDS BOTH NOW AND IN THE LONG RUN FOR GENERAL ADMINISTRA- TION FOR AGRICULTURE (AGR192) ALL EX- PENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>17. \$100,000.00</u>	<u>FRIENDS OF WAIPAHU CULTURAL GARDEN PARK ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. FRIENDS OF WAIPAHU CULTURAL GARDEN PARK FOR COSTS RELATED TO ENHANC- ING THE PROGRAMMING OF HAWAII'S PLANTATION VILLAGE FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EX- PENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>18. \$75,000.00</u>	<u>GIRL SCOUTS OF HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. GIRL SCOUTS OF HAWAII FOR COSTS RE- LATED TO IMPLEMENTING THE LEADER- SHIP EXPERIENCE AND AFTER SCHOOL LEADERSHIP PROGRAM FOR SCHOOL COM- MUNITY SERVICES (EDN500) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>19. \$130,000.00</u>	<u>HALE KIPA, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. HALE KIPA, INC. FOR COSTS RELATED TO PROVIDING SAFETY NET SERVICES TO YOUTH, YOUNG ADULTS AND THEIR FAMI- LIES FOR OFFICE OF COMMUNITY SER- VICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>20. \$100,000.00</u>	<u>HALE MAHAOLU ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. HALE MAHAOLU FOR COSTS RELATED TO PROVIDING SUBSIDY PAYMENTS TO DIS- ABLED/CHRONICALLY ILL ADULTS AND FRAIL ELDERLY LIVING IN MAUI COUNTY FOR ADULT MENTAL HEALTH-OUTPATIENT (HTH420) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
21. <u>\$150,000.00</u>	<u>HALE MAKUA HEALTH SERVICES ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. HALE MAKUA HEALTH SERVICES FOR COSTS RELATED TO SUPPORTING THE ES- TABLISHMENT OF AN ADULT DAY HEALTH OPERATION ON MOLOKAI FOR FAMILY HEALTH SERVICES (HTH560) ALL EXPENS- ES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
22. <u>\$20,000.00</u>	<u>HALEIWA MAIN STREET ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. HALEIWA MAIN STREET FOR COSTS RELAT- ED TO OPERATING A VISITOR AND BUSI- NESS CENTER FOR GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT (BED142) ALL EXPENSES RELATED TO THEIR APPLICA- TION OF FUNDS; AND</u>
23. <u>\$150,000.00</u>	<u>HANAIEI RIVER HERITAGE FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. HANAIEI RIVER HERITAGE FOUNDATION FOR COSTS RELATED TO CULTURALLY- BASED RESTORATION OF A PUUHONUA FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
24. <u>\$75,000.00</u>	<u>HAWAII AG AND CULINARY ALLIANCE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. HAWAII AG AND CULINARY ALLIANCE FOR COSTS RELATED TO SUPPORTING EDU- CATIONAL OUTREACH PROGRAMS FOR GENERAL ADMINISTRATION FOR AGRICUL- TURE (AGR192) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
25. <u>\$275,000.00</u>	<u>HAWAII AGRICULTURAL FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. HAWAII AGRICULTURAL FOUNDATION FOR COSTS RELATED TO DEVELOPING AN AG WORKFORCE DEVELOPMENT PIPELINE FOR AGRICULTURAL DEVELOPMENT AND MAR- KETING (AGR171) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
26. <u>\$125,000.00</u>	<u>HAWAII CONSTRUCTION CAREER DAYS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII CONSTRUCTION CAREER DAYS FOR COSTS RELATED TO PROVIDING YOUTH INSIGHT INTO EMPLOYMENT OPPORTUNITIES AND CAREER PATHWAYS TO THE CONSTRUCTION INDUSTRY FOR SCHOOL-BASED BUDGETING (EDN100) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
27. <u>\$50,000.00</u>	<u>HAWAII EDUCATION ASSOCIATION (HEA) ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII EDUCATION ASSOCIATION (HEA) FOR COSTS RELATED TO SUPPORTING PUBLIC HIGH SCHOOL STUDENTS IN TEACHING AS A CAREER CLUBS, CTE EDUCATION PATHWAYS, AND EDUCATION ACADEMIES FOR SCHOOL-BASED BUDGETING (EDN100) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
28. <u>\$150,000.00</u>	<u>HAWAII FARM BUREAU FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII FARM BUREAU FOUNDATION FOR COSTS RELATED TO THE HAWAII STATE FARM FAIR FOR AGRICULTURAL DEVELOPMENT AND MARKETING (AGR171) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
29. <u>\$120,000.00</u>	<u>HAWAII FRIENDS OF RESTORATIVE JUSTICE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII FRIENDS OF RESTORATIVE JUSTICE FOR COSTS RELATED TO PROVIDING TRAINING AND CERTIFYING NEW FACILITATORS AND RECORDERS ON REENTRY PROCESSES FOR LEGAL SERVICES (ATG100) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
30. <u>\$100,000.00</u>	<u>HAWAII ISLAND HUMANE SOCIETY, S.P.C.A. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII ISLAND HUMANE SOCIETY, S.P.C.A. FOR COSTS RELATED TO PROVIDING LOW-COST AND FREE SPAY AND NEUTER SERVICES AND ACCESS TO PET FOOD THROUGH THE COMMUNITY PET PANTRY PROGRAM FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>

ACT 230

<u>AMOUNT</u>	<u>PROJECT</u>
<u>31. \$179,000.00</u>	<u>HAWAII KEIKI MUSEUM ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII KEIKI MUSEUM FOR COSTS RELATED TO BUILDING CAPACITY TO EXPAND STEM EXPOSURE AND HANDS-ON EDUCATION TO EXPAND ISLAND SCIENCE LITERACY FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>32. \$50,000.00</u>	<u>HAWAII KOREAN-U.S. CITIZENS LEAGUE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII KOREAN-U.S. CITIZENS LEAGUE FOR COSTS RELATED TO INCREASING PAR- TICIPATION IN ELECTIONS FOR GENERAL ADMINISTRATIVE SERVICES (AGS901) ALL EXPENSES RELATED TO THEIR APPLICA- TION OF FUNDS; AND</u>
<u>33. \$105,000.00</u>	<u>HAWAII LITERACY, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII LITERACY, INC. FOR PROGRAM COSTS RELATED TO INCREASE LITERACY FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLI- CATION OF FUNDS; AND</u>
<u>34. \$125,000.00</u>	<u>HAWAII MOTORSPORTS FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII MOTORSPORTS FOUNDATION FOR COSTS RELATED TO THE DEVELOPMENT OF A RACEWAY PARK ON OAHU FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EX- PENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>35. \$85,000.00</u>	<u>HAWAII TAX HELP AND FINANCIAL EMPOWERMENT SOLUTIONS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAII TAX HELP AND FINANCIAL EMPOW- ERMENT SOLUTIONS FOR COSTS RELATED TO PROVIDING FREE TAX SERVICES TO LOW TO MODERATE INCOME RESIDENTS FOR COMPLIANCE (TAX100) ALL EXPENSES RE- LATED TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
36. <u>\$45,000.00</u>	<u>HAWAIIAN HUMANE SOCIETY ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAIIAN HUMANE SOCIETY FOR COSTS RELATED TO SUPPORTING SPAY/NEUTER SERVICES FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) ALL EXPENS- ES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
37. <u>\$50,000.00</u>	<u>HAWAIIAN VOLCANO EDUCATION AND RESILIENCE INSTITUTE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HAWAIIAN VOLCANO EDUCATION AND RE- SILIENCE INSTITUTE FOR COSTS RELATED TO IMPLEMENTING COMMUNITY-BASED DISASTER PREPAREDNESS, RESPONSE AND RECOVERY THROUGH DIGITAL RESILIENCE HUBS FOR AMELIORATION OF PHYSICAL DISASTERS (DEF110) ALL EXPENSES RELAT- ED TO THEIR APPLICATION OF FUNDS; AND</u>
38. <u>\$75,000.00</u>	<u>HEALTHY MOTHERS, HEALTHY BABIES COALITION OF HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HEALTHY MOTHERS, HEALTHY BABIES CO- ALITION OF HAWAII FOR COSTS RELATED TO PROVIDING COMMUNITY-BASED INITIA- TIVES INCLUDING HEALTH SCREENINGS AND VACCINATIONS FOR GENERAL SUP- PORT FOR SOCIAL SERVICES (HMS901) ALL EXPENSES RELATED TO THEIR APPLICA- TION OF FUNDS; AND</u>
39. <u>\$200,000.00</u>	<u>HI GOOD SAMARITAN FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, HI GOOD SAMARITAN FOUNDATION FOR COSTS RELATED TO PLANNING AND DE- SIGN COSTS FOR STRUCTURES AT THE HOMELESS TOWN PROJECT SITE FOR OFFICE ON HOMELESSNESS AND HOUSING SOLU- TIONS (HMS777) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
40. \$65,000.00	<u>HOAKEOLAPONO TRADES</u> <u>ACADEMY AND INSTITUTE</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>HOAKEOLAPONO TRADES ACADEMY</u> <u>AND INSTITUTE FOR COSTS RELATED</u> <u>TO INCREASING EMPLOYMENT AND AD-</u> <u>VANCEMENT OPPORTUNITIES FOR YOUNG</u> <u>ADULTS ON KAUAI FOR SCHOOL-BASED</u> <u>BUDGETING (EDN100) ALL EXPENSES RE-</u> <u>LATED TO THEIR APPLICATION OF FUNDS;</u> <u>AND</u>
41. \$60,000.00	<u>HOOKUPAA</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>HOOKUPAA FOR COSTS RELATED TO</u> <u>STRENGTHENING THE CAPABILITIES OF</u> <u>NONPROFIT AND COMMUNITY ORGANIZA-</u> <u>TIONS FOR OFFICE OF COMMUNITY SER-</u> <u>VICES (LBR903) ALL EXPENSES RELATED TO</u> <u>THEIR APPLICATION OF FUNDS; AND</u>
42. \$50,000.00	<u>HOOLA NA PUA</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>HOOLA NA PUA FOR COSTS RELATED TO</u> <u>PROTECTING CHILDREN FROM SEXUAL EX-</u> <u>PLOITATION AND TRAFFICKING FOR GEN-</u> <u>ERAL ADMINISTRATION - DHS (HMS904)</u> <u>ALL EXPENSES RELATED TO THEIR APPLI-</u> <u>CATION OF FUNDS; AND</u>
43. \$75,000.00	<u>IMPACT CHANGE HAWAII</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>IMPACT CHANGE HAWAII FOR COSTS RE-</u> <u>LATED TO SUPPORTING EARLY LITERACY</u> <u>FOR THREE AND FOUR YEAR OLDS FOR IN-</u> <u>COMMUNITY YOUTH PROGRAMS (HMS501)</u> <u>ALL EXPENSES RELATED TO THEIR APPLI-</u> <u>CATION OF FUNDS; AND</u>
44. \$100,000.00	<u>JAPAN-AMERICA SOCIETY OF HAWAII</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>JAPAN-AMERICA SOCIETY OF HAWAII FOR</u> <u>COSTS RELATED TO THE HAWAII-JAPAN SIS-</u> <u>TER SUMMIT FOR GENERAL SUPPORT FOR</u> <u>ECONOMIC DEVELOPMENT (BED142) ALL</u> <u>EXPENSES RELATED TO THEIR APPLICA-</u> <u>TION OF FUNDS; AND</u>

AMOUNT	PROJECT
45. \$50,000.00	<u>KA LEI O KA LAHUI</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>KA LEI O KA LAHUI FOR COSTS RELATED</u> <u>TO PROVIDING HAWAIIAN CULTURE-</u> <u>CENTERED LEGAL AND SUPPORT SERVICES</u> <u>TO SURVIVORS OF DOMESTIC, SEXUAL,</u> <u>AND FAMILY VIOLENCE FOR GENERAL</u> <u>ADMINISTRATION - DHS (HMS904) ALL EX-</u> <u>PENSES RELATED TO THEIR APPLICATION</u> <u>OF FUNDS; AND</u>
46. \$75,000.00	<u>KAHULI LEO LEA</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>KAHULI LEO LEA FOR COSTS RELATED TO</u> <u>THE CREATION OF MELE WHICH IS DE-</u> <u>SIGNED TO SERVE THE UNIQUE NEEDS OF</u> <u>HAWAII'S CREATORS THROUGH A REGEN-</u> <u>ERATIVE ECONOMIC APPROACH FOR STATE</u> <u>FOUNDATION ON CULTURE AND THE ARTS</u> <u>(AGS881) ALL EXPENSES RELATED TO THEIR</u> <u>APPLICATION OF FUNDS; AND</u>
47. \$150,000.00	<u>KALIHI COMMUNITY CENTER</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>KALIHI COMMUNITY CENTER FOR COSTS</u> <u>RELATED TO CULTURAL ASSISTANCE, DIGI-</u> <u>TAL AWARENESS, LEADERSHIP BUILDING,</u> <u>AND LOW INCOME HOUSING SERVICES FOR</u> <u>GENERAL ADMINISTRATION - DHS (HMS904)</u> <u>ALL EXPENSES RELATED TO THEIR APPLI-</u> <u>CATION OF FUNDS; AND</u>
48. \$184,000.00	<u>KAMP HAWAII, INC.</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>KAMP HAWAII, INC. FOR COSTS RELATED</u> <u>TO SUPPORT THE OPERATIONS OF THE</u> <u>COMMUNITY LEARNING CENTER AND</u> <u>IN-SCHOOL AND SUMMER OUTREACH PRO-</u> <u>GRAMS FOR GENERAL ADMINISTRATION -</u> <u>DHS (HMS904) ALL EXPENSES RELATED TO</u> <u>THEIR APPLICATION OF FUNDS; AND</u>
49. \$75,000.00	<u>KAPIOLANI HEALTH FOUNDATION</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>KAPIOLANI HEALTH FOUNDATION FOR</u> <u>COSTS RELATED TO CREATING A NEW</u> <u>INTERVENTION PROGRAM TO PREVENT</u> <u>TEEN SUICIDE FOR GENERAL ADMINISTRA-</u> <u>TION (HTH907) ALL EXPENSES RELATED TO</u> <u>THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>50. \$100,000.00</u>	<u>KAUAI HUMANE SOCIETY ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KAUAI HUMANE SOCIETY FOR COSTS RELATED TO PROVIDING LOW-COST AND FREE SPAY/NEUTER SERVICES FOR GEN- ERAL ADMINISTRATION FOR AGRICUL- TURE (AGR192) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>51. \$40,000.00</u>	<u>KAUAI PHILIPPINE CULTURAL CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KAUAI PHILIPPINE CULTURAL CENTER FOR COSTS RELATED TO CONDUCTING COM- MUNITY FOCUS GROUP MEETINGS AND A FEASIBILITY STUDY FOR A NEW SITE FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLI- CATION OF FUNDS; AND</u>
<u>52. \$75,000.00</u>	<u>KAUAI PLANNING &amp; ACTION ALLIANCE, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KAUAI PLANNING &amp; ACTION ALLIANCE, INC. FOR COSTS RELATED TO BUILDING PROGRAMS TO ADDRESS YOUTH MEN- TAL HEALTH AND STRENGTHEN SOCIAL- EMOTIONAL LEARNING FOR STUDENTS ON KAUAI FOR SCHOOL-BASED BUDGET- ING (EDN100) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>53. \$50,000.00</u>	<u>KOOLAU FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STAT- UTES, KOOLAU FOUNDATION FOR COSTS RELATED TO THE MAINTENANCE SUP- PORT PROGRAM OF HISTORIC SITES FOR ADMINISTRATION AND OPERATING SUP- PORT (HHL625) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>



<u>AMOUNT</u>	<u>PROJECT</u>
54. <u>\$200,000.00</u>	<u>KUALOA-HEEIA ECUMENICAL YOUTH PROJECT</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KUALOA-HEEIA ECUMENICAL YOUTH PROJECT FOR COSTS RELATED TO EXPANDING THE SOCIAL SERVICES PROGRAMMING FOR GENERAL ADMINISTRATION - DHS (HMS904) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
55. <u>\$75,000.00</u>	<u>KULEANA CORAL REEFS</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KULEANA CORAL REEFS FOR COSTS RELATED TO QUANTIFYING TOXIC METAL IN FISH AND LIMU IN THE EWA BEACH REGION FOR LNR - NATURAL AND PHYSICAL ENVIRONMENT (LNR906) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
56. <u>\$20,000.00</u>	<u>LANAI ACADEMY OF PERFORMING ARTS, INC.</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, LANAI ACADEMY OF PERFORMING ARTS, INC. FOR COSTS RELATED TO SUPPORTING PERFORMING ARTS PROGRAMS FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
57. <u>\$75,000.00</u>	<u>LANAKILA PACIFIC</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, LANAKILA PACIFIC FOR COSTS RELATED TO PURCHASING SOFTWARE TO HELP STAFF EFFICIENTLY MANAGE DAILY OPERATIONS FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
58. \$59,000.00	<u>LOKAHI TREATMENT CENTERS</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STAT-</u> <u>UTES. LOKAHI TREATMENT CENTERS FOR</u> <u>COSTS RELATED TO ADDRESSING MENTAL</u> <u>HEALTH AND SUBSTANCE ABUSE CHAL-</u> <u>LENGES FACED BY THE HOMELESS AND AT-</u> <u>RISK POPULATION ON HAWAII ISLAND FOR</u> <u>OFFICE ON HOMELESSNESS AND HOUSING</u> <u>SOLUTIONS (HMS777) ALL EXPENSES RELAT-</u> <u>ED TO THEIR APPLICATION OF FUNDS; AND</u>
59. \$150,000.00	<u>MAKANA O KE AKUA INC</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>MAKANA O KE AKUA INC FOR COSTS RE-</u> <u>LATED TO PROVIDING REENTRY/RECOVERY</u> <u>HOUSING PROGRAMS FOR MEN LEAVING</u> <u>INCARCERATION AND RECOVERING FROM</u> <u>SUBSTANCE ABUSE AND THOSE INVOLVED</u> <u>IN THE CRIMINAL JUSTICE SYSTEM WHO</u> <u>NEED SAFE HOUSING FOR OFFICE OF COM-</u> <u>MUNITY SERVICES (LBR903) ALL EXPENSES</u> <u>RELATED TO THEIR APPLICATION OF</u> <u>FUNDS; AND</u>
60. \$50,000.00	<u>MAUI A.I.D.S. FOUNDATION</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>MAUI A.I.D.S. FOUNDATION FOR COSTS</u> <u>RELATED TO THE TREATMENT CORE SER-</u> <u>VICES PROGRAMS FOR GENERAL ADMINIS-</u> <u>TRATION (HTH907) ALL EXPENSES RELATED</u> <u>TO THEIR APPLICATION OF FUNDS; AND</u>
61. \$100,000.00	<u>MAUI ECONOMIC DEVELOPMENT</u> <u>BOARD, INC.</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STAT-</u> <u>UTES. MAUI ECONOMIC DEVELOPMENT</u> <u>BOARD, INC. FOR COSTS RELATED TO THE</u> <u>STEMWORKS PROGRAMS FOR TEACHER</u> <u>PROFESSIONAL DEVELOPMENT, STUDENT</u> <u>HANDS-ON AND PROJECT-BASED LEARN-</u> <u>ING, AND PAID STUDENT INTERNSHIPS FOR</u> <u>SCHOOL COMMUNITY SERVICES (EDN500).</u> <u>ALL EXPENSES RELATED TO THEIR APPLI-</u> <u>CATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>62. \$50,000.00</u>	<u>MAUI PHOENIX FARMS, LLC ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, MAUI PHOENIX FARMS, LLC FOR COSTS RELATED TO CREATING A COMMERCIAL TROUT HATCHERY THAT CAN SERVE THE AQUAPONIC COMMUNITY FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR192) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>63. \$50,000.00</u>	<u>MOANALUA GARDENS FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, MOANALUA GARDENS FOUNDATION FOR COSTS RELATED TO THE KAMANANUI VAL- LEY AINA-BASED EDUCATION PROGRAM TO EDUCATE AND INSPIRE FUTURE GEN- ERATIONS OF ENVIRONMENTAL STEWARDS FOR SCHOOL-BASED BUDGETING (EDN100) ALL EXPENSES RELATED TO THEIR APPLI- CATION OF FUNDS; AND</u>
<u>64. \$200,000.00</u>	<u>MOILIILI COMMUNITY CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, MOILIILI COMMUNITY CENTER FOR COSTS RELATED TO COMMUNITY PROGRAMS FOR CHILDREN AND SENIORS TO KEEP THEM PHYSICALLY, COGNITIVELY, AND SOCIALLY ACTIVE FOR GENERAL ADMINISTRATION (HTH907) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>65. \$100,000.00</u>	<u>MOLOKAI HOMESTEAD FARMERS ALLIANCE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, MOLOKAI HOMESTEAD FARMERS ALLIANCE FOR COSTS RELATED TO ESTABLISHING A COMPUTER LAB FOR MOLOKAI COMMUNI- TY MEMBERS FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>66. \$150,000.00</u>	<u>NA KAMA KAI ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, NA KAMA KAI FOR COSTS RELATED TO THE OCEAN SAFETY TEACHER PROFESSIONAL DEVELOPMENT COURSE FOR TEACHERS FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>67. \$40,000.00</u>	<u>NA WAHINE PAANI O PUNAHOU ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, NA WAHINE PAANI O PUNAHOU FOR COSTS RELATED TO SUPPORTING THE PAANI CHALLENGE WRESTLING TOURNAMENT FOR SCHOOL COMMUNITY SERVICES (EDN500) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>68. \$100,000.00</u>	<u>NATIVE HAWAIIAN CHAMBER OF COMMERCE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, NATIVE HAWAIIAN CHAMBER OF COM- MERCE FOR COSTS RELATED TO BROAD- ENING ECONOMIC OPPORTUNITIES FOR LOCAL BUSINESSES AND PROMOTING ECO- NOMIC DIVERSIFICATION FOR GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT (BED142) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>69. \$150,000.00</u>	<u>OAHU HAWAIIAN CANOE RACING ASSOCIATION HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, OAHU HAWAIIAN CANOE RACING ASSOCIA- TION HAWAII FOR COSTS RELATED TO THE KUKULU CANOE BUILDING PROGRAM TO TEACH THE CULTURAL AND TRADITIONAL ASPECTS OF CANOE BUILDING FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EX- PENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>70. \$200,000.00</u>	<u>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 COSTS RELATED TO FINDING EVERY HEALTHY, TREATABLE ANIMAL A FOREVER HOME FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>71. \$50,000.00</u>	<u>OHANA 100, THE DANIEL KAHIKINA AKAKA FAMILY FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, OHANA 100, THE DANIEL KAHIKINA AKAKA FAMILY FOUNDATION FOR COSTS RELATED TO EXPANDING EDUCATIONAL PROGRAMS IN YOUTH LITERACY AND A SUMMER SERVICE CAMP FOR SCHOOL COMMUNITY SERVICES (EDN500) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>72. \$150,000.00</u>	<u>OHANA PACIFIC FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, OHANA PACIFIC FOUNDATION FOR COSTS RELATED TO PROVIDING ADULT DAY HEALTH SERVICES FOR KUPUNA AND DISABLED ADULTS WHO ARE IN NEED OF SPECIALIZED CARE ON KAUAI FOR EXECUTIVE OFFICE ON AGING (HTH904) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>73. \$200,000.00</u>	<u>OHUOHU KOOLAU, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, OHUOHU KOOLAU, INC. FOR COSTS RELATED TO ARBORIST SERVICES FOR HAZARD ALBIZIA TREE REMOVAL ALONG MANOA STREAM FOR LNR - NATURAL AND PHYSICAL ENVIRONMENT (LNR906) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>74. \$200,000.00</u>	<u>PACIFIC AMERICAN FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PACIFIC AMERICAN FOUNDATION FOR COSTS RELATED TO TRAINING AND RE- SEARCH IN NATIVE HAWAIIAN AQUACUL- TURAL PRACTICES FOR LNR - NATURAL AND PHYSICAL ENVIRONMENT (LNR906) ALL EXPENSES RELATED TO THEIR APPLI- CATION OF FUNDS; AND</u>
<u>75. \$100,000.00</u>	<u>PACIFIC SURVIVOR CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PACIFIC SURVIVOR CENTER FOR COSTS RELATED TO PROVIDING SERVICES TO VIC- TIMS OF SEX TRAFFICKING, LABOR TRAF- FICKING, AND IMMIGRANT DOMESTIC VIOLENCE AND TORTURE FOR GENERAL ADMINISTRATION - DHS (HMS904) ALL EX- PENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>76. \$50,000.00</u>	<u>PACIFIC TSUNAMI MUSEUM, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PACIFIC TSUNAMI MUSEUM, INC. FOR COSTS RELATED TO ENHANCING LOCAL AWARENESS OF TSUNAMIS AND NATURAL HAZARDS IN HAWAII FOR AMELIORATION OF PHYSICAL DISASTERS (DEF110) ALL EX- PENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>77. \$150,000.00</u>	<u>PARENTS AND CHILDREN TOGETHER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PARENTS AND CHILDREN TOGETHER FOR COST RELATED TO PROVIDING POSI- TIVE YOUTH DEVELOPMENT SERVICES TO YOUTH AND FAMILIES LIVING IN PUBLIC HOUSING FACILITIES FOR FAMILY HEALTH SERVICES (HTH560) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
78. <u>\$100,000.00</u>	<u>PARTNERS IN DEVELOPMENT FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, PARTNERS IN DEVELOPMENT FOUNDATION FOR COSTS RELATED TO SERVICES SURROUNDING EARLY EDUCATION, FAMILY STRENGTHENING, AND COMMUNITY RESILIENCE FOR THE WINDWARD OAHU COMMUNITY FOR GENERAL ADMINISTRATION - DHS (HMS904) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
79. <u>\$100,000.00</u>	<u>POI DOGS AND POPOKI ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, POI DOGS AND POPOKI FOR COSTS RELATED TO PROVIDING AFFORDABLE AND SUBSIDIZED SPAY AND NEUTER AND WELLNESS SERVICES FOR NATIVE HAWAIIAN PET OWNERS FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
80. <u>\$100,000.00</u>	<u>POLYNESIAN VOYAGING SOCIETY ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, POLYNESIAN VOYAGING SOCIETY FOR COSTS RELATED TO SUPPORTING THE MOANANUIAKEA VOYAGING EXPENSES AND PROFESSIONAL/CONTRACTUAL SERVICES FOR GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT (BED142) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
81. <u>\$75,000.00</u>	<u>READ TO ME INTERNATIONAL FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, READ TO ME INTERNATIONAL FOUNDATION FOR COSTS RELATING TO BUILDING FAMILY LITERACY STATEWIDE FOR HAWAII STATE PUBLIC LIBRARIES (EDN407) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
<u>82. \$133,000.00</u>	<u>RESIDENTIAL YOUTH SERVICES &amp; EMPOWERMENT</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, RESIDENTIAL YOUTH SERVICES &amp; EMPOWERMENT FOR COSTS RELATED TO CONTINUING SERVICES AT THE APAPANE HOUSE, A SOBER LIVING INSTITUTION FOR YOUTH AGES 18-24 FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>83. \$100,000.00</u>	<u>SPECIAL OLYMPICS HAWAII INC.</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, SPECIAL OLYMPICS HAWAII INC. FOR COSTS RELATED TO PROVIDING FUNDING FOR SPORTS TRAINING AND COMPETITIONS FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES FOR FAMILY HEALTH SERVICES (HTH560) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>84. \$100,000.00</u>	<u>THE ARC OF HILO</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, THE ARC OF HILO FOR COSTS RELATED TO MITIGATING THE IMPACT OF THE INCREASE IN MINIMUM WAGE FOR THEIR WORKFORCE FOR FAMILY HEALTH SERVICES (HTH560) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
<u>85. \$80,000.00</u>	<u>THE QUEEN'S MEDICAL CENTER</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, THE QUEEN'S MEDICAL CENTER FOR COSTS RELATED TO THE QUEEN'S COORDINATED CARE PROGRAM THAT FOCUSES ON COMPLEX CARE COORDINATION AND MANAGEMENT AS WELL AS TRANSITIONAL CARE SERVICES FOR UNDERSERVED AND AT-RISK PATIENTS FOR GENERAL ADMINISTRATION (HTH907) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>



<u>AMOUNT</u>	<u>PROJECT</u>
86. \$200,000.00	<u>THE UNITED KOREAN ASSOCIATION OF HAWAII</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>THE UNITED KOREAN ASSOCIATION OF HAWAII FOR COSTS RELATED TO PROGRAMS AND SERVICES OFFERED AT THE CULTURAL COMMUNITY CENTER IN MAKIKI DISTRICT PARK FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
87. \$250,000.00	<u>THE WAHIAWA CENTER FOR COMMUNITY HEALTH</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>THE WAHIAWA CENTER FOR COMMUNITY HEALTH FOR COSTS RELATED TO EXPANDING THE SCHOOL HEALTH EVOLUTION AND EXPANSION FOR KEIKI PROGRAM FOR SCHOOLS WITHIN THE LEILEHUA/MILILANI/WAIALUA SCHOOL COMPLEX FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS221) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
88. \$128,000.00	<u>THRIVE WITH MOVEMENT, INC.</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>THRIVE WITH MOVEMENT, INC. FOR COSTS RELATED TO SUPPORTING THE ALOHA DANCE STUDIO ON KAUAI FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
89. \$200,000.00	<u>TRANSFORMATION HEALTH NETWORK</u> <u>ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES.</u> <u>TRANSFORMATION HEALTH NETWORK FOR COSTS RELATED TO SUPPORTING STAFFING OPERATIONS OF THE ALOHA KONA URGENT CARE CLINIC FOR GENERAL ADMINISTRATION (HTH907) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
90. <u>\$175,000.00</u>	<u>ULU AE LEARNING CENTER</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES,</u> <u>ULU AE LEARNING CENTER FOR COSTS</u> <u>RELATED TO INCREASING ACCESS TO CUL-</u> <u>TURALLY GROUNDED, PLACE-BASED OUT-</u> <u>OF-SCHOOL LEARNING OPPORTUNITIES IN</u> <u>WEST OAHU FOR OFFICE OF COMMUNITY</u> <u>SERVICES (LBR903) ALL EXPENSES RELATED</u> <u>TO THEIR APPLICATION OF FUNDS; AND</u>
91. <u>\$100,000.00</u>	<u>UNITED SELF-HELP</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES,</u> <u>UNITED SELF-HELP FOR COSTS RELATED</u> <u>TO PILOTING A RECOVERY AND COMMU-</u> <u>NITY REENTRY PROGRAM FOR INMATES</u> <u>RELEASED FROM THE CUSTODY OF THE</u> <u>DEPARTMENT OF CORRECTIONS AND RE-</u> <u>HABILITATION AND PATIENTS DISCHARGED</u> <u>FROM THE HAWAII STATE HOSPITAL FOR</u> <u>ADULT MENTAL HEALTH-OUTPATIENT</u> <u>(HTH420) ALL EXPENSES RELATED TO THEIR</u> <u>APPLICATION OF FUNDS; AND</u>
92. <u>\$200,000.00</u>	<u>WAIKIKI BUSINESS IMPROVEMENT</u> <u>DISTRICT ASSOCIATION</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES,</u> <u>WAIKIKI BUSINESS IMPROVEMENT DIS-</u> <u>TRICT ASSOCIATION FOR COSTS RELATED</u> <u>TO OPERATING THE ALOHA AMBASSADOR</u> <u>PROGRAM FOR GENERAL SUPPORT FOR</u> <u>ECONOMIC DEVELOPMENT (BED142) ALL</u> <u>EXPENSES RELATED TO THEIR APPLICA-</u> <u>TION OF FUNDS; AND</u>
93. <u>\$50,000.00</u>	<u>WAIKIKI COMMUNITY CENTER</u> <u>ADD FUNDS AS A GRANT PURSUANT TO</u> <u>CHAPTER 42F, HAWAII REVISED STATUTES,</u> <u>WAIKIKI COMMUNITY CENTER FOR COSTS</u> <u>RELATED TO PROVIDING CASE MANAGEMENT</u> <u>SERVICES FOR KUPUNA IN THE COMMU-</u> <u>NITY FOR GENERAL ADMINISTRATION - DHS</u> <u>(HMS904) ALL EXPENSES RELATED TO THEIR</u> <u>APPLICATION OF FUNDS; AND</u>

<u>AMOUNT</u>	<u>PROJECT</u>
94. <u>\$50,000.00</u>	<u>WESTSIDE STRIKING ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. WESTSIDE STRIKING FOR COSTS RELATED TO UPLIFTING THE UNDERPRIVILEGED AND AT-RISK YOUTH OF WAIANAE THROUGH BOXING FOR OFFICE OF COM- MUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND</u>
95. <u>\$100,000.00</u>	<u>YWCA OF HAWAI'I ISLAND ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES. YWCA OF HAWAI'I ISLAND FOR COSTS RE- LATED TO PROVIDING MEALS AND INTER- VENTION/MENTAL HEALTH SERVICES FOR CHILDREN IN THE PRESCHOOL PROGRAM FOR GENERAL ADMINISTRATION - DHS (HMS904) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS.</u>

SECTION 7. Part V of Act 164, Session Laws of Hawaii 2023, is amended by amending section 7 to read as follows:

“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**

				<u>APPROPRIATIONS (IN 000'S)</u>	
ITEM NO.	CAPITAL PROJECT NO. TITLE		EXPENDING AGENCY	FISCAL M	FISCAL M
				YEAR O	YEAR O
				2023-2024 F	2024-2025 F

**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		2,500C	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>BED113 - HAWAII TOURISM AUTHORITY - ADMINISTRATION AND GOVERNANCE</b>					
1.1		CONVENTION CENTER ROOFTOP TERRACE DECK REPAIR AND IMPROVEMENT, OAHU			
		DESIGN AND CONSTRUCTION FOR REPAIR AND IMPROVEMENT OF THE CONVENTION CENTER ROOFTOP TERRACE DECK.			
		TOTAL FUNDING	BED	C	64,000 C
<b>AGR131 - RABIES QUARANTINE</b>					
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
<b>LNR172 - FORESTRY - RESOURCE MANAGEMENT AND DEVELOPMENT</b>					
3.		KONA STORM KULA FOREST TRAIL REPAIR, MAUI			
		CONSTRUCTION FOR REPAIRING MAJOR TRAIL WASHOUTS AT GULCH CROSSINGS.			
		TOTAL FUNDING	LNR	400 A	A
3.1		LIHUE-KOLOA FOREST RESERVE, ROAD IMPROVEMENTS, KAUAI			
		CONSTRUCTION FOR ROAD AND INFRASTRUCTURE IMPROVEMENTS IN LIHUE-KOLOA FOREST RESERVE.			
		TOTAL FUNDING	LNR	C	500 C
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
4.1		STREAM CROSSINGS, NA PALI KONA FOREST RESERVE, KAUAI			
		PLANS, DESIGN, AND CONSTRUCTION OR KAWAIKOI STREAM AND WAIKOALI STREAM CROSSING REPAIRS AND IMPROVEMENTS IN THE NA PALI-KONA FOREST RESERVE.			
		TOTAL FUNDING	LNR	C	5,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
<b>AGR141 - AGRICULTURAL RESOURCE MANAGEMENT</b>					
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	23,000 C
			AGR	3,000 N	N
6.1		LOWER HAMAKUA DITCH WATERSHED PROJECT, HAWAII			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO THE LOWER HAMAKUA DITCH SYSTEM, TOGETHER WITH APPURTENANT WORKS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	AGR	C	2,500 C
			AGR	N	1 N
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	2,000 C
7.1		NON-AGRICULTURAL AND AGRICULTURAL PARK IMPROVEMENTS, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO NON-AGRICULTURAL AND AGRICULTURAL PARKS.			
		TOTAL FUNDING	AGR	C	1,000 C
7.2		WAIMANALO IRRIGATION SYSTEM IMPROVEMENTS, OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO THE WAIMANALO IRRIGATION SYSTEM, TOGETHER WITH APPURTENANT WORKS.			
		TOTAL FUNDING	AGR	C	2,500 C
<b>AGR192 - GENERAL ADMINISTRATION FOR AGRICULTURE</b>					
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

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
<b>BED170 - AGRIBUSINESS DEVELOPMENT AND RESEARCH</b>					
9.		AAHOAKA RESERVOIR IMPROVEMENTS, KAUAI			
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO THE UPPER AND LOWER AAHOAKA RESERVOIRS.			
		TOTAL FUNDING BED		1,100 C	C
9.1		CHRISTIAN CROSSING BRIDGE, KALEPA, KAUAI			
		CONSTRUCTION TO IMPROVE AND STRENGTHEN THE BRIDGE APPROACHES, SUPPORTING STRUCTURES, AND APPURTENANT WORK.			
		TOTAL FUNDING BED		C	1,000 C
9.2		KEKAHA AGRICULTURAL ASSOCIATION PROCESSING FACILITY			
		PLANS, DESIGN, AND CONSTRUCTION FOR A POST HARVEST PROCESSING CENTER IN KEKAHA; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING BED		C	2,000 C
9.3		KEKAHA BRIDGE, KAUAI			
		CONSTRUCTION TO IMPROVE INTERIOR ACCESS ROAD AND KEKAHA DITCH BRIDGE CROSSING.			
		TOTAL FUNDING BED		C	2,500 C
<b>BED146 - NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY</b>					
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.			
		TOTAL FUNDING BED		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.			
		TOTAL FUNDING BED		1,900 D	D

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
<b>BED138 - HAWAII GREEN INFRASTRUCTURE AUTHORITY</b>					
12.1		CAPITALIZATION INFUSION TO THE CLEAN ENERGY AND ENERGY EFFICIENCY REVOLVING LOAN FUND.			
		CONSTRUCTION TO PROVIDE AN INFUSION OF FUNDS TO BE EXPENDED BY THE HAWAII GREEN ENERGY INFRASTRUCTURE AUTHORITY TO CAPITALIZE THE SOLAR ENERGY STORAGE LOAN PROGRAM.			
		TOTAL FUNDING	BED	C	15,000C
<b>LNR141 - WATER AND LAND DEVELOPMENT</b>					
13.		ROCKFALL AND FLOOD MITIGATION, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR ROCKFALL AND FLOOD MITIGATION AT VARIOUS LOCATIONS, STATEWIDE. THE LEGISLATURE FINDS AND DECLARES THAT THE APPROPRIATION IS IN THE PUBLIC INTEREST AND FOR THE PUBLIC'S HEALTH, SAFETY AND GENERAL WELFARE OF THE STATE.			
		TOTAL FUNDING	LNR	2,000A	2,000A
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.			
		TOTAL FUNDING	LNR	1,500C	C
<b>BED150 - HAWAII COMMUNITY DEVELOPMENT AUTHORITY</b>					
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	4,500C	C
			BED	4,500S	S

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
15.1		COMMUNITY FACILITY IN THE KAKAAKO COMMUNITY DISTRICT  PLANS, DESIGN, AND CONSTRUCTION FOR A COMMUNITY FACILITY TO HOUSE SOCIAL PROGRAMS AND COMMUNITY ACTIVITIES IN THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT, KAKAAKO, OAHU.	BED	C	5,000 C
		TOTAL FUNDING			
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.	BED	C	1,000 C
		TOTAL FUNDING			
16.1		KAKAAKO ROOF REPAIRS  PLANS, DESIGN, AND CONSTRUCTION FOR ROOF AND OTHER REPAIRS TO THE NA KUPUNA MAKAMAE CENTER LOCATED IN KAKAAKO, OAHU.	BED	C	2,000 C
		TOTAL FUNDING			
16.2		SARATOGA AVENUE ELECTRICAL UPGRADES, KALAELOA, OAHU  PLANS, DESIGN AND CONSTRUCTION OF ELECTRICAL UPGRADES FOR SARATOGA AVENUE.	BED	C	12,125 C
		TOTAL FUNDING			
<b>BED160 - HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION</b>					
16.3		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND, STATEWIDE  CONSTRUCTION TO PROVIDE AN INFUSION OF FUNDS TO FINANCE ADDITIONAL AFFORDABLE RENTAL HOUSING, STATEWIDE.	BED	C	180,000 C
		TOTAL FUNDING			
16.4		DWELLING UNIT REVOLVING FUND INFUSION, STATEWIDE  CONSTRUCTION TO PROVIDE AN INFUSION OF FUNDS TO FINANCE ADDITIONAL AFFORDABLE HOUSING, STATEWIDE.	BED	C	50,000 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
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
17.1		ROAD IMPROVEMENTS, PAPAHEHI PLACE, OAHU			
		CONSTRUCTION FOR REPAVING PAPAHEHI PLACE IN KULIOUOU.			
		TOTAL FUNDING	BED	C	500 C
<b>B. EMPLOYMENT</b>					
<b>LBR903 - OFFICE OF COMMUNITY SERVICES</b>					
0.1		442ND LEGACY CENTER			
		CONSTRUCTION AND EQUIPMENT FOR REPAIRS AND RENOVATION OF MUSEUM. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	C	300 C
1.		442ND LEGACY CENTER			
		CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF MUSEUM BUILDING. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	300 C	C
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.			
		TOTAL FUNDING	LBR	150 C	C
3.		ALOHA HOUSE, INC.			
		CONSTRUCTION FOR NEW DORMITORY BUILDING. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	250 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
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
5.		ARC OF MAUI COUNTY CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF MANA OLA NA KEANUENUE, HALE KIHEI, AND HALE KANALOA RESIDENTIAL GROUP HOMES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		345	C
5.1		BIG BROTHERS BIG SISTERS HAWAII, INC. LAND ACQUISITION FOR A MENTOR CENTER CAMPUS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	700
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
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.		150	C
7.1		BIG ISLAND RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL DESIGN AND CONSTRUCTION FOR INFRASTRUCTURE UPGRADES AT THE HONALO MARSHALING YARD. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	300

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
7.2		BIG ISLAND RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL  PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS AT THE ALAE POSTHARVEST FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	100C
7.3		BIG ISLAND SUBSTANCE ABUSE COUNCIL  CONSTRUCTION FOR OPERATING COSTS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	200C
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		550C	C
8.1		BLOOD BANK OF HAWAII  DESIGN AND EQUIPMENT FOR BLOOD MANUFACTURING TECHNOLOGY AND EQUIPMENT. HIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	300C
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		250C	C
9.1		BOY SCOUTS OF AMERICA, ALOHA COUNCIL  CONSTRUCTION AND EQUIPMENT FOR IMPROVEMENTS TO FACILITIES, STATEWIDE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	400C
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		450C	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
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
11.1		CHILDREN'S DISCOVERY CENTER CONSTRUCTION AND EQUIPMENT FOR FACILITY IMPROVEMENTS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	175
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
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
13.1		DIGS PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR A TRAINING FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	380
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. TOTAL FUNDING LBR		50	C
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. TOTAL FUNDING LBR		250	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
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.			
		TOTAL FUNDING LBR		100 C	C
16.1		EAST HAWAII CULTURAL COUNCIL			
		PLANS, DESIGN, AND CONSTRUCTION FOR THE RESTORATION OF THE EAST HAWAII CULTURAL CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	200 C
16.2		EASTERSEALS HAWAII			
		PLANS, DESIGN AND CONSTRUCTION FOR RELOCATION OF FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	300 C
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.			
		TOTAL FUNDING LBR		400 C	C
17.1		ELEPAIO SOCIAL SERVICES			
		PLANS, DESIGN, LAND ACQUISITION, AND CONSTRUCTION FOR AN EMERGENCY FOOD WAREHOUSE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	800 C
18.		FAMILY PROMISE OF HAWAII			
		LAND ACQUISITION FOR OHANA NAVIGATION CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		300 C	C
18.1		FAMILY PROMISE OF HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION FOR OHANA NAVIGATION CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	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
18.2		FIVE MOUNTAINS HAWAII, INC. PLANS, DESIGN, AND CONSTRUCTION FOR A NEW HEALTH CARE CLINIC; GROUND AND SITE IMPROVEMENTS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	C	500 C
		TOTAL FUNDING			
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.	LBR	300 C	C
		TOTAL FUNDING			
19.1		GOODWILL INDUSTRIES OF HAWAII, INC. DESIGN AND CONSTRUCTION FOR IMPROVEMENTS AT THE HILO CAMPUS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	C	500 C
		TOTAL FUNDING			
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.	LBR	300 C	C
		TOTAL FUNDING			
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.	LBR	350 C	C
		TOTAL FUNDING			
21.1		HABITAT FOR HUMANITY HAWAII ISLAND, INC. PLANS, DESIGN, AND CONSTRUCTION FOR NEW AFFORDABLE HOMES ON HAWAII ISLAND. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	C	400 C
		TOTAL FUNDING			
21.2		HABITAT FOR HUMANITY, INTL - KAUAI PLANS, DESIGN, AND CONSTRUCTION FOR NEW AFFORDABLE HOMES ON KAUAI. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	C	500 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
21.3		HALE HALAWAI OHANA O HANAIEI PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO EMERGENCY SHELTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING	LBR	C	150C
21.4		HALE MAKUA HEALTH SERVICES PLANS, DESIGN, AND CONSTRUCTION FOR A REHABILITATION CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING	LBR	C	800C
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	400C	C
22.1		HALE PUNA CONSTRUCTION FOR RESTORATION OF HISTORICAL MISSION HOUSE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING	LBR	C	40C
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	300C	C
23.1		HAMAKUA HEALTH CENTER, INC. PLANS, DESIGN, AND CONSTRUCTION FOR A NEW FACILITY AT THE KOHALA HEALTH AND WELLNESS CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING	LBR	C	700C
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	310C	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
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
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.			
		TOTAL FUNDING	LBR	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.			
		TOTAL FUNDING	LBR	150 C	C
27.1		HAWAII FOODBANK, INC. PLANS, DESIGN, AND CONSTRUCTION FOR A NEW FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	C 700	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.			
		TOTAL FUNDING	LBR	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.			
		TOTAL FUNDING	LBR	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.			
		TOTAL FUNDING	LBR	90 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
30.1		HAWAII PACIFIC UNIVERSITY PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS AT THE OCEANIC INSTITUTE HATCHERIES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	C	650C
		TOTAL FUNDING			
30.2		HAWAII SCIENCE AND TECHNOLOGY MUSEUM EQUIPMENT FOR A RESEARCH AND DEVELOPMENT LABORATORY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	C	50C
		TOTAL FUNDING			
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.	LBR	200C	C
		TOTAL FUNDING			
31.1		HAWAII SOFTBALL FOUNDATION PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO THE SOFTBALL COMPLEX ON SAND ISLAND OAHU. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	C	100C
		TOTAL FUNDING			
32.		HAWAII THEATRE CENTER CONSTRUCTION FOR IMPROVEMENTS AND MAINTENANCE OF BUILDING EXTERIOR. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	250C	C
		TOTAL FUNDING			
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.	LBR	260C	C
		TOTAL FUNDING			
33.1		HAWAII UNITED OKINAWA ASSOCIATION PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO THE HAWAII OKINAWA CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	LBR	C	400C
		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
33.2		HAWAIIAN HUMANE SOCIETY DESIGN AND CONSTRUCTION TO INSTALL HURRICANE PROTECTIVE MEASURES ON OAHU CAMPUSES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	C	400 C
33.3		HAWAIIAN ISLANDS LAND TRUST PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A CULTURAL EDUCATION CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	C	100 C
33.4		HI GOOD SAMARITAN FOUNDATION PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO EXISTING STRUCTURES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	C	500 C
33.5		HONOLULU COMMUNITY ACTION PROGRAM PLANS, DESIGN, AND CONSTRUCTION FOR REPAIRS AND RENOVATIONS OF THE CENTRAL DISTRICT SERVICE CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	C	200 C
33.6		HOPE SERVICES HAWAII INC. PLANS, DESIGN, AND CONSTRUCTION FOR SUPPORTIVE HOUSING IN PUNA: GROUND & SITE IMPROVEMENTS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	C	100 C
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.			
		TOTAL FUNDING	LBR	200 C	C
34.1		HUI MAKAAINANA O MAKANA PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR AN EQUIPMENT BARN. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	C	50 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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		C
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		C
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		C
37.1		INNOVATIONS PUBLIC CHARTER SCHOOL FOUNDATION EQUIPMENT FOR FURNITURE REPLACEMENT. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			55C
		TOTAL FUNDING	LBR		C
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
		TOTAL FUNDING	LBR		C
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
		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
39.1		JAPANESE CULTURAL CENTER OF HAWAII			
		DESIGN AND CONSTRUCTION FOR REPAIRS AND IMPROVEMENTS AT THE JAPANESE CULTURAL CENTER OF HAWAII. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	350C
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.			
		TOTAL FUNDING LBR		50C	C
40.1		JAPANESE CULTURAL CENTER OF KONA			
		PLANS, DESIGN, AND LAND ACQUISITION FOR A JAPANESE CULTURAL CENTER OF KONA. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	160C
40.2		KA AHAHUI O KA NAHELEHELE			
		PLANS, DESIGN, AND CONSTRUCTION TO BUILD A NEW SEED STORAGE FACILITY FOR THE HAWAII ISLAND SEED BANK. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	50C
40.3		KALIHI PALAMA HEALTH CENTER (HALE HOOLA HOU)			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR RENOVATIONS AND REPAIRS AT 915 N. KING ST CLINIC. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	230C
40.4		KAPAA BUSINESS ASSOCIATION, INC.			
		PLANS, DESIGN, AND CONSTRUCTION FOR VARIOUS IMPROVEMENTS AT 1326 INIA ST IN KAPAA. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	400C
40.5		KAUAI ECONOMIC OPPORTUNITY, INC.			
		CONSTRUCTION FOR FIVE ELECTRIC VEHICLES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	75C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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. TOTAL FUNDING LBR		225 C	C
41.1		KAUAI HUMANE SOCIETY DESIGN AND CONSTRUCTION FOR SHELTER IMPROVEMENTS ON KAUAI. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	100 C
42.		KIMOKEO FOUNDATION PLANS FOR KE ALA KUPUNA HAWAIIAN CULTURAL EDUCATION CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		50 C	C
43.		KLINE-WELSH BEHAVIORAL HEALTH FOUNDATION PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR CONSTRUCTION OF COMMERCIAL KITCHEN AT 524 KAAAHU STREET, OAHU. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		250 C	C
43.1		KLINE-WELSH BEHAVIORAL HEALTH FOUNDATION PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A COMMERCIAL KITCHEN. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	200 C
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. TOTAL FUNDING LBR		100 C	C
44.1		KOOLAU FOUNDATION PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS AT THE HAIKU VALLEY CULTURAL PRESERVE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	100 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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.			
		TOTAL FUNDING LBR		500 C	C
45.1		KOREAN AND VIETNAM WAR MEMORIAL			
		PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO THE KOREAN AND VIETNAM WAR MEMORIAL ON THE STATE CAPITOL LAWN. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	150 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.			
		TOTAL FUNDING LBR		175 C	C
46.1		LAIOPUA 2020			
		PLANS, DESIGN, AND CONSTRUCTION FOR COMMUNITY CENTER COMPLEX. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	100 C
47.		LANAI COMMUNITY HEALTH CENTER			
		PLANS, DESIGN, AND CONSTRUCTION FOR EXPANSION OF HEALTH CARE FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		400 C	C
47.1		LANAI COMMUNITY HEALTH CENTER			
		PLANS, DESIGN AND CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS TO HEALTH CARE FACILITIES ON LANAI. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	500 C
47.2		MAKAHA CULTURAL LEARNING CENTER			
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR A MIXED-USE FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		C	135 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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.			
		TOTAL FUNDING	LBR	300 C	C
48.1		MANOA HERITAGE CENTER			
		PLANS, DESIGN, AND CONSTRUCTION FOR CONVERSION OF A HISTORIC RESIDENCE TO A MUSEUM. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	C	200 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.			
		TOTAL FUNDING	LBR	400 C	C
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.			
		TOTAL FUNDING	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.			
		TOTAL FUNDING	LBR	200 C	C
51.1		MAUI HUMANE SOCIETY			
		PLANS, DESIGN, AND CONSTRUCTION FOR A MODULAR OFFICE BUILDING. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	C	500 C
51.2		MAUNALUA FISHPOND HERITAGE CENTER			
		PLANS, DESIGN, AND CONSTRUCTION FOR ROOF IMPROVEMENTS AT KANEWAI FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	C	150 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
52.		MEN OF PAA EQUIPMENT FOR PURCHASE OF VEHICLES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		75C	C
52.1		MENTAL HEALTH KOKUA LAND ACQUISITION FOR A SUPPORTIVE HOUSING FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	500C
52.2		MOKUAIKAUA CHURCH (CONGREGATIONAL) PLANS, DESIGN, AND CONSTRUCTION FOR RESTORATION OF MOKUAIKAUA CHURCH. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	150C
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.		30C	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.		50C	C
55.		NEIGHBORHOOD HOUSING COMMUNITY DEVELOPMENT CORPORATION CONSTRUCTION FOR CONSTRUCTION OF RESIDENTIAL FACILITIES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		200C	C
55.1		NEIGHBORHOOD HOUSING COMMUNITY DEVELOPMENT CORPORATION PLANS, DESIGN, AND CONSTRUCTION FOR AFFORDABLE HOUSING ON KAUALI. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	200C



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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.	TOTAL FUNDING LBR	200C	C
56.1		OUTDOOR CIRCLE, THE - EAST HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR GROUND & SITE IMPROVEMENTS ALONG BANYAN DRIVE HILO. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	TOTAL FUNDING LBR	C	175C
56.2		OUTDOOR CIRCLE, THE - OAHU PLANS, DESIGN, AND CONSTRUCTION FOR IRRIGATION AND GROUND & SITE IMPROVEMENTS AT WEED CIRCLE IN HALEIWA. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	TOTAL FUNDING LBR	C	150C
57.		PALI MOMI FOUNDATION EQUIPMENT TO UPGRADE AND IMPROVE EMERGENCY DEPARTMENT RADIOGRAPHY SYSTEMS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	TOTAL FUNDING LBR	100C	C
57.1		REHABILITATION HOSPITAL OF THE PACIFIC, THE DESIGN, CONSTRUCTION, AND EQUIPMENT FOR SECURITY IMPROVEMENTS AT THE REHABILITATION HOSPITAL OF THE PACIFIC. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	TOTAL FUNDING LBR	C	125C
58.		RYUGEN TAIKO LAND ACQUISITION FOR PERFORMING ARTS CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.	TOTAL FUNDING LBR	500C	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.	TOTAL FUNDING LBR	100C	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
59.1		SPECIAL EDUCATION CENTER OF HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR RENOVATIONS AND IMPROVEMENTS AT THE DIAMOND HEAD CAMPUS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	200 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. TOTAL FUNDING LBR		300 C	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. TOTAL FUNDING LBR		300 C	C
61.1		ST. FRANCIS HEALTHCARE FOUNDATION OF HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR INFRASTRUCTURE UPGRADES TO THE KUPUNA VILLAGE CAMPUS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	500 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. TOTAL FUNDING LBR		100 C	C
62.1		STRAUB FOUNDATION PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO HOSPITAL FACILITIES AND PATIENT AREAS. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		C	420 C
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. TOTAL FUNDING LBR		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
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
		TOTAL FUNDING	LBR		
64.1		THE ALCOHOLIC REHABILITATION SERVICES OF HAWAII, INC. PLANS, DESIGN, AND CONSTRUCTION FOR ROOF REPAIRS AND IMPROVEMENTS AT THE HINA MAUKA FACILITY ON OAHU. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			500
		TOTAL FUNDING	LBR	C	
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
		TOTAL FUNDING	LBR		
65.1		THE FILIPINO COMMUNITY CENTER, INC. DESIGN AND CONSTRUCTION FOR UPGRADES, REPAIRS AND RENOVATIONS OF THE FILIPINO COMMUNITY CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			250
		TOTAL FUNDING	LBR	C	
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
		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
		TOTAL FUNDING	LBR		
67.1		THE KAUAI FOOD BANK, INC. PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS AT THE LIHUE WAREHOUSE. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			230
		TOTAL FUNDING	LBR	C	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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
68.1		ULU AE LEARNING CENTER PLANS, DESIGN, AND CONSTRUCTION FOR CAMPUS EXPANSION. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	50 C
68.2		WAIALUA COMMUNITY ASSOCIATION DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS AT THE WCA GYM FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	50 C
68.3		WAIANAE COMMUNITY RE-DEVELOPMENT CORPORATION CONSTRUCTION AND GROUND & SITE IMPROVEMENTS FOR 30 ACRES IN LEEWARD OAHU. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	50 C
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	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	C
70.1		WAIMANALO HEALTH CENTER PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR EXPANSION FACILITY TO PROVIDE ADDITIONAL MEDICAL SERVICES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	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
71.		WAIHOLI 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	C
71.1		WEST HAWAII COMMUNITY HEALTH CENTER INC. PLANS AND DESIGN FOR A KEEAAU HEALTHCARE CENTER. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	400 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	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	C
73.1		YOUNG MEN'S CHRISTIAN ASSOCIATION OF HONOLULU PLANS, DESIGN, AND CONSTRUCTION FOR WELL DEVELOPMENT AT CAMP ERDMAN. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	500 C
73.2		YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF OAHU PLANS, DESIGN, AND CONSTRUCTION FOR WATER AND PLUMBING IMPROVEMENTS ON OAHU FACILITIES. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.		C	600 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	C

**CAPITAL IMPROVEMENT PROJECTS**

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025

74.1	YMCA OF HAWAII ISLAND	PLANS, DESIGN, AND CONSTRUCTION FOR A NEW PRESCHOOL FACILITY. THIS PROJECT QUALIFIES AS A GRANT, PURSUANT TO CHAPTER 42F, HRS.			
	TOTAL FUNDING	LBR		C	100C

**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		495A	A

**C. TRANSPORTATION FACILITIES**

**TRN102 - DANIEL K. INOUYE INTERNATIONAL AIRPORT**

1.	DANIEL K. INOUYE 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		175,250E	541,484E
		TRN		1N	121,701N

**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		6,000E	7,500E
		TRN		1N	1N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
<b>TRN111 - HILO INTERNATIONAL AIRPORT</b>					
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	2,400E	9,002E
			TRN	1N	1,826N
<b>TRN114 - ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE</b>					
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	4,002E
			TRN	1N	2,800N
<b>TRN116 - WAIMEA-KOHALA AIRPORT</b>					
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
<b>TRN131 - KAHULUI AIRPORT</b>					
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	26,950E
			TRN	1N	5,110N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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
<b>TRN161 - LIHUE AIRPORT</b>					
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	62,228E
			TRN	N	24,901N
			TRN	1,074X	9,700X
<b>TRN195 - AIRPORTS ADMINISTRATION</b>					
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	169,751E
			TRN	1N	166,685N
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	35,001E
			TRN	1N	1N



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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	4,428 B	4,588 B
			TRN	157 X	163 X
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	63,846 E	107,501 E
			TRN	1 N	1 N
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	64,000 X	22,000 X
<b>TRN301 - HONOLULU HARBOR</b>					
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	4 B	4 B
			TRN	49,988 E	78,988 E
			TRN	4 N	4 N
			TRN	4 R	4 R

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025

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	14,494E
	TRN	N	4N
	TRN	R	4R

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	14,988E	30,988E
	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	14,988E	14,988E
	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
<b>TRN331 - KAHULUI HARBOR</b>					
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	9,988E	30,988E
			TRN	4N	4N
			TRN	4R	4R
<b>TRN361 - NAWILIWILI HARBOR</b>					
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	23,988E
			TRN	N	4N
			TRN	R	4R
<b>TRN395 - HARBORS ADMINISTRATION</b>					
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	24,988E
			TRN	35,000N	4N
			TRN	4R	4R

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
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	2,500	B 2,500
<b>TRN501 - OAHU HIGHWAYS</b>					
21.1		KAKAAKO ROAD IMPROVEMENTS, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR RESURFACING ROADS IN KAKAAKO.			
		TOTAL FUNDING	TRN	C	5,000
21.2		PAAKEA ROAD, OAHU			
		LAND ACQUISITION AND DESIGN FOR IMPROVEMENTS TO PAAKEA ROAD FOR USE AS AN EMERGENCY PARALLEL ROUTE ON THE WEST COAST OF OAHU.			
		TOTAL FUNDING	TRN	E	3,450
21.3		PHASE 2 IMPROVEMENTS - WAIPIO POINT ACCESS ROAD			
		DESIGN AND CONSTRUCTION FOR WAIPIO POINT ACCESS ROAD MULTIMODAL AND SAFETY IMPROVEMENTS.			
		TOTAL FUNDING	TRN	C	2,100
21.4		SAFETY IMPROVEMENTS, OAHU			
		PLANS, DESIGN, & CONSTRUCTION FOR SAFETY IMPROVEMENTS TO PRIORITY STREETS ON OAHU; THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	C	4,200
			TRN	N	1N
<b>TRN511 - HAWAII HIGHWAYS</b>					
21.5		ACCELERATION LANE FROM MAMAKI STREET ONTO ROUTE 11 GOING HILO BOUND			
		PLANS AND CONSTRUCTION TO ADD AN ACCELERATION LANE FROM MAMAKI STREET ONTO ROUTE 11 GOING HILO BOUND.			
		TOTAL FUNDING	TRN	E	290
			TRN	N	1,160

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
21.6		AINALOA ROUNDABOUT EXPANSION, HAWAII			
		PLAN AND DESIGN FOR AINALOA ROUNDABOUT EXPANSION.			
		TOTAL FUNDING	TRN	E	500 E
21.7		DANIEL K. INOUYE HIGHWAY, HAWAII			
		PLANS FOR AN ENVIRONMENTAL IMPACT STATEMENT TO EXTEND THE DANIEL K. INOUYE HIGHWAY TO QUEEN KAAHUMANU HIGHWAY IN SENATE DISTRICT 4 AND HOUSE DISTRICT 7. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	600 E
			TRN	N	2,400 N
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
22.1		ROUTE 11 IMPROVEMENTS AT NANI KAILUA DRIVE AND LAKO STREET, HAWAII			
		DESIGN FOR INTERSECTION IMPROVEMENTS TO INCLUDE WIDENING, BICYCLE AND PEDESTRIAN IMPROVEMENTS, AND DRAINAGE AND UTILITY WORK. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	200 E
			TRN	N	800 N
22.2		TRAFFIC SIGNAL IMPROVEMENTS, HAWAII			
		PLANS, DESIGN AND CONSTRUCTION FOR TRAFFIC LIGHTS AT KALOKO/ MAMALAHOA INTERSECTION AND KAIMINANI/MAMALAHOA INTERSECTION.			
		TOTAL FUNDING	TRN	E	3,000 E

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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
<b>TRN531 - MAUI HIGHWAYS</b>					
23.1		LAHAINA REPAIR, REHABILITATION, AND/OR REINSTALLATION, MAUI			
		DESIGN AND CONSTRUCTION FOR MAJOR REPAIRS, REHABILITATION, AND/OR REINSTALLATION OF STATE HIGHWAY FACILITIES IN LAHAINA AS A RESULT OF 2023 SEVERE WEATHER EVENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	6,600 E
			TRN	N	26,400 N
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
<b>TRN561 - KAUAI HIGHWAYS</b>					
25.1		KUHIO HIGHWAY INTERSECTION IMPROVEMENTS AT KOLO ROAD / KALAMANIA ROAD, KAUAI			
		CONSTRUCTION FOR INTERSECTION IMPROVEMENTS, WHICH MAY INCLUDE SIGNALIZATION OR ROUNDABOUT SOLUTIONS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	1,700 E
			TRN	N	6,800 N
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
<b>TRN595 - HIGHWAYS ADMINISTRATION</b>					
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	10,551 E
			TRN	4,000 N	4,160 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	5,700 E

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
				M O F	M O F
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	4,500 E
			TRN	13,600 N	N
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	9,400 E
			TRN	34,800 N	37,600 N
30.1		HIGHWAY PROJECT CLOSEOUT, STATEWIDE			
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR COMPLETION AND CLOSEOUT OF PROJECTS IN CLOSING STAGES AND/OR FOR PROJECTS REQUIRING FUNDS FOR FINAL SETTLEMENT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	1,900 E
			TRN	N	7,600 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	4,999 E
			TRN	5,600 N	17,360 N



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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	6,050E	20,858E
			TRN	21,000N	31,000N
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	1,900B	1,593B
			TRN	20,150E	54,507E
			TRN	80,200N	174,468N
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	800E
			TRN	N	600N
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	6,600B	14,500B
			TRN	17,800E	78,850E
			TRN	71,200N	266,600N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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	53,436 E
			TRN	24,800 N	117,188 N
36.1		HIGHWAY TUNNEL PROGRAM, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR MAJOR REPAIRS, UPGRADES, AND REHABILITATION OF HIGHWAY TUNNELS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	B	1,500 B
			TRN	E	9,200 E
			TRN	N	36,800 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
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	2,350 B
			TRN	100 E	1,240 E
			TRN	400 N	14,360 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

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025

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	3,604C	6,208C
	HTH	29,028N	31,038N
  
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	3,498C	5,515C
	HTH	26,016N	27,573N

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	350A	A
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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	2,500C	C
	LNR	2,000A	A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
<b>LNR402 - NATIVE RESOURCES AND FIRE PROTECTION PROGRAM</b>					
4.1		AXIS DEER FENCING, MAUI  DESIGN AND CONSTRUCTION FOR AXIS DEER CONTROL FENCING IN OR AROUND KIHAI, MAUI.			
		TOTAL FUNDING	LNR	C	3,200 C
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
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	C LNR	265 C A
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 A	1 N 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

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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	100A	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	500C	C
11.1		WEST MAUI AND UPCOUNTRY FIRE PREVENTION AND EROSION CONTROL, MAUI			
		PLANNING, DESIGN, AND CONSTRUCTION OF APPROXIMATELY 15 MILES OF FIREBREAKS, REDUCTION OF FUELS, INSTALLATION OF WATER TANKS OR SOURCES FOR FIRE-FIGHTING, AND CONSTRUCTION OF EROSION.			
		TOTAL FUNDING	LNR	D	2,000D
11.2		WEST MAUI AND UPCOUNTRY FIRE SUPPRESSION DIP TANKS (6), MAUI			
		PLANS, LAND, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR INSTALLATION OF 3, 40,000-GALLON DIP TANKS FOR FIRE SUPPRESSION IN WEST MAUI. IMPLEMENTS PORTION OF THE WEST MAUI COMMUNITY WILDFIRE ACTION PLAN			
		TOTAL FUNDING	LNR	D	360D

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	2,000A	2,000A

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
<b>LNR405 - CONSERVATION AND RESOURCES ENFORCEMENT</b>					
13.1		DOCARE HAWAII BRANCH OFFICE BUILDING RENOVATION, HAWAII  PLANS AND DESIGN FOR RENOVATION OF DOCARE HAWAII BRANCH OFFICE DUE TO TERMITE INFESTATION AND RELATED WORK.	LNR	C	1,000 C
14.		DOCARE WAHIAWA SUBSTATION, OAHU  LAND ACQUISITION FOR WAHIAWA DLNR-DOCARE SUBSTATION ON TMK 7-4-001-025.	LNR	1,000 C	C
<b>LNR407 - NATURAL AREA RESERVES AND WATERSHED MANAGEMENT</b>					
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
<b>E. HEALTH</b>					
<b>HTH100 - COMMUNICABLE DISEASE AND PUBLIC HEALTH NURSING</b>					
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
<b>HTH211 - KAHUKU HOSPITAL</b>					
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
<b>HTH212 - HAWAII HEALTH SYSTEMS CORPORATION - REGIONS</b>					
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 M YEAR O 2023-2024 F	FISCAL M YEAR O 2024-2025 F
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
4.1		KAU HOSPITAL, KEAAU AMBULATORY CENTER, HAWAII  PLANS, DESIGN, AND CONSTRUCTION FOR A NEW AMBULATORY CARE CENTER IN KEAAU.	HTH	C	4,000 C
4.2		KAU HOSPITAL, WASTE WATER TREATMENT PLANT AND BUILDING RENOVATIONS, HAWAII  CONSTRUCTION FOR A WASTEWATER TREATMENT FACILITY PER DOH ORDER AND FOR THE COMPLETION OF BUILDING RENOVATIONS.	HTH	C	5,000 C
4.3		KOHALA HOSPITAL, ADMINISTRATION BUILDING, HAWAII  CONSTRUCTION TO CONTINUE RELOCATION OF ADMINISTRATIVE OFFICES.	HTH	C	2,600 C
4.4		KOHALA HOSPITAL, CT SCAN AND EXPANSION, HAWAII  PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT TO RENOVATE EXISTING OFFICES TO ACCOMMODATE A CT SCAN ROOM AND EQUIPMENT.	HTH	C	500 C
4.5		KONA COMMUNITY HOSPITAL - IMAGING SUITE, HAWAII  PLANS, DESIGN, AND CONSTRUCTION FOR THE RENOVATION OF THE CURRENT LABORATORY SPACE TO ACCOMMODATE THE MOVE OF THE NEW IMAGING SUITE; EQUIPMENT AND APPURTENANCES.	HTH	C	5,000 C
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



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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
11.		SAMUEL MAHELONA MEMORIAL HOSPITAL, EMERGENCY DEPARTMENT EXPANSION, KAUAI  DESIGN, CONSTRUCTION, AND EQUIPMENT FOR EMERGENCY DEPARTMENT EXPANSION.	HTH	C	3,000 C
12.		KAUAI VETERANS MEMORIAL HOSPITAL, OPERATING ROOM RENOVATION, KAUAI  DESIGN, CONSTRUCTION, AND EQUIPMENT FOR MODERNIZATION.	HTH	C	3,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
12.1		KAUAI VETERANS MEMORIAL HOSPITAL, REHAB RENOVATION, KAUAI  CONSTRUCTION TO RENOVATE THE REHAB DEPARTMENT TO MODERNIZE SUITES AND IMPROVE EFFICIENCY.	HTH	C	1,183 C
<b>HTH214 - MAUI HEALTH SYSTEM, A KFH LLC</b>					
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).	HTH HTH	27,700 C 6,000 A	C 6,000 A
<b>HTH215 - HHSC - OAHU REGION</b>					
14.		LUMP SUM HAWAII HEALTH SYSTEMS CORPORATION, OAHU REGION, OAHU  DESIGN AND CONSTRUCTION FOR LUMP SUM PROJECTS FOR OAHU REGION.	HTH HTH	2,000 C 3,000 A	500 C 3,000 A
<b>HTH430 - ADULT MENTAL HEALTH - INPATIENT</b>					
14.1		HAWAII STATE HOSPITAL, BED EXPANSION FOR GUENSBERG & BISHOP BLDGS, OAHU  DESIGN, CONSTRUCTION & EQUIPMENT FOR GUENSBERG AND BISHOP BUILDINGS ROOF REPAIRS, ASSESSMENT FOR HAZARDOUS MATERIALS AND LIGATURE ISSUES AND OTHER RELATED IMPROVEMENTS.	AGS	C	4,200 C
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.	AGS	2,500 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
15.1		HAWAII STATE HOSPITAL, REPAIR CHILLED WATER LINE & RELATED IMPROVEMENTS, OAHU  DESIGN, CONSTRUCTION & EQUIPMENT TO REPAIR UNDERGROUND CHILLED WATER LINE AND OTHER RELATED IMPROVEMENTS.		C	600 C
		TOTAL FUNDING	AGS		
15.2		HAWAII STATE HOSPITAL, UPGRADE FIRE ALARM PANEL AND RELATED, IMPROVEMENTS, OAHU  DESIGN, CONSTRUCTION & EQUIPMENT TO UPGRADE AND MODERNIZE THE CAMPUS FIRE ALARM SYSTEM TO MEET OCCUPANCY REQUIREMENTS FOR PATIENT AND STAFF LIFE SAFETY.		C	360 C
		TOTAL FUNDING	AGS		
<b>HTH710 - STATE LABORATORY SERVICES</b>					
16.		KAMAULEULE, REPAIRS AND MAINTENANCE, OAHU  PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A BACK-UP GENERATOR AND OTHER RELATED IMPROVEMENTS.			C
		TOTAL FUNDING	AGS	5,600 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.			C
		TOTAL FUNDING	AGS	11,557 C	2,000 C
17.1		KAMAULEULE, REPLACE AIR HANDLER UNITS, EXHAUST FANS AND RELATED IMPROVEMENTS, OAHU  CONSTRUCTION TO REPLACE AIR HANDLERS AND EXHAUST FANS THAT SERVE THE ENTIRE LABORATORY BUILDING AND OTHER RELATED IMPROVEMENTS.		C	9,960 C
		TOTAL FUNDING	AGS		
<b>HTH907 - GENERAL ADMINISTRATION</b>					
18.		DEPARTMENT OF HEALTH, IMPROVEMENTS, STATEWIDE  DESIGN, CONSTRUCTION, AND EQUIPMENT FOR NECESSARY IMPROVEMENTS TO PROVIDE FOR HEALTH AND SAFETY, ACCESSIBILITY, AND OTHER CODE REQUIREMENTS.			A
		TOTAL FUNDING	AGS	1,000 A	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

F. SOCIAL SERVICES

HMS503 - HAWAII YOUTH CORRECTIONAL FACILITY (HYCF)

0.1		KAWAIILOA YOUTH AND FAMILY WELLNESS CENTER (KYFWC) AIR CONDITIONING SYSTEMS REPLACEMENT AND RELATED IMPROVEMENTS, OAHU				
		PLANS, DESIGN, AND CONSTRUCTION TO THE REPLACE THE AIR CONDITIONING SYSTEMS SERVING THE SECURE CUSTODY FACILITY, OBSERVATION AND ASSESSMENT COTTAGE, AND MALUHIA COTTAGE. THE PROJECT MAY INCLUDE REPAIRS, RENOVATIONS, REFURBISHMENTS, AND/OR NEW CONSTRUCTION, GROUND AND SITE IMPROVEMENTS AND RELATED WORK.				
		TOTAL FUNDING	AGS		C	683C
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
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.				
		TOTAL FUNDING	AGS	1,550	C	C
2.1		KAWAIILOA YOUTH AND FAMILY WELLNESS CENTER (KYFWC) REPLACE EMERGENCY GENERATORS, AND OTHER IMPROVEMENTS, OAHU				
		PLANS, DESIGN, AND CONSTRUCTION TO REPLACE EXISTING EMERGENCY GENERATORS THAT SERVICE THE SECURED CORRECTIONAL FACILITY, OBSERVATION AND ASSESSMENT COTTAGE, AND MALUHIA COTTAGE. THE WORK INVOLVES DEMOLITION, INSTALLATION OF NEW EMERGENCY GENERATORS, A GENERATOR BUILDING, AND OTHER RELATED IMPROVEMENTS.				
		TOTAL FUNDING	AGS		C	1,628C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025

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.				
		TOTAL FUNDING	DEF	1,100	A	A
			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.				
		TOTAL FUNDING	DEF	250	C	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.				
		TOTAL FUNDING	AGS	65	A	A
			AGS	P		585P

HMS220 - RENTAL HOUSING SERVICES

5.1		AFFORDABLE HOUSING, DOWNTOWN HONOLULU, OAHU				
		PLANS AND DUE DILIGENCE FOR THE ACQUISITION AND CONVERSION OF PARCELS AND STRUCTURES IDENTIFIED BY TMK NUMBERS (1)2-1-003:008, (1)2-1-003:009, (1)2-1-003:010 TO AFFORDABLE HOUSING UNITS.				
		TOTAL FUNDING	HMS		C	5,000C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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
6.1		HPHA LUMP SUM, SITE AND BUILDING IMPROVEMENTS, HEALTH AND SAFETY IMPROVEMENTS, STATEWIDE  LUMP SUM, SITE AND BUILDING IMPROVEMENTS, HEALTH AND SAFETY IMPROVEMENTS, REPAIRS AND RENOVATIONS PHA-WIDE FOR NON-ROUTINE DEFERRED MAINTENANCE AND REAL ESTATE ASSESSMENT CENTER (REAC) COMPLIANCE STATEWIDE.			
		TOTAL FUNDING	HMS	C	10,000 C
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 OF LIFE SAFETY AND REAC FINDINGS, UPGRADING UTILITIES, ELECTRICAL, PLUMBING, ACCESSIBILITY IMPROVEMENTS, ROOFING, EXTERIOR PAINTING, HAZMAT ABATEMENT, ROCK WALL REPAIRS, SIDEWALKS AND PAVING.			
		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

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
<b>HHL602 - PLANNING AND DEVELOPMENT FOR HAWAIIAN HOMESTEADS</b>					
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
<b>HMS904 - GENERAL ADMINISTRATION - DHS</b>					
10.1		IT MODERNIZATION FOR THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT TO COMPLETE THE COMPREHENSIVE CHILD WELFARE INFORMATION SYSTEM (CCWIS) PROJECT.			
		TOTAL FUNDING	HMS	C	20,000 C
			HMS	N	20,000 N
<b>G. FORMAL EDUCATION</b>					
<b>EDN100 - SCHOOL-BASED BUDGETING</b>					
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

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
3.1		LUMP SUM CIP - PROJECT COMPLETION, STATEWIDE			
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPMENT FOR PROJECT COMPLETION INCLUDING CONSTRUCTION MANAGEMENT COSTS, PURCHASE ORDERS, UTILITIES CHARGES, CHANGE ORDERS, AND ALL OTHER COSTS ASSOCIATED WITH THE COMPLETION OF A PROJECT.			
		TOTAL FUNDING	EDN	C	119,300C
4.		AHUIMANU ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR AN ACCESS LANE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	680C	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	7,000C	C
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.			
		TOTAL FUNDING	EDN	500C	C
6.1		AIEA INTERMEDIATE SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR A WORK AND PLAY AREA TO SUPPORT PHYSICAL EDUCATION CLASSES AND RECESS PERIODS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	2,500C
7.		ALIAMANU ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR COVERED PLAYCOURT AND PEDESTRIAN ACCESS IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT.			
		TOTAL FUNDING	EDN	4,500C	C
7.1		ALA WAI ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR A COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	4,600C



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
8.		ALIOLANI ELEMENTARY SCHOOL, OAHU PLANS, DESIGN AND CONSTRUCTION FOR A CAMPUS PERIMETER FENCE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		1,000	C
		TOTAL FUNDING	EDN		
8.1		ALIOLANI ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR BUILDING B RESTROOM RENOVATION.		600	C
		TOTAL FUNDING	EDN		
9.		ALVAH A SCOTT ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR NEW OFFICE AREA AND HEALTH ROOM.		2,200	C
		TOTAL FUNDING	EDN		
9.1		ANUENUE SCHOOL, OAHU CONSTRUCTION FOR BUILDING A & D REROOF OF COVERED WALKWAYS.		1,300	C
		TOTAL FUNDING	EDN		
9.2		AUGUST AHRENS ELEMENTARY SCHOOL, OAHU DESIGN, CONSTRUCTION, AND EQUIPMENT AND APPURTENANCES FOR WHOLE SCHOOL RENOVATION (PHASE II); GROUND AND SITE IMPROVEMENTS.		1,350	C
		TOTAL FUNDING	EDN		
9.3		AUGUST AHRENS ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR COVERED WALKWAY AND SHELTER.		671	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.		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
		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
11.1		BALDWIN HIGH SCHOOL, MAUI PLANS AND CONSTRUCTION FOR PE AND ATHLETIC FACILITIES, INCLUDING LOCKER ROOMS, AND OTHER IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	5,830 C
12.		BENJAMIN PARKER ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR NEW ELEVATOR FOR BUILDING D AND COVERED WALKWAYS CONNECTING BUILDINGS C, D, AND H.	EDN	3,500 C	C
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.	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.	EDN	2,000 C	C
14.1		CAMPBELL HIGH SCHOOL, OAHU DESIGN, CONSTRUCTION AND EQUIPMENT FOR AN ATHLETIC COMPLEX, INCLUDING LOCKER ROOM UNDER BLEACHERS, FITNESS AND WEIGHT ROOM, RELOCATED PLAY COURTS, GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; AND ALTERNATIVES: CONCESSION STAND, RESTROOM, AND VISITORS' BLEACHERS.	EDN	C	2,000 C
14.2		CASTLE HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR AGRICULTURAL FARM EXPANSION TO ACCOMMODATE INCREASED IDEAS INTO FARM EDUCATION.	EDN	C	6,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
14.3		CASTLE HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR THEATRE SEATING, LIGHTING REPLACEMENT, AND OTHER IMPROVEMENTS. TOTAL FUNDING	EDN	C	660 C
14.4		DOLE MIDDLE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR REMOVAL OF ARCHITECTURAL BARRIER. TOTAL FUNDING	EDN	C	3,700 C
14.5		DOLE MIDDLE SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR OUTDOOR COVERINGS FOR LEARNING AND MEETING SPACE, IMPROVEMENTS TO CAFETERIA TO INCLUDE STRUCTURAL REHABILITATION, REPLACEMENT OF WINDOWS, FURNITURE AND KITCHEN EQUIPMENT. TOTAL FUNDING	EDN	C	1,247 C
14.6		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	C
15.		ERNEST BOWEN DESILVA ELEMENTARY SCHOOL, HAWAII PLANS AND DESIGN FOR NEW CLASSROOM BUILDING. TOTAL FUNDING	EDN	3,000 C	2,000 C
15.1		EWA BEACH ELEMENTARY SCHOOL, OAHU PLANS, DESIGN AND CONSTRUCTION FOR 3 PORTABLE BUILDINGS, REFURNISHING OF BUILDING G, AND SECURITY FENCING. TOTAL FUNDING	EDN	C	775 C
15.2		FARRINGTON HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A NEW GYMNASIUM: GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	15,500 C
15.3		FERN ELEMENTARY, OAHU CONSTRUCTION TO REPLACE CAMPUS FIRE ALARM SYSTEM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	1,000 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
16.		HAKALAU ELEMENTARY SCHOOL, HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR MITIGATION OF LEAD PAINT; EQUIPMENT AND APPURTENANCES.		80A	A
16.1		HAKALAU ELEMENTARY SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR THE MITIGATION OF LEAD PAINT AND OTHER HAZARDOUS MATERIALS; GROUND AND SITE IMPROVEMENTS; AND EQUIPMENT AND APPURTENANCES.		C	2,150C
16.2		HANA HIGH & ELEMENTARY SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR A GIRLS ATHLETIC LOCKER ROOM.		C	1,174C
17.		HANA HIGH AND ELEMENTARY SCHOOL, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR A MULTIPURPOSE ATHLETIC FIELD; EQUIPMENT AND APPURTENANCES.		1,300C	C
17.1		HAWAII SCHOOL FOR DEAF & BLIND, OAHU DESIGN AND CONSTRUCTION FOR A PICKLEBALL/BASKETBALL COURT, INCLUDING A SCREENED WALL; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		C	1,000C
17.2		HEEIA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR COVERED WALKWAY TO CONNECT BUILDING D TO P1, P2, AND P3.		C	1,000C
18.		HIGHLANDS INTERMEDIATE SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED BUS STOP AND SEATING AREA; EQUIPMENT AND APPURTENANCES.		2,200C	C
19.		HILO INTERMEDIATE SCHOOL, HAWAII CONSTRUCTION FOR DEMOLITION OF SCHOOL GYMNASIUM.		1,000A	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
19.1		HILO INTERMEDIATE SCHOOL, HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR THE HILO INTERMEDIATE SCHOOL GYMNASIUM. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	EDN	C	1,000C
			EDN	N	1N
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	1,350C	C
			EDN	650A	A
20.1		HOLOMUA ELEMENTARY SCHOOL, OAHU PLANS AND DESIGN FOR A NEW THREE-STORY CLASS ROOM BUILDING.			
		TOTAL FUNDING	EDN	C	1,000C
21.		HOLUALOA ELEMENTARY SCHOOL, HAWAII CONSTRUCTION FOR DEFERRED MAINTENANCE AND MOLD MITIGATION.			
		TOTAL FUNDING	EDN	250A	A
22.		HONOKAA HIGH AND INTERMEDIATE SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS TO SCIENCE/STEM FACILITIES.			
		TOTAL FUNDING	EDN	1,400C	C
22.1		HONOWAI ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR ADA IMPROVEMENTS, INCLUDING IMPROVEMENTS TO OR REPLACEMENT OF SCHOOL IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	1,950C
23.		IAO INTERMEDIATE SCHOOL, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR DEMOLITION AND DUE DILIGENCE FOR LAND ADJACENT TO SCHOOL CAMPUS.			
		TOTAL FUNDING	EDN	150C	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
24.		ILIMA INTERMEDIATE SCHOOL, OAHU PLANS AND DESIGN FOR A NEW BUILDING TO INCLUDE A PERFORMING ARTS CENTER, ASSOCIATED PARKING FACILITIES, AND IMPROVEMENTS. TOTAL FUNDING EDN		2,500 C	C
24.1		IROQUOIS POINT ELEMENTARY SCHOOL, OAHU PLANS, LAND, DESIGN, AND CONSTRUCTION FOR REPLACEMENT OF SEWER SYSTEMS AND SIX-FOOT PERIMETER FENCING FOR STUDENT SAFETY; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	750 C
25.		JARRETT INTERMEDIATE SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR DRAINAGE IMPROVEMENT FOR BASKETBALL COURT, GROUND AND SITE IMPROVEMENT, EQUIPMENT AND APPURTENANCE. TOTAL FUNDING EDN		500 C	C
25.1		JARRETT MIDDLE SCHOOL, OAHU CONSTRUCTION FOR CAMPUS REROOF OF COVERED WALKWAYS. TOTAL FUNDING EDN		C	350 C
25.2		JARRETT MIDDLE SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR LEVELING AND REGRASSING THE 2 LARGE FIELDS ON CAMPUS. TOTAL FUNDING EDN		C	650 C
26.		KAAAWA ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR ELECTRICAL UPGRADES; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING 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. TOTAL FUNDING EDN		1,500 C	C
28.		KAALA ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED PLAYCOURT; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		4,300 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
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
29.1		KAHALUU ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR A, B, AND D BUILDING COVERED WALKWAYS.			
		TOTAL FUNDING	EDN	C	600
29.2		KAHUKU HIGH & INTERMEDIATE SCHOOL, OAHU			
		CONSTRUCTION OF CAMPUS IMPROVEMENTS SUCH AS RENOVATION OF ELECTRICAL SYSTEMS; INSTALLATION OF UPDATED TELECOM SYSTEM.			
		TOTAL FUNDING	EDN	C	2,000
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	3,000	C
			EDN	1,000	A
30.1		KAILUA ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR A NEW PEDESTRIAN AND VEHICLE ENTRY WAY, PARKING AREA, AND ELECTRICAL UPGRADES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	6,950
31.		KAILUA HIGH SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR ATHLETIC FACILITIES AND OTHER RELATED IMPROVEMENTS.			
		TOTAL FUNDING	EDN	C	10,500
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

**ACT 230**

**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
33.		KAIMUKI MIDDLE SCHOOL, OAHU EQUIPMENT AND APPURTENANCES FOR NEW WRESTLING MATS. TOTAL FUNDING EDN		50A	A
33.1		KAIMUKI MIDDLE SCHOOL, OAHU EQUIPMENT AND APPURTENANCES FOR REPLACEMENT OF TWENTY-FIVE CAFETERIA TABLES. TOTAL FUNDING EDN		A	50A
33.2		KAIMUKI MIDDLE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR STEM LAB IMPROVEMENTS. TOTAL FUNDING EDN		C	1,000C
34.		KAIMUKI MIDDLE SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION, EQUIPMENT AND APPURTENANCES FOR WALKWAY IMPROVEMENTS. TOTAL FUNDING EDN		805C	C
35.		KAISER HIGH SCHOOL, OAHU PLANS AND DESIGN FOR A PERFORMING ARTS AND VISUAL ARTS COMPLEX. TOTAL FUNDING EDN		2,500C	C
35.1		KAISER HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR THE INSTALLATION OF A SCHOOL WIDE OUTDOOR PAGING SYSTEM, SCHOOL WIDE INDOOR PAGING AND TELEPHONE SYSTEM, AND AUDIO BELL SYSTEM; NETWORK INFRASTRUCTURE TO SUPPORT THE (3) INSTALLATIONS. TOTAL FUNDING EDN		C	1,500C
36.		KALIHI KAI ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR ELECTRICAL UPGRADES FOR C BUILDING; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		21C	C
36.1		KALIHI KAI ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR REPAIRS AND IMPROVEMENTS TO THE PARKING LOT ADJACENT TO BUILDING K AND ADMINISTRATION BUILDING FRONTING KAUMUALII STREET; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	660C



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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. TOTAL FUNDING	EDN	8,200	C
39.		KANEHOE ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED DECK EXTENDING OFF THE CAFETERIA; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	1,500	C
40.		KANEHOE ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED PLAY COURT; GROUND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	800	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. TOTAL FUNDING	EDN	550	C
41.1		KANOELANI ELEMENTARY SCHOOL, OAHU CONSTRUCTION TO INSTALL TEN LIGHT POLES WITH FLOODLIGHTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	150C
42.		KAPAA ELEMENTARY SCHOOL, KAUAI CONSTRUCTION FOR A COVERED WALKWAY AND ELECTRICAL UPGRADES. TOTAL FUNDING	EDN	7,200	C
43.		KAPAA HIGH SCHOOL, KAUAI PLANS AND DESIGN FOR NEW KAPAA HIGH SCHOOL GYM. TOTAL FUNDING	EDN	2,500	C
43.1		KAPAA HIGH SCHOOL, KAUAI DESIGN AND CONSTRUCTION FOR TRACK & FIELD UPGRADES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	8,000C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
44.		KAPALAMA ELEMENTARY SCHOOL, OAHU CONSTRUCTION AND EQUIPMENT TO PROVIDE NEW PLAYGROUND EQUIPMENT FOR PLAY AREA SITES. TOTAL FUNDING	EDN	400 A	A
44.1		KAPALAMA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR TRANSITION TO ADA COMPLIANCE. TOTAL FUNDING	EDN	C	1,485 C
44.2		KAPOLEI HIGH SCHOOL, OAHU PLANS AND DESIGN FOR A NEW CLASSROOM BUILDING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	3,000 C
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. TOTAL FUNDING	EDN	3,000 A	A
46.		KEALAKEHE ELEMENTARY SCHOOL, HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR A NEW CAFETERIA BUILDING AND AIR CONDITIONING SYSTEM; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	6,000 C	C
47.		KEALAKEHE INTERMEDIATE SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR INSTALLATION OF ROOF COVER AND RESURFACING OF BASKETBALL AND VOLLEYBALL COURTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	5,000 C	C
47.1		KEELIKOLANI MIDDLE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR PAVING OF PARKING LOTS. TOTAL FUNDING	EDN	C	550 C
48.		KEKAHA ELEMENTARY SCHOOL, KAUAI PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED PLAY COURT; GROUND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	4,400 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
48.1		KEKAULIKE HIGH SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR SEWER SYSTEM IMPROVEMENTS.	EDN	C	10,000 C
48.2		KILOHANA ELEMENTARY SCHOOL, MOLOKAI CONSTRUCTION FOR REPAIRS TO TWO BASKETBALL COURTS, INCLUDING RESURFACING, REPLACING HOOP FRAMES, REPLACING COURT LIGHTS, AND SHADE STRUCTURES.	EDN	C	1,200 C
49.		KING INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAMPUS COVERED WALKWAYS AND SIDEWALK REPAIRS; EQUIPMENT AND APPURTENANCES.	EDN	400 C	C
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.	EDN	1,460 C	C
51.		KING INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR RESURFACING OF OUTDOOR PLAY COURTS; EQUIPMENT AND APPURTENANCES.	EDN	680 C	C
51.1		KING INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR GYM IMPROVEMENTS TO ADDRESS TERMITES IN FLOORS, BROKEN BLEACHERS, AND BROKEN BASKETBALL HOOPS.	EDN	C	510 C
51.2		KING INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR LANDSCAPING IMPROVEMENTS TO ADDRESS TREE OVERGROWTH NEXT TO NEIGHBORING PROPERTIES.	EDN	C	560 C

**ACT 230**

**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
52.		KIPAPA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR NEW COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	2,500	C
		TOTAL FUNDING			C
53.		KIPAPA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAFETERIA AIR CONDITIONING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	1,600	C
		TOTAL FUNDING			C
53.1		KOKO HEAD ELEMENTARY, OAHU DESIGN AND CONSTRUCTION FOR ADA COMPLIANCE IMPROVEMENTS.	EDN		3,500
		TOTAL FUNDING		C	
53.2		KONAWAENA HIGH SCHOOL, HAWAII CONSTRUCTION FOR REKEYING THE ENTIRE SCHOOL.	EDN		100
		TOTAL FUNDING		C	
53.3		KONAWAENA HIGH SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR REPAIR OF GYMNASIUM ROOF, MOLD MITIGATION, AND REPLACEMENT OF DAMAGED EQUIPMENT; EQUIPMENT AND APPURTENANCES.	EDN		1,300
		TOTAL FUNDING		C	
53.4		KUHIO ELEMENTARY SCHOOL, OAHU PLANNING & INSTALLATION OF PLAYGROUND EQUIPMENT AND SURFACING.	EDN		400
		TOTAL FUNDING		C	
54.		KULA ELEMENTARY SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR A CAFETERIA BUILDING EXPANSION AND INFRASTRUCTURE IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. <sup>3</sup>	EDN	7,000	C
		TOTAL FUNDING			C
54.1		LAHAINA INTERMEDIATE SCHOOL, MAUI PLANS, DESIGN, GROUND & SITE IMPROVEMENTS, AND CONSTRUCTION FOR A COMMUNITY GYM AND CIVIL DEFENSE SHELTER, TO INCLUDE A KITCHEN, RESTROOMS AND SHOWERING FACILITIES.	EDN		2,000
		TOTAL FUNDING		C	

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
54.2		LAHAINALUNA HIGH SCHOOL, MAUI DESIGN AND CONSTRUCTION FOR ARCHITECTURAL BARRIER REMOVAL FOR ADA COMPLIANCE. TOTAL FUNDING	EDN	C	7,500C
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	2,000C	C
55.1		LANAI HIGH & ELEMENTARY SCHOOL, LANAI PLANS, DESIGN, AND CONSTRUCTION FOR INSTALLATION OF A NEW FIRE ALARM SYSTEM TO ENSURE THE SAFETY OF STUDENTS, STAFF, AND THE COMMUNITY. TOTAL FUNDING	EDN	C	2,500C
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	2,500C	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	5,000A
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	18,000C	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
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	C
			EDN	2,000 A	A
59.1		LEILEHUA HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR GIRLS ATHLETIC LOCKER ROOMS.			
		TOTAL FUNDING	EDN	C	1,174 C
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 A
61.		LIHOLIHO ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A COVERED BASKETBALL COURT; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	465 C	C
61.1		LIHOLIHO ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR AN AIR-CONDITIONED MULTIPURPOSE LEARNING AREA.			
		TOTAL FUNDING	EDN	C	1,000 C
62.		LINCOLN ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR ELECTRICAL UPGRADES ASSOCIATED WITH AIR CONDITIONING FOR CLASSROOMS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	200 C	C
63.		LINCOLN ELEMENTARY SCHOOL, OAHU PLANS AND DESIGN FOR A MASTER PLAN FOR CAMPUS IMPROVEMENTS, INCLUDING A COVERED PLAYCOURT.			
		TOTAL FUNDING	EDN	150 C	C
64.		LINCOLN ELEMENTARY SCHOOL, OAHU PLANS, DESIGN AND CONSTRUCTION FOR A RAISED CROSSWALK ALONG THE AUWAIOLIMU STREET ACCESS TO CAMPUS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	130 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
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.			
		TOTAL FUNDING	EDN	1,020 C	C
65.1		LUNALILO ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR A COVERED PLAY COURT; GROUND AND SITE IMPROVEMENT; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	3,500 C
66.		MAEMAE ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR SCHOOL-WIDE TELECOM UPGRADES; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	3,000 C	C
67.		MAKALAPA ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR CAMPUS-WIDE ELECTRICAL UPGRADES.			
		TOTAL FUNDING	EDN	1,900 C	C
67.1		MAKALAPA ELEMENTARY, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR COVERED WALKWAYS FROM C BUILDING TO THE DINING ROOM AND FROM F TO A BUILDING.			
		TOTAL FUNDING	EDN	C	1,201 C
68.		MANANA ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR RESTROOM FACILITIES FOR PORTABLE CLASSROOM; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,100 C	C
68.1		MANANA ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION TO REPLACE LIBRARY AND ADMINISTRATION WINDOWS.			
		TOTAL FUNDING	EDN	C	550 C
69.		MANOA ELEMENTARY SCHOOL, OAHU			
		CONSTRUCTION TO <sup>3</sup> CONVERT ROOMS FOR MULTIPLE-PURPOSE USAGE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	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
69.1		MANOA ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR COMMUNICATION SYSTEM UPGRADES; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	1,500 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
70.1		MAUI WAENA INTERMEDIATE, MAUI CONSTRUCTION FOR FIELD MAINTENANCE AND IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	500 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
72.1		MCKINLEY HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR ARCHITECTURAL BARRIER REMOVAL (PHASE 3) FOR ADA REQUIREMENTS. TOTAL FUNDING	EDN	C	4,000 C
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
73.1		MCKINLEY HIGH SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO ATHLETIC FACILITIES, INCLUDING RESURFACING OF TENNIS COURTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	2,000 C



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
74.		MILILANI HIGH SCHOOL, COVERED PLAYCOURT, OAHU DESIGN AND CONSTRUCTION FOR A COVERED PLAYCOURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	6,000	C
		TOTAL FUNDING			
75.		MILILANI IKE ELEMENTARY SCHOOL, OAHU PLANS, DESIGN AND CONSTRUCTION FOR RESURFACING AND RESTRIPING OF DRIVEWAYS, DROP-OFF LANES, AND PARKING LOTS; EQUIPMENT AND APPURTENANCES.	EDN	1,000	C
		TOTAL FUNDING			
75.1		MILILANI IKE ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A PLAY COURT.	EDN		1,000
		TOTAL FUNDING			
75.2		MILILANI MIDDLE SCHOOL, OAHU CONSTRUCTION FOR REPLACEMENT OF PLAY COURT SURFACE, INCLUDING WATERPROOFING THE CURRENT RETAINING WALL.	EDN		750
		TOTAL FUNDING			
75.3		MILILANI UKA ELEMENTARY, OAHU DESIGN AND CONSTRUCTION FOR TELECOM IMPROVEMENTS AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION.	EDN		1,500
		TOTAL FUNDING			
76.		MOANALUA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR THE EXPANSION OF THE HEALTH ROOM IN THE ADMINISTRATION BUILDING; EQUIPMENT AND APPURTENANCES.	EDN	1,250	C
		TOTAL FUNDING			
76.1		MOANALUA ELEMENTARY SCHOOL, OAHU DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A MULTIPURPOSE INNOVATION CENTER, INCLUDING GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES.	EDN		3,147
		TOTAL FUNDING			
77.		MOANALUA HIGH SCHOOL, OAHU CONSTRUCTION FOR IMPROVEMENTS TO ATHLETIC FACILITIES; EQUIPMENT AND APPURTENANCES.	EDN	500	C
		TOTAL FUNDING			

**ACT 230**

**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
78.		MOANALUA HIGH SCHOOL, OAHU CONSTRUCTION FOR REROOFING OF GYMNASIUM AND RESURFACING OF THE BASKETBALL COURT; EQUIPMENT AND APPURTENANCES.		1,600 C	C
		TOTAL FUNDING	EDN		
78.1		MOANALUA HIGH SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A NEW TENNIS COURT; ALL RELATED WORK INCLUDING REFURBISHMENT/ REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		C	2,000 C
		TOTAL FUNDING	EDN		
78.2		MOANALUA HIGH SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES FOR A MULTIPURPOSE INNOVATION CENTER.		C	4,000 C
		TOTAL FUNDING	EDN		
79.1		MOANALUA MIDDLE SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES FOR A FIRE ALARM SYSTEM REPLACEMENT/UPGRADE.		C	500 C
		TOTAL FUNDING	EDN		
79.2		MOANALUA MIDDLE SCHOOL, OAHU PLANS, DESIGN, CONSTRUCTION, GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES FOR AN OUTDOOR STAGE AND SITTING AREA (CONCRETE STEP AND PADS).		C	150 C
		TOTAL FUNDING	EDN		
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.		1,090 A	5,420 A
		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
81.		MOLOKAI MIDDLE SCHOOL, MOLOKAI			
		PLANS AND DESIGN FOR ATHLETICS AND PHYSICAL EDUCATION FACILITIES FOR MOLOKAI MIDDLE SCHOOL			
		TOTAL FUNDING	EDN	2,000	C
81.1		MOMILANI ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR PERIMETER FENCING AND SECURITY IMPROVEMENTS.			
		TOTAL FUNDING	EDN	C	3,550
82.		NAALEHU ELEMENTARY SCHOOL, HAWAII			
		CONSTRUCTION FOR IMPROVEMENTS TO GUTTERS AND DRAINAGE SYSTEM IN BUILDING A; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	150	A
83.		NANAIAKAPONO ELEMENTARY SCHOOL, OAHU			
		PLANS AND CONSTRUCTION FOR A NEW SPRINKLER SYSTEM, LANDSCAPING, AND MAINTENANCE; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	85	A
84.		NANAKULI ELEMENTARY SCHOOL, OAHU			
		CONSTRUCTION FOR MAJOR REPAIRS AND GENERAL MAINTENANCE; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,000	A
84.1		NANAKULI ELEMENTARY SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION FOR VARIOUS PROJECTS INCLUDING THE RESURFACING OF THE HILLSIDE AT THE BACK OF THE BASKETBALL COURTS, REPLACEMENT OF VANDALIZED CAMERAS, AND A SPRINKLER SYSTEM FOR THE UPPER FIELD; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	1,000
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
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

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
86.1		NIIHAU HIGH & ELEMENTARY SCHOOL, NIIAHU PLANS, DESIGN, AND CONSTRUCTION FOR SCHOOL CAFETERIA & KITCHEN UPGRADES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	1,000 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
87.1		NOELANI ELEMENTARY SCHOOL, OAHU PLANS AND CONSTRUCTION FOR COVERED WALKWAYS TO ALL PORTABLE CLASSROOMS. TOTAL FUNDING	EDN	C	1,002 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
89.1		NUUANU ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR RESURFACING OF VISITOR AND STAFF PARKING LOTS, DRIVEWAYS, AND COMMON AREAS, INCLUDING THE REPAIR AND SMOOTHING OF SIDEWALKS, WALKWAY AREAS, SPEED BUMPS, AND CURBS. TOTAL FUNDING	EDN	C	1,200 C
89.2		NUUANU ELEMENTARY SCHOOL, OAHU PLANS AND CONSTRUCTION FOR RESTROOM IN BUILDINGS L, M, AND N. TOTAL FUNDING	EDN	C	1,750 C
89.3		PAHOA ELEMENTARY SCHOOL, HAWAII DESIGN AND CONSTRUCTION FOR UPGRADES TO CLASSROOMS AND SUPPORT FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	2,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
89.4		PAHOA HIGH & INTERMEDIATE SCHOOL, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION TO ADDRESS THE SEWAGE AND PLUMBING ISSUES AT THE SCHOOL.			
		TOTAL FUNDING	EDN	C	2,300C
90.		PAHOA HIGH AND INTERMEDIATE SCHOOL, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION FOR RESURFACING THE FOOTBALL FIELD; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,200C	C
91.		PEARL CITY ELEMENTARY SCHOOL, OAHU			
		CONSTRUCTION FOR THE REPLACEMENT OF CAMPUS WATERLINES.			
		TOTAL FUNDING	EDN	1,400C	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	4,000C	C
92.1		PEARL CITY HIGH SCHOOL, OAHU			
		DESIGN AND CONSTRUCTION TO RESURFACE TENNIS COURTS.			
		TOTAL FUNDING	EDN	C	650C
92.2		PEARL CITY HIGH SCHOOL, OAHU			
		DESIGN, CONSTRUCTION AND EQUIPMENT TO RENOVATE MEDICAL CLASSROOM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	1,389C
93.		PEARL CITY HIGHLANDS ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION ELECTRICAL UPGRADES; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,000C	C
94.		POHAKEA ELEMENTARY SCHOOL, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR PARKING AND TRAFFIC CONTROL IMPROVEMENTS; EQUIPMENT AND APPURTENANCES			
		TOTAL FUNDING	EDN	200C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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.		A	650A
		TOTAL FUNDING	EDN		
96.		PUOHALA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR PARKING LOT EXPANSION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		380C	C
		TOTAL FUNDING	EDN		
97.		PUU KUKUI ELEMENTARY SCHOOL, MAUI PLANS AND DESIGN FOR NEWLY ACQUIRED PROPERTY, INCLUDING BUT NOT LIMITED TO PARKING LOT AND NEW BUILDING.		300C	C
		TOTAL FUNDING	EDN		
98.		PUUHALE ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A NEW OUTDOOR LEARNING SPACE; EQUIPMENT AND APPURTENANCES.		200C	C
		TOTAL FUNDING	EDN		
99.		RED HILL ELEMENTARY SCHOOL, OAHU DESIGN, CONSTRUCTION, GROUND AND SITE IMPROVEMENTS, EQUIPMENT, AND APPURTENANCES FOR A PLAY COURT.		2,500C	C
		TOTAL FUNDING	EDN		
99.1		ROOSEVELT HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR NEW MUSIC FACILITIES WITH CLASSROOMS, PRACTICE ROOMS, TEACHER OFFICES, AND OTHER RELATED FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; AND RELATED IMPROVEMENTS.		C	16,763C
		TOTAL FUNDING	EDN		
99.2		ROOSEVELT HIGH SCHOOL, OAHU PLANS AND CONSTRUCTION FOR CAMPUS ASPHALT RESURFACING AND RESTRIPIING OF LINES FROM MOTT-SMITH ENTRANCE TO E BUILDING, AND PARKING LOT LINES.		C	1,320C
		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
100.		SALT LAKE ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR REPAIRS TO CONCRETE FLOOR IN BUILDING C-2; EQUIPMENT AND APPURTENANCES.	EDN	650 A	A
101.		SALT LAKE ELEMENTARY SCHOOL, OAHU CONSTRUCTION TO REMOVE GRASS AROUND PLAYGROUND AND RESURFACE WITH SYNTHETIC TURF.	EDN	A	600 A
101.1		SALT LAKE ELEMENTARY SCHOOL, OAHU DESIGN, CONSTRUCTION FOR CAFETERIA STAGE IMPROVEMENTS AND AIR CONDITIONING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	EDN	C	1,238 C
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	C
103.		STEVENSON MIDDLE SCHOOL, OAHU PLANS, DESIGN AND CONSTRUCTION FOR INSTALLATION FOR CAMPUS-WIDE ELECTRICAL UPGRADES; EQUIPMENT AND APPURTENANCES.	EDN	300 C	C
104.		WAHIAWA ELEMENTARY SCHOOL, OAHU DESIGN, CONSTRUCTION, EQUIPMENT, AND APPURTENANCES, FOR A COVERED PLAYCOURT.	EDN	4,300 C	C
104.1		WAI AHOLE ELEMENTARY SCHOOL, OAHU DESIGN FOR ADA ACCESSIBILITY IMPROVEMENTS.	EDN	C	300 C
105.		WAI AKEA INTERMEDIATE SCHOOL, HAWAII PLANS, DESIGN, AND CONSTRUCTION FOR CAMPUS ELECTRICAL UPGRADE; EQUIPMENT AND APPURTENANCES.	EDN	3,500 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
105.1		WAIALUA HIGH & INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CLASSROOM IMPROVEMENTS AND RENOVATIONS, ELECTRICAL UPGRADES, AND BROADBAND IMPROVEMENTS; EQUIPMENT AND APPURTENANCES NOT LIMITED TO COMPUTERS, 3D PRINTERS, ETC.			
		TOTAL FUNDING	EDN	C	1,000 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.			
		TOTAL FUNDING	EDN	A	750 A
106.1		WAIALUA HIGH AND INTERMEDIATE SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR TRACK AND FIELD IMPROVEMENTS; DRAINAGE AND OTHER RELATED IMPROVEMENTS; NEW SECURITY FENCING; GROUND AND SITE IMPROVEMENTS.			
		TOTAL FUNDING	EDN	C	1,000 C
107.		WAIANAE ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR PARKING LOT EXPANSION; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	1,250 C	C
107.1		WAIANAE INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A COVERED CAMPUS PLAYGROUND AND BASKETBALL COURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	3,000 C
108.		WAIKIKI ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A PLAYGROUND STRUCTURE; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	150 C	C
108.1		WAIKIKI ELEMENTARY SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR A PLAYGROUND STRUCTURE; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	C	260 C



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
108.2		WAIMANALO ELEMENTARY & INTERMEDIATE SCHOOL, OAHU DESIGN AND CONSTRUCTION TO MAINTAIN AND IMPROVE FACILITIES AND INFRASTRUCTURE, INCLUDING HAZARDOUS MATERIALS REMEDIATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	C	3,000C
109.		WAIPAHA ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAFETERIA EXPANSION, RENOVATION AND IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN	4,500C	C
110.		WAIPAHA ELEMENTARY SCHOOL, OAHU PLANS AND DESIGN TO IMPROVE FACILITIES AND INFRASTRUCTURE, INCLUDING NEW PARKING LOT AREAS. TOTAL FUNDING	EDN	5,000C	C
111.		WAIPAHA HIGH SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR CAMPUS-WIDE, EXTERIOR REPAINTING; AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	EDN EDN	1,500C 1,000A	C A
111.1		WAIPAHA HIGH SCHOOL, OAHU CONSTRUCTION FOR CAMPUS-WIDE SECURITY FENCING AND GATES AND ALL RELATED WORK INCLUDING NEW WORK AND REFURBISHMENT/REPAIR/RENOVATION; GROUND AND SITE IMPROVEMENTS. TOTAL FUNDING	EDN	C	1,000C
111.2		WAIPAHA HIGH SCHOOL, OAHU CONSTRUCTION FOR TENNIS COURT RESURFACING PROJECT. TOTAL FUNDING	EDN	C	650C
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. TOTAL FUNDING	EDN	3,000C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
112.1		WAIPAHA INTERMEDIATE SCHOOL, OAHU CONSTRUCTION FOR AIR CONDITIONING REPAIRS.		C	200C
		TOTAL FUNDING	EDN		
113.		WASHINGTON MIDDLE SCHOOL, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR UPGRADES TO ATHLETIC COURTS; EQUIPMENT AND APPURTENANCES.		1,500C	C
		TOTAL FUNDING	EDN		
113.1		WASHINGTON MIDDLE SCHOOL, OAHU DESIGN AND CONSTRUCTION OF A NEW BAND ROOM INCLUDING RENOVATION OF THE CURRENT BAND ROOM FOR OTHER CURRICULUMS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		C	9,496C
		TOTAL FUNDING	EDN		
113.2		WEBLING ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR A NEW PAVED WALKWAY FROM SCHOOL TO ALTERNATIVE EXIT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		C	1,680C
		TOTAL FUNDING	EDN		
113.3		WEBLING ELEMENTARY SCHOOL, OAHU DESIGN AND CONSTRUCTION FOR THE EXPANSION OF THE ADMINISTRATION AND LIBRARY BUILDINGS AND FOR COVERED WALKWAYS TO CLASSROOM BUILDINGS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.		C	1,000C
		TOTAL FUNDING	EDN		
<b>EDN400 - SCHOOL SUPPORT</b>					
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.		2,000A	2,000A
		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
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. TOTAL FUNDING EDN		1,500A	A
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. TOTAL FUNDING EDN		1,100C	C
117.		LINAPUNI ELEMENTARY SCHOOL, OAHU CONSTRUCTION FOR COMMUNICATION SYSTEM IMPROVEMENTS FOR SCHOOL SAFETY. TOTAL FUNDING EDN		160C	C
<b>EDN450 - SCHOOL FACILITIES AUTHORITY</b>					
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		100C	C
119.1		LUMP SUM CIP - PRE-KINDERGARTEN CAPACITY PLANS, DESIGN, CONSTRUCTION, AND LAND ACQUISITION FOR NEW FACILITIES AND/OR RENOVATION, IMPROVEMENT, AND EXPANSION OF EXISTING SCHOOL FACILITIES; GROUND & SITE IMPROVEMENTS; LAND ACQUISITION; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING EDN		C	100,000C
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		10,000C	9,000C

**ACT 230**

**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
<b>EDN600 - CHARTER SCHOOLS</b>					
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.		275A	A
121.1		KA WAIHONA O KA NAAUAO PUBLIC CHARTER SCHOOL, OAHU PLANS, DESIGN AND CONSTRUCTION FOR AN EMERGENCY ACCESS ROAD.		C	1,000C
122.		KAMAILE ACADEMY, OAHU PLANS AND DESIGN FOR NEW CLASSROOM BUILDING; EQUIPMENT AND APPURTENANCES.		3,000C	C
122.1		KAMAILE ACADEMY, OAHU DESIGN AND CONSTRUCTION TO INSTALL A CAMPUS PLAYGROUND, ADDITIONAL PARKING, AN IRRIGATION SYSTEM, FENCING AND TO GRADE AND CONDITION THE SOIL.		C	477C
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.		1,200C	C
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.		340C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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.			
		TOTAL FUNDING	EDN	1,750 C	C
<b>EDN407 - PUBLIC LIBRARIES</b>					
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.			
		TOTAL FUNDING	AGS	C	5,000 C
			AGS	<del>10,000 A</del>	<del>10,000 A</del>
				5,717 A <sup>2</sup>	5,000 A <sup>2</sup>
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.			
		TOTAL FUNDING	AGS	10,000 C	C
128.		NEW KAILUA PUBLIC LIBRARY, OAHU			
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR NEW KAILUA LIBRARY, PARKING, AND RELATED FACILITIES.			
		TOTAL FUNDING	AGS	3,000 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
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.		13,000 C	8,000 C
129.1		PAHOA LIBRARY AND TRANSIT HUB, HAWAII PLANS AND DESIGN FOR PAHOA LIBRARY AND TRANSIT HUB.		C	1,000 C
<b>DEF114 - HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY</b>					
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.	DEF	3,000 A	A
<b>UOH100 - UNIVERSITY OF HAWAII, MANOA</b>					
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.	UOH UOH	14,000 C 4,500 A	C 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.	UOH UOH	4,250 C 750 A	5,000 C A

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
132.1		CTAHR, POAMOHO RESEARCH STATION, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR THE REPAIR, MAINTENANCE AND DEMOLITION OF BUILDINGS AT THE POAMOHO RESEARCH STATION.			
		TOTAL FUNDING	UOH	C	2,000 C
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	1,500 C	C
<b>UOH210 - UNIVERSITY OF HAWAII, HILO</b>					
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	8,500 C	21,000 C
			UOH	6,000 A	A
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	2,000 C	C
<b>UOH700 - UNIVERSITY OF HAWAII, WEST OAHU</b>					
136.1		UH, WEST OAHU, PV CARPORT PLANS, DESIGN, AND CONSTRUCTION FOR A PV CARPORT STRUCTURE AT UH WEST OAHU			
		TOTAL FUNDING	UOH	C	5,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
<b>UOH800 - UNIVERSITY OF HAWAII, COMMUNITY COLLEGES</b>					
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 UOH	C 25,000A 12,500A <sup>2</sup>	25,000C 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 UOH	C 25,000A 12,500A <sup>2</sup>	25,000C 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	15,000C	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	250A	A



CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
140.1		PALAMANUI COMMUNITY COLLEGE, HAWAII CONSTRUCTION FOR IMPROVEMENTS AND REPAIR OF BUILDINGS AND PUBLIC AREAS AT PALAMANUI COMMUNITY COLLEGE. TOTAL FUNDING UOH		C	3,000 C
140.2		PALAMANUI COMMUNITY COLLEGE, HAWAII PLANNING AND DESIGN FOR EXPANSION OF NURSING AND EARLY CHILDHOOD EDUCATION LABS. TOTAL FUNDING UOH		C	500 C
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. TOTAL FUNDING UOH		35,000 C	C
142.1		VALUE-ADDED PRODUCT DEVELOPMENT CENTER, MOLOKAI PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE DEVELOPMENT OF A VALUE-ADDED PRODUCT DEVELOPMENT CENTER, MOLOKAI. TOTAL FUNDING UOH		C	2,500 C
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. TOTAL FUNDING UOH		2,000 C	10,000 C
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. TOTAL FUNDING UOH		15,000 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
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. TOTAL FUNDING	UOH	11,000	C
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. TOTAL FUNDING	UOH	C	3,000

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, STUDENT HOUSING FACILITIES, ROOFS, MECHANICAL AND ELECTRICAL SYSTEMS, PEDESTRIAN PATHWAYS, ROADWAYS, GROUNDS AND OTHER PROJECT COSTS TO UPGRADE EXISTING TEMPORARY AND NEW FACILITIES. TOTAL FUNDING	UOH UOH	C 30,000A 15,134A <sup>2</sup>	100,000C A
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H. CULTURE AND RECREATION

LNR804 - FOREST AND OUTDOOR RECREATION

1.		ALAKAI SWAMP BOARDWALK REPAIR, KAUAI  CONSTRUCTION TO FINISH REPAIRS OF THE ALAKAI SWAMP BOARDWALK. TOTAL FUNDING	LNR	200	A
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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
2.		WAIMANALO PATHWAYS, OAHU PLANS, DESIGN AND CONSTRUCTION FOR OFF-STREET MULTI-MODAL PATHWAYS THROUGH WAIMANALO FROM OLOMANA GOLF COURSE TO SANDY BEACH PARK. TOTAL FUNDING	LNR	A	2,500A
<b>LNR806 - PARKS ADMINISTRATION AND OPERATION</b>					
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. TOTAL FUNDING	LNR LNR	2,000C 500N	C 500N
4.		DIAMOND HEAD STATE MONUMENT, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR TRAIL AND PARKING LOT IMPROVEMENTS; SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES. TOTAL FUNDING	LNR	700C	C
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. TOTAL FUNDING	LNR	C	1,000C
5.1		HAPUNA STATE PARK, HAWAII DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO THE CABINS AND WATERLINES. TOTAL FUNDING	LNR	C	500C
5.2		KAHANA STATE PARK, KAHANA BOAT RAMP & PIER IMPROVEMENTS, OAHU DESIGN AND CONSTRUCTION FOR SIGNAGE AND INSTALLATION OF THREE WASHDOWN STATIONS. TOTAL FUNDING	LNR	C	500C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
5.3		KEAIWA HEIAU STATE RECREATIONAL AREA, OAHU			
		DESIGN AND CONSTRUCTION FOR PARK IMPROVEMENTS INCLUDING BUT NOT LIMITED TO ROADWAY AND SHOULDER REPAIR, PAVILION, AND WATERLINE REPAIR.			
		TOTAL FUNDING	LNR	C	2,000 C
5.4		KEALAKEKUA BAY STATE HISTORICAL PARK, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION TO IMPLEMENT MASTER PLAN AND ADDRESS ACCESS, HEALTH AND SAFETY ISSUES.			
		TOTAL FUNDING	LNR	C	4,250 C
5.5		KOKEE STATE PARK BASEYARD IMPROVEMENTS, KAUAI			
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS AND REPAIR OF ELECTRICAL SYSTEMS AND INFRASTRUCTURE AT THE HISTORIC BASEYARD			
		TOTAL FUNDING	LNR	C	500 C
5.6		KOKEE STATE PARK ROAD IMPROVEMENTS, PHASE 2, KAUAI			
		DESIGN AND CONSTRUCTION FOR PHASE 2 ROAD AND PARKING IMPROVEMENTS AT KOKEE STATE PARK.			
		TOTAL FUNDING	LNR	C	1,000 C
5.7		POLIHALE STATE PARK, KAUAI			
		CONSTRUCTION TO COMPLETE ONGOING PROJECTS INCLUDING BUT NOT LIMITED TO ROADWAY IMPROVEMENTS, SECURITY FOR CULTURAL AND ENVIRONMENTAL RESOURCES, COMFORT STATIONS, AND PAVILIONS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	LNR	C	1,000 C
			LNR	N	1 N
6.		SAND ISLAND STATE RECREATION AREA, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR A SAND ISLAND STATE RECREATION AREA MASTER PLAN AND ASSOCIATED PROJECTS.			
		TOTAL FUNDING	LNR	5,000 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
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).			
		TOTAL FUNDING	LNR	1,000 C	1,000 C
7.1		STATE WAYSIDE PARK IMPROVEMENTS, HANA, MAUI			
		PLANS AND CONSTRUCTION FOR PROJECTS TO ADDRESS HEALTH, SAFETY AND ACCESS ISSUES INCLUDING BUT NOT LIMITED TO PARKING, WATER SYSTEMS, FACILITY IMPROVEMENTS, AND ROAD REPAIR.			
		TOTAL FUNDING	LNR	C	1,250 C
7.2		WAIANAPANAPA STATE PARK, MAUI			
		CONSTRUCTION FOR PARK IMPROVEMENTS INCLUDING BUT NOT LIMITED TO COMFORT STATION AND WATER & SEWER SYSTEM IMPROVEMENTS.			
		TOTAL FUNDING	LNR	C	1,000 C
7.3		WAILOA RIVER STATE RECREATIONAL AREA, HAWAII			
		PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR REPAIRS AND IMPROVEMENTS TO TRAILS & PATHWAYS, PAVILIONS, COMFORT STATIONS, THE SHINMACHI TSUNAMI MEMORIAL, THE WAILOA CENTER, STORAGE, AND OTHER INFRASTRUCTURE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	LNR	C	3,000 C
			LNR	N	1 N
7.4		WAILUA RIVER PARK, KAUAI			
		CONSTRUCTION FOR IMPROVEMENTS TO THE MARINA BUILDING AND FACILITIES IN THE MARINA AREA.			
		TOTAL FUNDING	LNR	C	500 C
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.			
		TOTAL FUNDING	LNR	150 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
<b>LNR801 - OCEAN-BASED RECREATION</b>					
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.			
		TOTAL FUNDING	LNR	2,000 B	2,000 B
			LNR	N	100 N
10.		ALA WAI SMALL BOAT HARBOR, OAHU			
		DESIGN AND CONSTRUCTION FOR RESURFACING AND STRIPING OF EXISTING ACCESS ROADS AND PARKING AREAS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	LNR	4,300 C	C
10.1		ALA WAI SMALL BOAT HARBOR, OAHU			
		FINGER PIERS, DOCKS, RESTROOM FACILITIES, ELECTRICAL INFRASTRUCTURE, SEWER AND GENERAL REPAIRS.			
		TOTAL FUNDING	LNR	C	3,000 C
10.2		HEEIA KEA HARBOR BULKHEAD FENDER REPAIR			
		PLANS, DESIGN, AND CONSTRUCTION TO INSTALL PLASTIC LUMBER FENDERS AROUND EXISTING BULKHEAD.			
		TOTAL FUNDING	LNR	C	2,500 C
10.3		KAHULUI HARBOR BOAT RAMP, MAUI			
		PLANS, DESIGN AND CONSTRUCTION FOR RESTROOMS AT THE KAHULUI HARBOR BOAT RAMP.			
		TOTAL FUNDING	LNR	C	1,000 C
11.		KIKIAOLA SBH SAND BYPASSING, KAUAI			
		DESIGN AND CONSTRUCTION FOR MOVING ACCUMULATED SAND/SEDIMENT FROM OUTSIDE EAST BREAKWATER TO OUTSIDE WEST BREAKWATER.			
		TOTAL FUNDING	LNR	2,100 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
12.		LAHAINA HARBOR PIER, MAUI DESIGN AND CONSTRUCTION FOR PIER REPAIRS INCLUDING ELECTRICAL SERVICE AND LIGHTING AT LAHAINA HARBOR; EQUIPMENT AND APPURTENANCES.		4,000	C
		TOTAL FUNDING	LNR		
13.		MALA WHARF AND RAMP, MAUI DESIGN AND CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS FOR MALA BOAT RAMP ACCESS, DREDGING, <sup>4</sup> AND OTHER RELATED IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT.		3,200	C
		TOTAL FUNDING	LNR		
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.		1N 5,400A	N A
		TOTAL FUNDING	LNR		
15.		POKAI BAY JETTY WALL IMPROVEMENTS, OAHU PLANS, DESIGN AND CONSTRUCTION FOR IMPROVEMENTS AND MAJOR REPAIRS TO THE JETTY WALL AT POKAI BAY.		5,750	C
		TOTAL FUNDING	LNR		
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.		3,200	C
		TOTAL FUNDING	LNR		

I. PUBLIC SAFETY

LAW900 - GENERAL ADMINISTRATION

0.1		DLE SHERIFFS DIVISION RELOCATION, KEAWE STREET STATION, OAHU PLANS, DESIGN, AND CONSTRUCTION TO RELOCATE THE SHERIFFS DIVISION KEAWE ST. STATION TO LOT IN OR AROUND DANIEL K. INOUYE AIRPORT.		C	4,000
		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
<b>PSD900 - GENERAL ADMINISTRATION</b>					
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 AGS		5,000 C	22,500 C
3.1		HALAWA CORRECTIONAL FACILITY, PERIMETER SECURITY FENCE AND RELATED STRUCTURAL REPAIRS AND IMPROVEMENTS, OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT TO REPAIR, UPGRADE, AND CONDUCT NECESSARY IMPROVEMENTS TO HALAWA CORRECTIONAL FACILITY'S EXISTING PERIMETER SECURITY FENCE SYSTEM, RETAINING WALLS, AND RELATED AREAS, WHILE ALSO PROVIDING THE NECESSARY SECURITY PERIMETER MONITORING SYSTEMS AND RELATED IMPROVEMENTS.			
		TOTAL FUNDING AGS		C	18,000 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
3.2		NEW KAUAI COMMUNITY CORRECTIONAL CENTER AND COMMUNITY TRANSITIONAL CENTER, KAUAI			
		PLANS, LAND, DESIGN, CONSTRUCTION, AND EQUIPMENT TO INCLUDE THE ASSESSMENT, SITE SELECTION, LAND ACQUISITION, AND FINANCIAL AND PROJECT DELIVERY TO RELOCATE THE EXISTING KAUAI COMMUNITY CORRECTIONAL CENTER (KCCC) AND REPLACE WITH A NEW KCCC AND COMMUNITY TRANSITIONAL CENTER (CTC) ON THE ISLAND OF KAUAI.			
		TOTAL FUNDING PSD		C	20,000 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		4,500 C	16,000 C
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		1,500 C	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 C

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	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

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/RESTITUTIONING 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	1,680A	1,657A
	DEF	4,490P	4,680P

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	5,000A	A
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- 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.

TOTAL FUNDING	AGS	1,500A	1,500A
	AGS	1,500P	1,500P

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
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.	AGS	5,000	C 5,000

K. GOVERNMENT-WIDE SUPPORT

BED144 - STATEWIDE PLANNING AND COORDINATION

0.1		MASTER PLANNING FOR THE WAIAKEA PENINSULA, HAWAII PLANS FOR MASTER PLANNING FOR THE DEVELOPMENT OF WAIAKEA PENINSULA, INCLUDING A COMMUNITY DEVELOPMENT MASTER PLAN AND AN INFRASTRUCTURE MASTER PLAN.	BED		C 1,000
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.	BED	2,000	C C

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.	AGS	4,500	C 2,700
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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
<b>AGS111 - ARCHIVES - RECORDS MANAGEMENT</b>					
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
		TOTAL FUNDING	AGS		
<b>LNR101 - PUBLIC LANDS MANAGEMENT</b>					
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.			
		TOTAL FUNDING	LNR	C	3,100
			LNR	8,000	D 3,000
5.		HAWAIIAN PARADISE PARK, COMMUNITY PARK, HAWAII  PLANS AND DESIGN FOR A NEW STATE PARK IN HAWAIIAN PARADISE PARK, HAWAII.		560	C
		TOTAL FUNDING	LNR		
5.1		PUBLIC LAND ACQUISITION AND IMPROVEMENTS, OAHU  PLANS, DESIGN, LEASE, CONSTRUCTION, MANAGEMENT, MAINTENANCE, AND LAND ACQUISITION FOR THE CONVERSION OF STRUCTURES ON OAHU: TMK 45035010; GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES; FOR THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES.			
		TOTAL FUNDING	LNR	C	21,000
6.		WAIKIKI BEACH IMPROVEMENTS, OAHU  PLANS, DESIGN, AND CONSTRUCTION TO CONDUCT VARIOUS IMPROVEMENTS ALONG WAIKIKI BEACH FROM DUKE KAHANAMOKU BEACH SECTOR TO QUEEN'S BEACH SECTOR. IMPROVEMENTS MAY INCLUDE SAND MAINTENANCE, BEACH NOURISHMENT, REFURBISHMENT, REFURBISHMENT OF SHORELINE STRUCTURES, REMOVAL OF DERELICT STRUCTURES, AND RELATED WORK.		4,000	C
		TOTAL FUNDING	LNR		

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
7.		KAWEHWEHE BEACH (WAIKIKI), OAHU PLANS, DESIGN AND CONSTRUCTION FOR A BEACH RESTORATION PILOT PROJECT; EQUIPMENT AND APPURTENANCES TOTAL FUNDING LNR		650 A	A
7.1		KALAUHAIHAI FISHPOND, OAHU CONSTRUCTION AND EQUIPMENT AND APPURTENANCES FOR THE KALAUHAIHAI FISHPOND TO RESTORE FRESH ARTESIAN WATER, INCLUDING GROUND AND SITE IMPROVEMENTS. TOTAL FUNDING LNR		C	2,100 C
<b>AGS221 - PUBLIC WORKS - PLANNING, DESIGN, AND CONSTRUCTION</b>					
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. TOTAL FUNDING AGS	AGS	60,000 C 41,500 A	C 15,000 A
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. TOTAL FUNDING AGS	AGS	33,500 C	C
9.1		AGRICULTURAL WAREHOUSES, STATEWIDE PLANS, LAND, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR AGRICULTURAL WAREHOUSES, STATEWIDE. TOTAL FUNDING AGS	AGS	C	9,014 C
10.		HANAPEPE CHINESE, FILIPINO, AND PORTUGUESE CEMETERY, KAUAI CONSTRUCTION FOR MISCELLANEOUS IMPROVEMENTS AND SIGNAGE AT THE HANAPEPE CHINESE, FILIPINO AND PORTUGUESE CEMETERY. TOTAL FUNDING AGS	AGS	125 C	C
11.		KAHULUI CIVIC CENTER, MAUI DESIGN AND CONSTRUCTION FOR KAHULUI CIVIC CENTER FACILITY MIXED-USE DEVELOPMENT. TOTAL FUNDING AGS	AGS	9,000 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
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	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	C
14.		PLANNING FOR STATE WAILUKU CIVIC CENTER, MAUI PLANS FOR REDEVELOPMENT OF THE STATE OF HAWAII CIVIC CENTER IN WAILUKU.		1,000 C	C
<b>AGS901 - GENERAL ADMINISTRATIVE SERVICES</b>					
14.1		ENTERPRISE FINANCIAL SYSTEM, STATEWIDE PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR THE STATE FINANCIAL SYSTEM.		C	31,000 C
<b>SUB201 - CITY AND COUNTY OF HONOLULU</b>					
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.		500 C 500 S	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
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.			
		TOTAL FUNDING	CCH	10,000	C
<b>SUB301 - COUNTY OF HAWAII</b>					
16.1		JAMES "JIMMY" CORREA BALL FIELD, HAWAII			
		CONSTRUCTION FOR AN ARTIFICIAL PLAYING SURFACE AND SITE IMPROVEMENTS. PROVIDED THAT NO STATE FUNDS SHALL BE EXPENDED UNLESS THE COUNTY OF HAWAII CONTRIBUTES MATCHING COUNTY FUNDS FOR STATE FUNDS ON A DOLLAR-FOR-DOLLAR BASIS.			
		TOTAL FUNDING	COH COH	C S	1,000 1,000
16.2		WAILOA SKATE PARK, HAWAII			
		PLANS, DESIGN AND CONSTRUCTION FOR A SKATE PARK NEAR WAILOA STATE RECREATION AREA. PROVIDED THAT NO STATE FUNDS SHALL BE EXPENDED UNLESS THE COUNTY OF HAWAII CONTRIBUTES MATCHING COUNTY FUNDS FOR STATE FUNDS ON A DOLLAR-FOR-DOLLAR BASIS.			
		TOTAL FUNDING	COH COH	C S	1,000 1,000
<b>SUB401 - COUNTY OF MAUI</b>					
17.		FLOOD PREVENTION AND MITIGATION, MAUI			
		DESIGN AND CONSTRUCTION FOR FLOOD PREVENTION AND MITIGATION MEASURES IN AND/OR AROUND THE KULANIHAKOI AND WAIPIULANI 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.			
		TOTAL FUNDING	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
18.1		FINAL DISPOSITION SITE, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR A FINAL DISPOSITION SITE FOR DEBRIS FROM 2023 MAUI WILDFIRE DISASTER (FEMA DESIGNATION DR-4724-HI).			
		TOTAL FUNDING	COM	D	4,560 D
18.2		FIRE FLOW IMPROVEMENTS TO WATER SYSTEMS, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR FIRE FLOW IMPROVEMENTS AND HAZARD MITIGATION IMPROVEMENTS FOR WATER SYSTEMS AFFECTED BY THE 2023 MAUI WILDFIRE DISASTER (FEMA DESIGNATION DR-4724-HI).			
		TOTAL FUNDING	COM	D	10,000 D
18.3		ROADWAY CONNECTIVITY FOR DISASTER EVACUATION, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR ROADWAY CONNECTIONS AND CAPACITY TO FACILITATE DISASTER EVACUATION IN WEST MAUI IN OR AROUND THE AREA OF THE 2023 MAUI WILDFIRE DISASTER (FEMA DESIGNATION DR-4724-HI).			
		TOTAL FUNDING	COM	D	8,000 D
18.4		STORM DRAINAGE, FLOOD CONTROL, AND WATER QUALITY IMPROVEMENTS, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR HAZARD MITIGATION, CAPACITY RESTORATION, REPAIR, AND REPLACEMENT OF STORM DRAINAGE, FLOOD CONTROL MEASURES, AND WATER QUALITY IMPROVEMENTS FOR SYSTEMS AND CAPACITY AFFECTED BY THE 2023 MAUI WILDFIRE DISASTER (FEMA DESIGNATION DR-4724-HI).			
		TOTAL FUNDING	COM	D	8,000 D



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
18.5		WASTEWATER COLLECTION SYSTEMS, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR WASTEWATER COLLECTION SYSTEM LATERALS AND CLOSEOUTS NECESSITATED BY THE 2023 MAUI WILDFIRE DISASTER (FEMA DESIGNATION DR-4724-HI).			
		TOTAL FUNDING	COM	D	9,000D
18.6		TRAFFIC SIGNAL REPLACEMENTS, MAUI PLANS, DESIGN AND CONSTRUCTION FOR TRAFFIC SIGNAL REPLACEMENTS FOR SIGNALS AFFECTED BY THE 2023 MAUI WILDFIRE DISASTER (FEMA DESIGNATION DR-4724-HI).			
		TOTAL FUNDING	COM	D	3,000D
18.7		WASTEWATER COLLECTION SYSTEMS, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR REPAIRS, REPLACEMENT AND HAZARD MITIGATION OF WASTEWATER COLLECTION SYSTEMS AFFECTED BY THE 2023 MAUI WILDFIRE DISASTER (FEMA DESIGNATION DR-4724-HI).			
		TOTAL FUNDING	COM	D	11,000D
18.8		WATER SUPPLY INFRASTRUCTURE, MAUI PLANS, DESIGN, AND CONSTRUCTION FOR HAZARD MITIGATION, CAPACITY RESTORATION, REPAIR, AND REPLACEMENT OF WATER SUPPLY INFRASTRUCTURE AFFECTED BY THE 2023 MAUI WILDFIRE DISASTER (FEMA DESIGNATION DR-4724-HI).			
		TOTAL FUNDING	COM	D	10,000D
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	23,500C	C
			COM	23,500S	S
			COM	1P	P

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
<b>SUB501 - COUNTY OF KAUAI</b>					
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
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	375 C	C
			COK	375 S	S
21.1		KAUAI DEPARTMENT OF WATER, KUHIO HIGHWAY WATER MAIN REPLACEMENT, KAUAI			
		CONSTRUCTION FOR REPLACEMENT OF 18-INCH WATER MAIN ALONG KUHIO HIGHWAY (HARDY TO OXFORD ST). 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	C	2,500 C
			COK	S	2,500 S
21.2		KAUAI DEPARTMENT OF WATER, WELL DEVELOPMENT, KAPAA HOMESTEADS, KAUAI			
		DESIGN AND CONSTRUCTION FOR KAPAA HOMESTEADS WELL NO. 4 SITE DEVELOPMENT AND CONNECTING PIPELINE. 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	C	2,400 C
			COK	S	2,400 S

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
21.3		KAUAI DEPARTMENT OF WATER, KAPAA HOMESTEADS 313' TANKS, KAUAI			
		CONSTRUCTION FOR KAPAA HOMESTEADS 313' TANKS, 1.0 MG (TWO - 0.5 MG TANKS). 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	C	2,400 C
			COK	S	2,400 S
21.4		KEKAHA FAYE PARK, WAIMEA ATHLETIC FIELD, HANAPEPE STADIUM, KAUAI			
		DESIGN AND CONSTRUCTION FOR RESURFACING OF TENNIS COURTS AT KEKAHA FAYE PARK (INCLUDING BASKETBALL COURT), RESURFACING OF BASKETBALL COURTS AT WAIMEA ATHLETIC FIELD, AND RESURFACING OF TENNIS COURTS AT HANAPEPE STADIUM PARK. 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	C	1,650 C
			COK	S	1,650 S

SECTION 8. Due to manifest clerical errors, the appropriations under Act 6, Session Laws of 2020, section 4, had duplicate numbering, as such, the project numbers were revised as follows:

<u>Item No.</u>	<u>Revised Item No.</u>
G-185.17	G-188.17
G-185.26	G-188.26
G-184.35	G-188.35
G-184.38	G-188.38
G-184.39	G-188.39
G-184.42	G-188.42
G-184.44	G-188.44
G-184.50	G-188.50
G-184.57	G-188.57
G-184.60	G-188.60
G-183.63	G-188.63
G-183.66	G-188.66
G-183.69	G-188.69
G-182.77	G-188.77
G-181.87	G-188.87
G-181.96	G-188.96
G-181.97	G-188.97
G-185.2	G-191.2

ACT 230

SECTION 9. Part VI of Act 164, Session Laws of Hawaii 2023, is amended as follows:

1. By amending section 8 to read:

“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	[ <u>\$</u> ]16,830,000	C
<u>G-7</u>	<u>670,800</u>	C
<u>G-11</u>	<u>425,043</u>	C
<u>G-23</u>	<u>916,118</u>	C
<u>G-30</u>	<u>112,515</u>	C
<u>G-32</u>	<u>3,583,085</u>	C
<u>G-185.26</u>	<u>403,300</u>	C
<u>G-39</u>	<u>36,818</u>	C
<u>G-184.35</u>	<u>2,557,921</u>	C
<u>G-185.2</u>	<u>477,000</u>	C
<u>G-67</u>	<u>203,090</u>	C
<u>G-184.38</u>	<u>1,157,745</u>	C
<u>G-184.39</u>	<u>836,000</u>	C
<u>G-70</u>	<u>1,307,978</u>	C
<u>G-75</u>	<u>458,500</u>	C
<u>G-76</u>	<u>345,465</u>	C
<u>G-184.42</u>	<u>1,585,900</u>	C
<u>G-184.44</u>	<u>1,583,884.52</u>	C
<u>G-80</u>	<u>1,958,438</u>	C
<u>G-90</u>	<u>300,000</u>	C
<u>G-93</u>	<u>374,385</u>	C
<u>G-95</u>	<u>657,810</u>	C
<u>G-188.5</u>	<u>628,136</u>	C
<u>G-185.17</u>	<u>936,000</u>	C
<u>G-107</u>	<u>278,200</u>	C
<u>G-106</u>	<u>3,371,302</u>	C
<u>G-108</u>	<u>573,870</u>	C
<u>G-109</u>	<u>1,082,223</u>	C
<u>G-184.57</u>	<u>563,597</u>	C
<u>G-113</u>	<u>297,000</u>	C
<u>G-184.6</u>	<u>793,706</u>	C
<u>G-119</u>	<u>199,088</u>	C
<u>G-183.63</u>	<u>1,431,652</u>	C
<u>G-183.66</u>	<u>392,384.20</u>	C
<u>G-130</u>	<u>874,768</u>	C
<u>G-183.69</u>	<u>850,000</u>	C
<u>G-131</u>	<u>233,802</u>	C
<u>G-10</u>	<u>199,984.20</u>	C
<u>G-182.77</u>	<u>359,300</u>	C
<u>G-170</u>	<u>351,500</u>	C
<u>G-182.87</u>	<u>1,089,000</u>	C
<u>G-171</u>	<u>284,010</u>	C
<u>G-188.96</u>	<u>61,536</u>	C
<u>G-188.97</u>	<u>698</u>	C”””

2. By adding a new section to read:

“SECTION 8.1. Any law to the contrary notwithstanding, the appropriations under Act 276, Session Laws of Hawaii 2022, section 15, in the amounts indicated or balances thereof, unallotted, allotted, encumbered, and unrequired, are hereby lapsed:

<u>“Section</u>	<u>Amount (MOF)</u>
<u>15</u>	<u>770,602.82 C””</u>

3. By amending section 9 to read:

“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>	
<u>D-3.02</u>	<u>[\$]4,300,000</u>	<u>C</u>
<u>E-8.01</u>	<u>15,000,000</u>	<u>C</u>
<u>K-10.01</u>	<u>12,000,000</u>	<u>B</u>
<u>K-20</u>	<u>23,500,000</u>	<u>C</u>
<u>K-20</u>	<u>23,500,000</u>	<u>S</u>
<u>G-8</u>	<u>6,200,000.00</u>	<u>C</u>
<u>G-95.36</u>	<u>594,000</u>	<u>C</u>
<u>G-8.01</u>	<u>1,700,000</u>	<u>C</u>
<u>G-8.02</u>	<u>871,651</u>	<u>C</u>
<u>G-9</u>	<u>294,000</u>	<u>C</u>
<u>G-95.37</u>	<u>4,273,220</u>	<u>C</u>
<u>G-95.19</u>	<u>986,606</u>	<u>C</u>
<u>G-95.02</u>	<u>5,771,700</u>	<u>C</u>
<u>G-13.01</u>	<u>445,500</u>	<u>C</u>
<u>G-4.01</u>	<u>1,529,500</u>	<u>C</u>
<u>G-17</u>	<u>767,658</u>	<u>C</u>
<u>G-18</u>	<u>500,000</u>	<u>C</u>
<u>G-20</u>	<u>1,246,423</u>	<u>C</u>
<u>G-20.01</u>	<u>1,811,462</u>	<u>C</u>
<u>G-22</u>	<u>500,000</u>	<u>C</u>
<u>G-95.43</u>	<u>76,315.48</u>	<u>C</u>
<u>G-95.44</u>	<u>875,000</u>	<u>C</u>
<u>G-23.01</u>	<u>136,302.02</u>	<u>C</u>
<u>G-4.02</u>	<u>1,173,150</u>	<u>C</u>
<u>G-24</u>	<u>217,624.19</u>	<u>C</u>
<u>G-24.01</u>	<u>500,000</u>	<u>C</u>
<u>G-25</u>	<u>9,251.34</u>	<u>C</u>
<u>G-95.06</u>	<u>19,313,950</u>	<u>C</u>
<u>G-95.07</u>	<u>6,567,884</u>	<u>C</u>
<u>G-26</u>	<u>20,000</u>	<u>C</u>
<u>G-95.45</u>	<u>2,261,200</u>	<u>C</u>
<u>G-4.03</u>	<u>990,000</u>	<u>C</u>
<u>G-27.01</u>	<u>500,000</u>	<u>C</u>
<u>G-2.01</u>	<u>1,327,796</u>	<u>C</u>
<u>G-4.04</u>	<u>3,864,838</u>	<u>C</u>
<u>G-28</u>	<u>465,450</u>	<u>C</u>
<u>G-95.08</u>	<u>72,000</u>	<u>C</u>
<u>G-95.09</u>	<u>3,434,350</u>	<u>C</u>
<u>G-30.01</u>	<u>1,102,000</u>	<u>C</u>

<u>G-95.47</u>	<u>90,000</u>	<u>C</u>
<u>G-32</u>	<u>2,500,000</u>	<u>C</u>
<u>G-95.48</u>	<u>1,350,000</u>	<u>C</u>
<u>G-37</u>	<u>875,000</u>	<u>C</u>
<u>G-39.01</u>	<u>3,034,350</u>	<u>C</u>
<u>G-39.02</u>	<u>930,600</u>	<u>C</u>
<u>G-5.01</u>	<u>23,442.58</u>	<u>C</u>
<u>G-95.50</u>	<u>875,000</u>	<u>C</u>
<u>G-41</u>	<u>615,610</u>	<u>C</u>
<u>G-43</u>	<u>440,000</u>	<u>C</u>
<u>G-44</u>	<u>2,744,847</u>	<u>C</u>
<u>G-44.01</u>	<u>600,000</u>	<u>C</u>
<u>G-44.02</u>	<u>1,188,000</u>	<u>C</u>
<u>G-5.03</u>	<u>476,820.10</u>	<u>C</u>
<u>G-95.51</u>	<u>1,485,000</u>	<u>C</u>
<u>G-45</u>	<u>590,000</u>	<u>C</u>
<u>G-95.52</u>	<u>75,000</u>	<u>C</u>
<u>G-95.23</u>	<u>1,472,350</u>	<u>C</u>
<u>G-44.03</u>	<u>2,175,000</u>	<u>C</u>
<u>G-95.54</u>	<u>743,000</u>	<u>C</u>
<u>G-46</u>	<u>65,724</u>	<u>C</u>
<u>G-3.01</u>	<u>1,600,000</u>	<u>C</u>
<u>G-95.57</u>	<u>175,000</u>	<u>C</u>
<u>G-95.10</u>	<u>2,275,000</u>	<u>C</u>
<u>G-95.58</u>	<u>90,000</u>	<u>C</u>
<u>G-95.11</u>	<u>99,000</u>	<u>C</u>
<u>G-49.01</u>	<u>2,167,952</u>	<u>C</u>
<u>G-49.02</u>	<u>500,000</u>	<u>C</u>
<u>G-95.12</u>	<u>3,564,000</u>	<u>C</u>
<u>G-50</u>	<u>13,075,783</u>	<u>C</u>
<u>G-95.24</u>	<u>1,683,000</u>	<u>C</u>
<u>G-51</u>	<u>2,494,800</u>	<u>C</u>
<u>G-52</u>	<u>805,608</u>	<u>C</u>
<u>G-95.59</u>	<u>500,000</u>	<u>C</u>
<u>G-95.25</u>	<u>5,400,600</u>	<u>C</u>
<u>G-53.02</u>	<u>500,000</u>	<u>C</u>
<u>G-54</u>	<u>13,662,000</u>	<u>C</u>
<u>G-99</u>	<u>480,000</u>	<u>C</u>
<u>G-4.1</u>	<u>1,173,150</u>	<u>C</u>
<u>G-95.60</u>	<u>1,410,750</u>	<u>C</u>
<u>G-57</u>	<u>565,000</u>	<u>C</u>
<u>G-57.01</u>	<u>2,220,000</u>	<u>C</u>
<u>G-58</u>	<u>460,000</u>	<u>C</u>
<u>G-60</u>	<u>2,275,008</u>	<u>C</u>
<u>G-61</u>	<u>1,999,800</u>	<u>C</u>
<u>G-95.61</u>	<u>624,262.62</u>	<u>C</u>
<u>G-62</u>	<u>792,000</u>	<u>C</u>
<u>G-62.01</u>	<u>1,267,200</u>	<u>C</u>
<u>G-64</u>	<u>3,320,000</u>	<u>C</u>
<u>G-64.01</u>	<u>825,850</u>	<u>C</u>
<u>G-95.15</u>	<u>6,289,482</u>	<u>C</u>
<u>G-95.62</u>	<u>60,000</u>	<u>C</u>
<u>G-65</u>	<u>3,146,805</u>	<u>C</u>
<u>G-66</u>	<u>2,965,000</u>	<u>C</u>

<u>G-95.16</u>	<u>2,846,000</u>	<u>C</u>
<u>G-67.01</u>	<u>500,000</u>	<u>C</u>
<u>G-68</u>	<u>910,798</u>	<u>C</u>
<u>G-69.01</u>	<u>1,376,025</u>	<u>C</u>
<u>G-70</u>	<u>929,415.80</u>	<u>C</u>
<u>G-3.03</u>	<u>1,603,800</u>	<u>C</u>
<u>G-4.12</u>	<u>491,000</u>	<u>C</u>
<u>G-70.01</u>	<u>1,700,000</u>	<u>C</u>
<u>G-95.17</u>	<u>5,445,000</u>	<u>C</u>
<u>G-71</u>	<u>160</u>	<u>C</u>
<u>G-71.01</u>	<u>1,683,000</u>	<u>C</u>
<u>G-72</u>	<u>1,018,729</u>	<u>C</u>
<u>G-73</u>	<u>1,388,768</u>	<u>C</u>
<u>G-95.29</u>	<u>23,014,200</u>	<u>C</u>
<u>G-95.30</u>	<u>4,405,500</u>	<u>C</u>
<u>G-75</u>	<u>148,500</u>	<u>C</u>
<u>G-76.01</u>	<u>2,851,038</u>	<u>C</u>
<u>G-76</u>	<u>2,341,350</u>	<u>C</u>
<u>G-95.66</u>	<u>753,775.10</u>	<u>C</u>
<u>G-95.18</u>	<u>16,762,052</u>	<u>C</u>
<u>G-78</u>	<u>1,629,165.62</u>	<u>C</u>
<u>G-78.01</u>	<u>104,500</u>	<u>C</u>
<u>G-79</u>	<u>198,000</u>	<u>C</u>
<u>G-80</u>	<u>1,237,500</u>	<u>C</u>
<u>G-5.04</u>	<u>735,000</u>	<u>C</u>
<u>G-82</u>	<u>214,171</u>	<u>C</u>
<u>G-95.71</u>	<u>250,000</u>	<u>C</u>
<u>G-84</u>	<u>2,000,000</u>	<u>C</u>
<u>G-85</u>	<u>800,000</u>	<u>C</u>
<u>G-87</u>	<u>2,258,196</u>	<u>C</u>
<u>G-93</u>	<u>9,800,000</u>	<u>C</u>
<u>G-95</u>	<u>814,276</u>	<u>C</u>
<u>G-94.01</u>	<u>500,000</u>	<u>C</u>
<u>H-13</u>	<u>8,000,000</u>	<u>C</u>
<u>K-6</u>	<u>4,850,000</u>	<u>C</u>
<u>K-6</u>	<u>3,000,000</u>	<u>R</u>
<u>K-6</u>	<u>3,500,000</u>	<u>T</u>
<u>H-1.01</u>	<u>350,000</u>	<u>C</u>
<u>H-10</u>	<u>3,800,000</u>	<u>C</u>
<u>I-4.01</u>	<u>6,000,000</u>	<u>C””</u>

4. By adding a new section to read:

“SECTION 9.1. Any law to the contrary notwithstanding, the appropriations under Act 247, Session Laws of Hawaii 2022, section 1, in the amounts indicated or balances thereof, unallotted, allotted, encumbered, and unrequired, are hereby lapsed:

<u>“Section</u>	<u>Amount (MOF)</u>
<u>1</u>	<u>300,000,000 C””</u>

5. By amending section 10 to read:

“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:<sup>5</sup>

**ACT 230**

(a) By amending item C-81.05 to read:

“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, HANAIEI, 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 42E.

TOTAL FUNDING	TRN	C	2,100 C”
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(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 € 25,000C”

((d) 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.~~  
 TOTAL FUNDING EDN € 5,000C”

(f) By amending item G-95.59 to read:

“95.59- KUHIO ELEMENTARY SCHOOL, OAHU  
~~DESIGN AND CONSTRUCTION OF A  
 COVERING FROM CAFETERIA TO [H AND]  
 OTHER BUILDINGS[.]; GROUND AND  
 SITE IMPROVEMENTS; EQUIPMENT AND  
 APPURTENANCES.~~  
 TOTAL FUNDING EDN € 500C”

(g) By amending item G-95.25 to read:

“95.25- KULA ELEMENTARY SCHOOL, MAUI  
~~DESIGN AND CONSTRUCTION OF  
 [CAFETERIA] COMMERCIAL KITCHEN  
 AND WASTEWATER IMPROVEMENTS AT  
 [KEOKAHA] KEOKEA. GROUND AND  
 SITE IMPROVEMENTS; EQUIPMENT AND  
 APPURTENANCES.~~  
 TOTAL FUNDING EDN € 6,000C”

(h) By amending item H-13 to read:

“13.- KAWAIIHAE NORTH SMALL BOAT HARBOR, HAWAII  
~~DESIGN AND CONSTRUCTION  
 FOR IMPROVEMENTS TO HARBOR  
 DOCK, BREAK WALL AND RELATED  
 IMPROVEMENTS.~~  
 TOTAL FUNDING EDN 1,600€ 8,000C”]

[(+) (d) By amending item G-95.26 to read:

“95.26 MAKAWAO ELEMENTARY SCHOOL, MAUI  
 DESIGN AND CONSTRUCTION OF WATER  
 SYSTEM UPGRADES, ADA COMPLIANCE,  
 AND OTHER SCHOOL IMPROVEMENTS,  
 GROUND AND SITE IMPROVEMENTS;  
 EQUIPMENT AND APPURTENANCES.  
 TOTAL FUNDING EDN C 5,000C”

6. By adding a new section to read:

“SECTION 11.1. Provided that the county of Maui shall reimburse the State for all debt service, including principal, interest and any other debt-related

costs, for the reimbursable general obligation bonds appropriated to the county of Maui (SUB401) for wildfire recovery projects in this act denoted in section 7 as items K-18.1, K-18.2, K-18.3, K-18.4, K-18.5, K-18.6, K-18.7, and K-18.8; provided further that debt service reimbursements to the State may be paid from tax revenue of the county of Maui or any other source, and reimbursements to the county of Maui from the Federal Emergency Management Agency, as allowed by law.”

SECTION 10. Part VII of Act 164, Session Laws of Hawaii 2023, is amended as follows:

1. By amending section 12 to read:

“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].”~~”

2. By amending section 13 to read:

“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].~~"

3. By amending section 14 to read:

"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].~~”

4. By amending section 15 to read:

“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].~~”

5. By amending section 15 to read:<sup>3</sup>

“SECTION 15.1. The governor may supplement funds for any cost element for capital improvement projects 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 any other prior or future Act that has not lapsed; provided that the total expenditure of funds for all cost elements shall not exceed the total appropriations for that project.”

SECTION 11. In accordance with section 9 of article VII, of the Constitution of the State of Hawaii 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 \$992,402,734, or 9.3 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

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, 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 13. 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 14. Nothing in this Act shall affect the validity or continuing effectiveness of any provisions of Act 164, Session Laws of Hawaii 2023, not repealed or modified by this Act.

SECTION 15. Material to be repealed is bracketed and stricken. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the bracketed material or the underscoring.

SECTION 16. This Act shall take effect upon approval.

(Approved July 9, 2024.)

#### Notes

1. Prior to amendment “The” appeared here.
2. Item vetoed, replaced, and initialed “JG”.
3. So in original.
4. “dredging,” should be underscored.
5. Items printed as enacted.

## ACT 231

H.B. NO. 2619

A Bill for an Act Relating to Agricultural Biosecurity.

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

SECTION 1. The legislature finds that Act 163, Session Laws of Hawaii 2017, known as the Clift Tsuji Act, among other things, appropriated funds to the department of agriculture to support the department’s biosecurity program for fiscal years 2018 to 2019. However, the department was unable to utilize the full appropriation for its programs before its lapsing at the end of the appropriated period. Furthermore, the original source of funds, the agricultural development and food security special fund, was repealed by section 8 of Act 9, First Special Session Laws of Hawaii 2021.

The legislature recognizes the significant impact of invasive species on Hawaii's agriculture, environment, natural resources, public health, and economy and supports the biosecurity program under the department of agriculture.

The legislature further finds that the department of agriculture has created the biosecurity program to fight pests and prohibited or restricted organisms without a permit on several fronts by:

- (1) Administering pre-entry measures to minimize the risk of pests and prohibited or restricted organisms without a permit entering the State;
- (2) Conducting port-of-entry inspections to detect and quarantine or destroy pests upon arrival; and
- (3) Administering post-entry measures to mitigate the establishment of pests in the State.

The department of agriculture has also supported the growth of Hawaii's agriculture industry by attempting to reduce the State's dependency on imported agricultural products that may contain pests.

Pursuant to section 150A-53, Hawaii Revised Statutes, the department of agriculture is required to implement the comprehensive biosecurity program to control and prevent increasing threats of pests and prohibited or restricted organisms without a permit from entering and spreading throughout the State. While inspections are critical, increasing the State's ability to prevent the entry of high-risk products would enhance its ability to mitigate and manage invasive pests. This is vitally important not only to protect the State's fragile environment, but also to grow Hawaii's local agricultural industries and to increase levels of self-sufficiency and sustainability. Additionally, as the State's biosecurity program continues to grow, it is critical to support the department of agriculture's lead in executing the control and eradication of invasive species.

The purpose of this Act is to:

- (1) Require the department of agriculture to, among other things, lead and coordinate the State's invasive pest control and eradication biosecurity efforts;
- (2) Appropriate funds for the biosecurity program of the department of agriculture to develop and implement projects to increase local agricultural production and to lessen the entry of pests and prohibited or restricted organisms without a permit into the State on imported agricultural goods; and
- (3) Appropriate funds as a grant-in-aid to each county of the State to implement feral chicken control programs.

SECTION 2. Section 141-3.5, Hawaii Revised Statutes, is amended to read as follows:

**“§141-3.5 Control or eradication programs.** (a) The department of agriculture shall develop and implement a detailed control or eradication program for any pest designated in section 141-3, using the best available technology in a manner consistent with state and federal law.

(b) The department of agriculture shall:

- (1) Lead and coordinate the State's invasive pest control and eradication biosecurity efforts;
- (2) Engage in memorandums of understanding with interagency partners and private organizations;
- (3) Approve of memorandums of understanding with submitted working plans to execute control and eradication programs; and

(4) Include in its annual report to the legislature pursuant to section 150A-57 any memorandums of understanding and partnerships pursuant to paragraphs (2) and (3) to advance the State's invasive pest control and eradication biosecurity efforts.

~~[(b)]~~ (c) For any pest designated by emergency rule as provided in section 141-3, the department of agriculture shall implement an emergency program using the best available technology in a manner consistent with state and federal law.

~~[(e)]~~ (d) The department of agriculture:

- (1) In conjunction with the ~~[Hawaii Ant Lab, may]~~ department of land and natural resources; department of health; department of transportation; department of business, economic development, and tourism; university of Hawaii system; or state and privately organized agencies and programs, as applicable, shall identify best practices for the treatment of ~~[little fire ants; and]~~ pests designated in section 141-3;
- (2) Shall post on its website any infestation updates and data, including any real-time geographic information system map data, and best practices identified for the treatment of ~~[little fire ants.]~~ pests designated in section 141-3, as prioritized by the department;
- (3) Shall, along with contracted parties, document past responses in the department's geographic information system database; provided that the information shall include date, location, names of individual participants, organization, activities performed, and presence and absence of pests; provided further that the disclosure of information shall be under the jurisdiction of the department; and
- (4) Shall, along with contracted parties, provide notice to the department's pesticides branch prior to usage of pesticides in the course of controlling pests. Upon receipt of notification, pesticide inspectors may perform random inspections to ensure compliance with pesticide laws and regulations."

SECTION 3. Section 150A-51, Hawaii Revised Statutes, is amended to read as follows:

**“[§150A-51] Biosecurity program; establishment.** The department shall establish a biosecurity program authorized under this chapter that shall interface with other relevant state law; provided that the biosecurity program is not inconsistent with federal law. The department shall act as the lead agency for the State's biosecurity efforts.”

SECTION 4. Section 150A-52, Hawaii Revised Statutes, is amended to read as follows:

**“[§150A-52] Objectives of biosecurity program.** The objectives of the biosecurity program shall be to:

- (1) Establish a multi-dimensional system to prevent the entry into the State and interisland movement of pests and prohibited or restricted organisms without a permit; ~~and]~~
- (2) Respond effectively to eradicate, control, reduce, and suppress incipient pest populations and established pests and seize and dispose of prohibited or restricted organisms without a permit[-]; and
- (3) Coordinate with partner agencies and organizations to direct the control and eradication of invasive species.”

**ACT 231**

SECTION 5. Section 150A-57, Hawaii Revised Statutes, is amended to read as follows:

**“§150A-57 Annual report.** The department shall submit an annual report on the biosecurity program to the legislature no later than twenty days prior to the convening of each regular session of the legislature. The report shall include:

- (1) The schedule required under section 150A-56;
- (2) The status of each activity required by Act 243, Session Laws of Hawaii 2016, including for each activity:
  - (A) All expenditures;
  - (B) Descriptions of and the purposes of any activity-related travel;
  - (C) Workforce allocation; and
  - (D) Measure of effectiveness;
- (3) Summary of interisland inspections and export inspection activities;
- (4) Projections by year of future expenditures and future acreage to be under pest management by crop; ~~and~~
- (5) Activities yet to be completed, and, if applicable, an explanation why they were not completed[-]; and
- (6) Real-time geographic information system map data, coordinated data collection, work plans, memorandums of understanding, and contracts for service related to advancing the State’s invasive pest control and eradication biosecurity efforts.”

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of ~~\$19,780,660~~ \$10,000,000<sup>1</sup> or so much thereof as may be necessary for fiscal year 2024-2025 to support the following programs and positions:

Prog ID/Org	Position Title/Program Description	Position #	MOF	FTE (P)	FTE (T)	FY 25 \$
AGR 122 EB	Risk Assessment		A			1,000,000 240,000 <sup>1</sup>
AGR 122 EB	Pest Management Systems Approach		A			1,200,000 800,000 <sup>1</sup>
AGR 122 EB	Brown Tree Snake Rapid Response		A			1,100,000 240,000 <sup>1</sup>
AGR 122 EC	Pest Diagnostics		A			500,000 240,000 <sup>1</sup>
AGR 122 EC	Coconut Rhinoceros Beetle Response		A			1,500,000 1,200,000 <sup>1</sup>
AGR 122 EA	Green Waste		A			1,000,000 800,000 <sup>1</sup>
AGR 122 EA	Compost Reimbursement		A			500,000 400,000 <sup>1</sup>
AGR 122	Public Awareness Campaign		A			2,000,000 0 <sup>1</sup>
AGR 122 EB	Little Fire Ants Response		A			2,500,000 1,500,000 <sup>1</sup>
AGR 122 EB	Coqui Frog Response		A			100,000 74,355 <sup>1</sup>



Prog ID/Org	Position Title/Program Description	Position #	MOF	FTE (P)	FTE (T)	FY 25 \$
AGR 122 EB	Invasive Species Outreach		A			100,000 0 <sup>1</sup>
AGR 122 EA	Tech Upgrades		A			2,000,000 800,000 <sup>1</sup>
AGR 122 EB	Import Replacement Fund		A			500,000 0 <sup>1</sup>
AGR 122 EA	Biosecurity Facility Planning		A			1,500,000 600,000 <sup>1</sup>
AGR 122 EA	Rose-Ringed Parakeet		A			300,000
AGR 122 EC	Two-Lined Spittlebug		A			800,000 600,000 <sup>1</sup>
AGR 122 EB	Plant Quarantine Inspector	95001A	A	1.00		69,096 34,548 <sup>1</sup>
AGR 122 EB	Plant Quarantine Inspector	95002A	A	1.00		69,096 34,548 <sup>1</sup>
AGR 122 EB	Plant Quarantine Inspector	95003A	A	1.00		69,096 34,548 <sup>1</sup>
AGR 122 EB	Plant Quarantine Inspector	95004A	A	1.00		69,096 34,548 <sup>1</sup>
AGR 122 EB	Plant Quarantine Inspector	95005A	A	1.00		69,096 34,548 <sup>1</sup>
AGR 122 EB	Plant Quarantine Inspector	95006A	A	1.00		69,096 51,822 <sup>1</sup>
AGR 122 EB	Plant Quarantine Inspector	95007A	A	1.00		69,096 51,822 <sup>1</sup>
AGR 122 EB	Plant Quarantine Inspector	95008A	A	1.00		69,096 51,822 <sup>1</sup>
AGR 122 EB	Plant Quarantine Inspector	95009A	A	1.00		69,096 51,822 <sup>1</sup>
AGR 122 EB	Plant Quarantine Inspector	95010A	A	1.00		69,096 51,822 <sup>1</sup>
AGR 122 EB	Plant Quarantine Inspector	95011A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95012A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95016A	A	1.00		69,096
AGR 122 EB	Plant Quarantine Inspector	95017A	A	1.00		71,016

**ACT 231**

<b>Prog ID/Org</b>	<b>Position Title/Program Description</b>	<b>Position #</b>	<b>MOF</b>	<b>FTE (P)</b>	<b>FTE (T)</b>	<b>FY 25 \$</b>
AGR 122 EB	Plant Quarantine Inspector	95018A	A	1.00		71,016
AGR 122 EB	Plant Quarantine Inspector	95019A	A	1.00		71,016
AGR 122 EB	Plant Quarantine Inspector	95020A	A	1.00		71,016
AGR 122 EB	Plant Quarantine Inspector	95021A	A	1.00		71,016
AGR 122 EB	Plant Quarantine Inspector	95022A	A	1.00		71,016
AGR 122 EB	Plant Quarantine Inspector	95023A	A	1.00		76,788
AGR 122 EB	Account Clerk	95024A	A	1.00		<del>51,864</del> 12,966 <sup>1</sup>
AGR 122 EB	Office Assistant	95025A	A	1.00		<del>37,116</del> 9,279 <sup>1</sup>
AGR 122 EC	Accountant	95026A	A	1.00		<del>59,508</del> 14,877 <sup>1</sup>
AGR 122 EC	Entomologist	95027A	A	1.00		<del>86,376</del> 21,594 <sup>1</sup>
AGR 122 EC	Entomologist (Plant Pest Diagnostics)	95028A	A	1.00		101,064
AGR 122 EC	Entomologist (Invasive Ant Specialist)	95029A	A	1.00		101,064
AGR 122 EC	Entomologist	95030A	A	1.00		101,064
AGR 122 EC	Entomologist	95031A	A	1.00		101,064
AGR 122 EC	Plant Pathologist	95032A	A	1.00		<del>86,376</del> 21,594 <sup>1</sup>
AGR 122 EC	Noxious Weed Specialist	95033A	A	1.00		<del>86,376</del> 21,594 <sup>1</sup>
AGR 122 ED	Planner	95034A	A	1.00		<del>76,788</del> 19,197 <sup>1</sup>
AGR 122 ED	Environmental Health Specialist	95035A	A	1.00		<del>86,376</del> 21,594 <sup>1</sup>
AGR 846 EE	Environmental Health Specialist	95036A	A	1.00		<del>63,096</del> 15,774 <sup>1</sup>
AGR 846 EE	Environmental Health Specialist	95037A	A	1.00		<del>63,096</del> 15,774 <sup>1</sup>
AGR 846 EE	Environmental Health Specialist	95038A	A	1.00		<del>63,096</del> 15,774 <sup>1</sup>

Prog ID/Org	Position Title/Program Description	Position #	MOF	FTE (P)	FTE (T)	FY 25 \$
AGR 846 EE	Environmental Health Specialist	95039A	A	1.00		63,096 15,774 <sup>1</sup>
AGR 846 EE	Environmental Health Specialist	95040A	A	1.00		63,096 15,774 <sup>1</sup>
AGR 846 EE	Environmental Health Specialist	95041A	A	1.00		63,096
AGR 846 EE	Environmental Health Specialist	95042A	A	1.00		63,096
AGR 846 EE	Environmental Health Specialist	95043A	A	1.00		63,096
AGR 846 EE	Environmental Health Specialist	95044A	A	1.00		76,788
AGR 846 EE	Environmental Health Specialist	95045A	A	1.00		86,376
AGR 846 EE	Accountant	95046A	A	1.00		68,280
AGR 846 EE	Planner	95047A	A	1.00		68,280 17,070 <sup>1</sup>
		<b>GRAND TOTAL</b>		<b>44.00</b>	<b>0.00</b>	<b>19,780,660</b> <b>10,000,000<sup>1</sup></b>

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 \$200,000 \$0<sup>1</sup> or so much thereof as may be necessary for fiscal year 2024-2025 as a grant-in-aid to each county as follows:

- (1) \$50,000 \$0<sup>1</sup> to the city and county of Honolulu;
- (2) \$50,000 \$0<sup>1</sup> to the county of Hawaii;
- (3) \$50,000 \$0<sup>1</sup> to the county of Maui; and
- (4) \$50,000 \$0<sup>1</sup> to the county of Kauai,

for the implementation of a feral chicken control program for each respective county; provided that a county shall not receive any funds unless matched on a dollar for dollar basis.

The sum appropriated shall be expended by each county for the purposes of this Act.

SECTION 8. Persons employed in position numbers 95028A, 95029A, 95030A, and 95031A funded by section 6 of this Act shall be exempt from chapter 76, Hawaii Revised Statutes.

SECTION 9. The department of agriculture shall:

- (1) Submit a report on the programs and positions funded by section 6 of this Act, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2025;
- (2) Submit a report on all expenditures from and uses of the pest inspection, quarantine, and eradication fund (AGR304) to the legisla-

ture no later than twenty days prior to the convening of the regular session of 2025 to facilitate the program’s conversion to general funds; and

- (3) Document in the department’s geographic information system database all contracts for invasive species response.

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

SECTION 11. This Act shall take effect on July 1, 2024.

(Approved July 9, 2024.)

Note

- 1. Item vetoed, replaced, and initialed “JG”.

ACT 232

S.B. NO. 3153

A Bill for an Act Relating to the Dam and Appurtenance Improvement or Removal Grant Program.

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

SECTION 1. The legislature finds that many private dam owners do not have the resources to conduct the necessary repairs or removal of their dams, resulting in dams remaining unsafe and continuing to pose a risk to the downstream public in the event of a dam failure. The legislature further finds that although the total cost to bring all private dams into compliance will be in the hundreds of millions of dollars, dams in Hawaii provide many public benefits, such as potable water, water for agriculture and livestock, fire protection, ground water recharge, flood control, energy generation, sediment control, and recreation. Therefore, it is in the public’s best interest for the legislature to provide financial assistance to these private dam owners.

Act 134, Session Laws of Hawaii 2023 (Act 134), established and appropriated moneys for a dam and appurtenance improvement or removal grant program to financially assist owners of private dams and appurtenances to keep them properly maintained. Although Act 134 did appropriate \$10,000,000 out of general revenues as one-time seeding for the grant program, it did not establish a special fund dedicated to receive grant program funding. A special fund is a critical receptacle for grant funds to be deposited into and remain available for the purposes of Act 134. This is especially important during the department of land and natural resources’ (department) inaugural creation of the grant program, where administrative rulemaking to develop procedures and criteria to determine eligibility and priority of awarding grants would be established. The department anticipates that the \$10,000,000 in seed funding appropriated for the grant program in Act 134 will lapse before the department can complete its rulemaking and establish its grant application criteria and processes. Thereafter, without the creation of the special fund, unused funds for the grant program will lapse and be returned to the general fund at the close of each fiscal year.

The purpose of this Act is to establish a special fund to receive funds for the dam and appurtenance improvement or removal grant program and to reappropriate funds for the dam and appurtenance improvement or removal grant program.

SECTION 2. Section 179D-31, Hawaii Revised Statutes, is amended to read as follows:

**“~~[[§179D-31]] Dam and appurtenance improvement or removal grant program~~; special fund; established.** (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.

(e) Notwithstanding any provision to the contrary, there is established in the department a special fund to be designated as the dam and appurtenance

improvement or removal grant program special fund. The fund shall be administered by the department. The following shall be deposited into the dam and appurtenance improvement or removal grant program special fund:

- (1) Appropriations by the legislature;
- (2) Moneys derived from public or private sources to benefit dam and appurtenance improvement or removal;
- (3) Any other moneys collected pursuant to this section or any rules adopted pursuant to this section; and
- (4) Moneys derived from interest, dividends, or other income from other sources.

(f) The department may expend moneys from the dam and appurtenance improvement or removal grant program special fund in accordance with this section and other purposes for the administration of the dam and appurtenance improvement or removal grant program under this section or any rule adopted pursuant to this section, including but not limited to funding for permanent or temporary positions.”

SECTION 3. Act 134, Session Laws of Hawaii 2023, is amended by amending section 4 to read as follows:

“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.~~] Repealed.”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of ~~\$10,000,000~~ \$5,000,000<sup>1</sup> or so much thereof as may be necessary for fiscal year 2024-2025 to be deposited into the dam and appurtenance improvement or removal grant program special fund as seed funding for the purposes of the dam and appurtenance improvement or removal grant program established by section 179D-31, Hawaii Revised Statutes.

SECTION 5. There is appropriated out of the dam and appurtenance improvement or removal grant program special fund the sum of ~~\$10,000,000~~ \$5,000,000<sup>1</sup> or so much thereof as may be necessary for fiscal year 2024-2025 for the dam and appurtenance improvement or removal grant program established by section 179D-31, Hawaii Revised Statutes.

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

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

SECTION 7. This Act shall take effect on July 1, 2024.

(Approved July 9, 2024.)

**Note**

1. Item vetoed, replaced, and initialed “JG”.

ACT 233

H.B. NO. 1911

A Bill for an Act Relating to the Judiciary.

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

SECTION 1. This Act shall be known and may be cited as the Judiciary Supplemental Appropriations Act of 2024.

SECTION 2. Act 70, Session Laws of Hawaii 2023, is amended as follows:

1. By amending part II to read:

**“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**

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
<b>The Judicial System</b>					
1.	JUD101	COURTS OF APPEAL		82.00 *	[82.00*] 83.00 *
				1.48 #	[1.48 #] 0.48 #
	OPERATING		JUD	8,649,904A	8,960,647A
2.	JUD310	FIRST JUDICIAL CIRCUIT		1,107.50 *	[1,107.50*] 1,109.50 *
				64.58 #	64.58 #
	OPERATING		JUD	93,530,037A	[95,881,481A] 96,704,177A
				35.00 *	35.00 *
			JUD	4,177,883B	4,261,273B
3.	JUD320	SECOND JUDICIAL CIRCUIT		210.50 *	210.50 *
				1.68 #	1.68 #
	OPERATING		JUD	19,398,739A	[19,951,098A] 19,999,098A
4.	JUD330	THIRD JUDICIAL CIRCUIT		242.00 *	242.00 *
				5.20 #	5.20 #
	OPERATING		JUD	23,437,911A	[24,063,817A] 24,380,777A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
5.	JUD350	FIFTH JUDICIAL CIRCUIT		103.00 *	103.00 *
				2.60 #	2.60 #
	OPERATING		JUD	8,755,703 A	[9,004,124 A] <u>9,225,420 A</u>
6.	JUD501	JUDICIAL SELECTION COMMISSION		1.00 *	1.00 *
	OPERATING		JUD	110,099 A	114,074 A
7.	JUD601	ADMINISTRATION		228.00 *	[228.00*] <u>229.50 *</u>
				8.48 #	[8.48#] <u>7.48 #</u>
	OPERATING		JUD	31,266,318 A	[31,040,535 A] <u>38,456,678 A</u>
				1.00 *	1.00 *
			JUD	9.00 #	9.00 #
			JUD	8,195,369 B	8,241,219 B
			JUD	343,261 W	343,261 W
	INVESTMENT CAPITAL		JUD	17,955,000 C	[€] <u>17,000,000 C</u>
			JUD	3,000,000 A	A”

2. By amending section 7 to read:

“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~~] purchase of service providers that account for [~~increase~~] increases in inflation.”

3. By amending part IV to read:

“PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 8. The [~~sum of \$20,955,000~~] sums 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

				APPROPRIATIONS (IN 000'S)	
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	FISCAL M	FISCAL M
				YEAR O	YEAR O
				2023-2024 F	2024-2025 F
<b>A. ECONOMIC DEVELOPMENT</b>					
<b>JUD601 - ADMINISTRATION</b>					
1.		ALIOLANI HALE A/C REPLACEMENT, OAHU CONSTRUCTION AND EQUIPMENT FOR A/C SYSTEM REPLACEMENT AT ALIOLANI HALE, OAHU.		3,000 C	C
		TOTAL FUNDING	JUD		
[2-]		<del>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.</del>		6,000 €	€]
		TOTAL FUNDING	JUD		
2.		<u>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.</u>		6,000 C	C
		TOTAL FUNDING	JUD		
3.		HOAPILI HALE REDIRECTION OF CONDENSATE, MAUI PLANS AND DESIGN FOR REDIRECTION OF CONDENSATE DISCHARGE AT HOAPILI HALE, MAUI.		300 C	C
		TOTAL FUNDING	JUD		
3.1		<u>HOAPILI HALE, NEW FAMILY COURTROOM PHASE 2, MAUI DESIGN AND CONSTRUCTION OF NEW FAMILY COURTROOM PHASE 2 AT HOAPILI HALE, MAUI.</u>		C	1,250 C
		TOTAL FUNDING	JUD		
[4-]		<del>KAAHUMANU HALE ELEVATOR SYSTEMS UPGRADES AND MODERNIZATION, OAHU CONSTRUCTION FOR ELEVATOR SYSTEMS- UPGRADES AND MODERNIZATION AT KAAHUMANU HALE, OAHU.</del>		4,505 €	€]
		TOTAL FUNDING	JUD		
4.		<u>KAAHUMANU HALE FIRE ALARM AND ELEVATOR SYSTEMS UPGRADES AND MODERNIZATION, OAHU DESIGN AND CONSTRUCTION FOR FIRE ALARM AND ELEVATOR SYSTEMS UPGRADES AND MODERNIZATION AT KAAHUMANU HALE, OAHU.</u>		4,505 C	9,250 C
		TOTAL FUNDING	JUD		

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2023-2024	FISCAL YEAR 2024-2025
4.1		<u>KAPUAIWA BUILDING SEPARATE STORM DRAIN AND BASEMENT LEVEL SANITARY SYSTEMS, OAHU</u>			
		<u>DESIGN AND CONSTRUCTION TO SEPARATE STORM AND BASEMENT LEVEL SANITARY SYSTEMS, OAHU.</u>			
		TOTAL FUNDING	JUD	C	1,500C
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.			
		TOTAL FUNDING	JUD	4,150C	C
[6.		<u>LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR GENERAL ALTERATIONS, UPGRADES AND IMPROVEMENTS TO JUDICIARY FACILITIES, STATEWIDE.</u>			
		TOTAL FUNDING	JUD	3,000A	A]
6.		<u>LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR GENERAL ALTERATIONS, UPGRADES, AND IMPROVEMENTS TO JUDICIARY FACILITIES, STATEWIDE.</u>			
		TOTAL FUNDING	JUD	3,000A	5,000C"

4. By amending part V to read:

**“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.~~] \$34,955,000.”

SECTION 3. Act 38, Session Laws of Hawaii 2019, as amended by section 3 of Act 5, Session Laws of Hawaii 2020, is amended by amending section 7.1 to read as follows:

“SECTION 7.1. [~~(a) Beginning on the effective date of this Act the judiciary shall submit a weekly report to the legislature that includes the following information for all inmates released pursuant to supreme court orders entered in SCPW-20-0000200 and SCPW-20-0000213:~~

- (1) ~~The inmate’s name;~~
- (2) ~~The inmate’s release date;~~
- (3) ~~The correctional center or facility where the inmate was released from;~~
- (4) ~~The inmate’s criminal status before release, for example felony probationer, misdemeanant, or petty misdemeanant;~~

- ~~(5) Any objections made to the inmate's release;~~
- ~~(6) The inmate's verified residence address at the time of release;~~
- ~~(7) The inmate's current verified residence address or homeless status;~~
- ~~(8) The conditions of supervised release;~~
- ~~(9) The name of the person or agency that is responsible for supervising the inmate upon release; and~~
- ~~(10) If a released inmate is subsequently arrested, the inmate's arrest record following release.~~

~~(b) The information provided pursuant to subsection (a) shall be updated in each subsequent report to reflect the inmate's current status, including any changes to subsection (a)(7) and (10).] Repealed."~~

SECTION 4. In accordance with section 9 of article VII, of the Constitution of the State of Hawaii 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 \$1,005,342,734, or 9.4 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 5. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, the remainder of the Act and any provision thereof shall not be affected. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and shall be expended to fulfill the objective and intent of the appropriation to the extent possible.

SECTION 6. 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 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, 2024.

(Approved July 9, 2024.)

## ACT 234

H.B. NO. 1640

A Bill for an Act Relating to Collective Bargaining.

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

SECTION 1. Section 89-9, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The repricing of classes within an appropriate bargaining unit ~~[may]~~ shall be negotiated and determined as follows:

- (1) ~~[At the request of]~~ Within thirty days of receipt of a written request from the exclusive representative to negotiate and at times allowed

under the collective bargaining agreement, the employer shall negotiate the repricing of classes within the bargaining unit. The negotiated repricing actions that constitute cost items shall be subject to the requirements in section 89-10; and

- (2) ~~[If repricing has not been negotiated under paragraph (1), the employer of each jurisdiction shall ensure establishment of procedures to periodically review, at least once in five years, unless otherwise agreed to by the parties, the repricing of classes within the bargaining unit. The repricing of classes based on the results of the periodic review shall be at the discretion of the employer. Any appropriations required to implement the repricing actions that are made at the employer's discretion shall not be construed as cost items.]~~ If the employer fails to timely initiate a negotiation in compliance with paragraph (1) or the parties cannot reach an agreement within one hundred fifty days after the exclusive representative's written request to negotiate or by January 31 of a year in which the agreement is due to expire, whichever is earlier, an impasse exists and the impasse procedures in section 89-11 shall apply:

provided that the parties may mutually agree on repricing procedures in conformance with this section; provided further that a repricing request can only be submitted once per occupation in any eighteen-month period; provided further that impasse procedures shall not apply if the impasse occurs within one hundred eighty days after a collective bargaining agreement has been reached between the employer and the exclusive representative of the bargaining unit. Notwithstanding the foregoing, no more than fifteen repricing impasse procedures shall be active at any time. If an impasse procedure would have triggered, but cannot begin because it would exceed the maximum fifteen active repricing impasse procedures, the parties shall continue to negotiate until such time as the repricing impasse procedure begins; provided that preference for new repricing impasse procedures shall be given to repricings in the order in which they began.”

SECTION 2. Section 89-11, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) An impasse during the term of a collective bargaining agreement on reopened items or items regarding a supplemental agreement shall not be subject to the impasse procedures in this section~~[-];~~ provided that an employer's failure to timely initiate a negotiation on repricing of classes within a bargaining unit pursuant to section 89-9(f)(1) or the parties' failure to reach an agreement on repricing within the timeframe set forth in section 89-9(f)(2) shall constitute an impasse, to which the impasse procedures in this section shall apply. The parties may mutually agree on an impasse procedure, but if the procedure culminates in an arbitration decision, the decision shall be pursuant to subsection (f).”

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, and shall be repealed on June 30, 2029; provided that any negotiations on repricing pursuant to this Act that started prior to June 30, 2029, may continue after this Act is repealed.

(Approved July 9, 2024.)

## ACT 235

H.B. NO. 1763

A Bill for an Act Relating to Housing.

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

SECTION 1. Section 201H-201, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

““Efficiency” means the amount of state financial resources required per unit.

“Feasibility” means reasonableness of project budget and schedule assumptions.

“Project readiness” means a project that is anticipated to commence construction within one year of award of financing.”

SECTION 2. Section 201H-202, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (d) and (e) to read:

“(d) The fund shall be used to provide loans [or grants] for the development, pre-development, construction, acquisition, preservation, and substantial rehabilitation of rental housing units. The corporation shall not forgive any loan made from the fund unless the corporation forecloses on the project. Permitted uses of the fund may include but are not limited to planning, design, land acquisition, costs of options, agreements of sale, downpayments, equity financing, capacity building of nonprofit housing developers, credit enhancement, gap financing, or other housing development services or activities as provided in rules adopted by the corporation pursuant to chapter 91. The rules may provide for a means of recapturing loans or grants made from the fund if a rental housing project financed under the fund is refinanced or sold at a later date. The rules may also provide that moneys from the fund shall be leveraged with other financial resources to the extent possible.

(e) Moneys available in the fund shall be used for the purpose of providing, in whole or in part, loans [or grants] for rental housing projects demonstrating project readiness, efficiency, and feasibility acceptable to the corporation in the following order of priority:

(1) For projects that were awarded low-income housing credits pursuant to paragraph (2), priority shall be given to projects with a perpetual affordability commitment;

[(4)] (2) Projects or units in projects that are allocated low-income housing credits pursuant to the state housing credit ceiling under section 42(h) of the Internal Revenue Code of 1986, as amended, or projects or units in projects that are funded by programs of the United States Department of Housing and Urban Development and United States Department of Agriculture Rural Development wherein:

(A) At least fifty per cent of the available units are for persons and families with incomes at or below eighty per cent of the median family income of which at least five per cent of the available units are for persons and families with incomes at or below thirty per cent of the median family income; and

(B) The remaining units are for persons and families with incomes at or below one hundred per cent of the median family income;

- provided that the corporation may establish rules to ensure full occupancy of fund projects; and
- (2) (3) Mixed-income rental projects or units in a mixed-income rental project wherein all of the available units are for persons and families with incomes at or below one hundred forty per cent of the median family income.”

2. By amending subsection (h) to read:

“(h) The corporation may provide loans ~~[and grants]~~ under this section; provided that the corporation shall establish loan-to-value ratios to protect the fund from inordinate risk and that under no circumstances shall the rules permit the loan-to-value ratio to exceed one hundred per cent; ~~[and]~~ provided further that the underwriting guidelines include a debt-coverage ratio of ~~[not]~~ no less than 1.0 to 1.”

SECTION 3. The Hawaii housing finance and development corporation shall submit a report to the legislature on plans to revolve funds back into the rental housing revolving fund to ensure its self-sufficiency no later than twenty days prior to the convening of the regular session of 2025.

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, 2024, and shall apply to rental housing revolving fund applications submitted after June 30, 2024.

(Approved July 9, 2024.)

**ACT 236**

H.B. NO. 1936

A Bill for an Act Relating to Harbor Safety.

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

SECTION 1. The purpose of this Act is to require that the securing of mooring lines from vessels to the State’s commercial docks, wharves, piers, quays, and landings be performed by labor subject to collective bargaining, to ensure harbor safety by employing highly skilled, experienced local longshore workers who possess the intimate knowledge of Hawaiian waters and mooring practices crucial for minimizing accidents and ensuring optimal safety. As with any stevedoring job, mooring operations carry significant risks, and accidents can have devastating consequences, even death.

SECTION 2. Chapter 266, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . MOORING OF VESSELS TO COMMERCIAL DOCKS**

**§266- Labor subject to collective bargaining; required.** In addition to the duties of the department of transportation imposed under part I, the department of transportation shall require that the securing of mooring lines from vessels to commercial docks, wharves, piers, quays, and landings be performed by labor subject to collective bargaining; provided that nothing in this section shall be construed as requiring that any labor being performed at any shipyard or drydock; by or on behalf of any ship repair or construction company; or

involving any activity relating to ship repair, construction and overhaul services, and maritime research and development be subject to collective bargaining.”

SECTION 3. This Act shall not be applied so as to impair any contract existing as of the effective date of this Act in a manner violative of either the Constitution of the State of Hawaii or article I, section 10, of the United States Constitution.

SECTION 4. The provisions of this Act shall be enforced to the extent they are not held to conflict with any federal or state constitutional provision, law, rule, or regulation. The provisions of this Act are not severable and if any provision of the Act, or the application thereof to any person or circumstance is held to conflict with any federal or state constitutional provision, law, rule, or regulation, this Act, in its entirety, shall be invalid.

SECTION 5. This Act shall take effect upon its approval; provided that this Act shall be repealed on July 1, 2028.

(Approved July 9, 2024.)

## ACT 237

H.B. NO. 2581

A Bill for an Act Relating to Emergency Management.

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

SECTION 1. The legislature finds that the power of the governor or a mayor to suspend the transmission of electronic media during a state of emergency is overly broad and vague. Electronic media could include not only all radio and television broadcasts, but also could potentially include text messages, emails, and posts to social media platforms, which would restrain lawful free speech and publication and violate the First Amendment of the United States Constitution.

The purpose of this Act is to remove the ability of the governor or a mayor to suspend electronic media transmission during a state of emergency.

SECTION 2. Section 127A-13, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) In the event of a state of emergency declared by the governor pursuant to section 127A-14, the governor may exercise the following additional powers pertaining to emergency management during the emergency period:

- (1) Provide for and require the quarantine or segregation of persons who are affected with or believed to have been exposed to any infectious, communicable, or other disease that is, in the governor’s opinion, dangerous to the public health and safety, or persons who are the source of other contamination, in any case where, in the governor’s opinion, the existing laws are not adequate to assure the public health and safety; provide for the care and treatment of the persons; supplement the provisions of sections 325-32 to 325-38 concerning compulsory immunization programs; provide for the isolation or closing of property [which] that is a source of contamination or is in a dangerous condition in any case where, in the governor’s opinion, the existing laws are not adequate to assure the public health and safety, and designate as public nuisances acts, practices, conduct,

- or conditions that are dangerous to the public health or safety or to property; authorize that public nuisances be summarily abated and, if need be, that the property be destroyed~~[-]~~ by any police officer or authorized person, or provide for the cleansing or repair of property, and if the cleansing or repair is to be at the expense of the owner, the procedure therefor shall follow as nearly as may be the provisions of section 322-2, which shall be applicable; and further, authorize without the permission of the owners or occupants, entry on private premises for any ~~[such]~~ of these purposes;
- (2) Relieve hardships and inequities, or obstructions to the public health, safety, or welfare, found by the governor to exist in the laws and to result from the operation of federal programs or measures taken under this chapter, by suspending the laws, in whole or in part, or by alleviating the provisions of laws on ~~[such]~~ terms and conditions as the governor may impose, including licensing laws, quarantine laws, and laws relating to labels, grades, and standards;
  - (3) Suspend any law that impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws ~~[which]~~ that by this chapter specifically are made applicable to emergency personnel;
  - (4) Suspend the provisions of any regulatory law prescribing the procedures for out-of-state utilities to conduct business in the State including any licensing laws applicable to out-of-state utilities or their respective employees, as well as any order, rule, or regulation of any state agency, if strict compliance with the provisions of any ~~[such]~~ law, order, rule, or regulation would in any way prevent, hinder, or delay necessary action of a state utility in coping with the emergency or disaster with assistance that may be provided under a mutual assistance agreement;
  - (5) In the event of disaster or emergency beyond local control, or an event ~~[which,]~~ that in the opinion of the governor, ~~[is such as to make]~~ renders state operational control necessary, or upon request of the local entity, assume direct operational control over all or any part of the emergency management functions within the affected area;
  - (6) Shut off water mains, gas mains, or electric power connections, or suspend other services~~[-, and, to the extent permitted by or under federal law, suspend electronic media transmission];~~
  - (7) Direct and control the mandatory evacuation of the civilian population;
  - (8) Exercise additional emergency functions to the extent necessary to prevent hoarding, waste, or destruction of materials, supplies, commodities, accommodations, facilities, and services, to effectuate equitable distribution thereof, or to establish priorities therein as the public welfare may require; to investigate; and notwithstanding any other law to the contrary, to regulate or prohibit, by means of licensing, rationing, or otherwise, the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution thereof, and any business or any transaction related thereto;
  - (9) Suspend section 8-1, relating to state holidays, except the last paragraph relating to holidays declared by the president, which shall remain unaffected, and in the event of the suspension, the governor may establish state holidays by proclamation;



- (10) Adjust the hours for voting to take into consideration the working hours of the voters during the emergency period, and suspend those provisions of section 11-131 that fix the hours for voting, and fix other hours by stating the same in the election proclamation or notice, as the case may be;
- (11) Assure the continuity of service by critical infrastructure facilities, both publicly and privately owned, by regulating or, if necessary to the continuation of the service thereof, by taking over and operating the same; and
- (12) Except as provided in section 134-7.2, whenever in the governor's opinion, the laws of the State do not adequately provide for the common defense, public health, safety, and welfare, investigate, regulate, or prohibit the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution of, as well as any transaction related to, explosives, firearms, and ammunition, inflammable materials and other objects, implements, substances, businesses, or services of a hazardous or dangerous character, or particularly capable of misuse, or obstructive of or tending to obstruct law enforcement, emergency management, or military operations, including intoxicating liquor and the liquor business; and authorize the seizure and forfeiture of any ~~such~~ objects, implements, or substances unlawfully possessed, as provided in this chapter.
  - (b) In the event of a local state of emergency declared by the mayor pursuant to ~~section~~ 127A-14, the mayor may exercise the following additional powers pertaining to emergency management during the emergency period:
    - (1) Relieve hardships and inequities, or obstructions to the public health, safety, or welfare, found by the mayor to exist in the laws of the county and to result from the operation of federal programs or measures taken under this chapter, by suspending the county laws, in whole or in part, or by alleviating the provisions of county laws on ~~such~~ terms and conditions as the mayor may impose, including county licensing laws, and county laws relating to labels, grades, and standards;
    - (2) Suspend any county law that impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws ~~which~~ that by this chapter specifically are made applicable to emergency personnel;
    - (3) Shut off water mains, gas mains, or electric power connections, or suspend other services; ~~and, to the extent permitted by or under federal law, suspend electronic media transmission;~~
    - (4) Direct and control the mandatory evacuation of the civilian population; and
    - (5) Exercise additional emergency functions, to the extent necessary to prevent hoarding, waste, or destruction of materials, supplies, commodities, accommodations, facilities, and services, to effectuate equitable distribution thereof, or to establish priorities therein as the public welfare may require; to investigate; and any other county law to the contrary notwithstanding, to regulate or prohibit, by means of licensing, rationing, or otherwise, the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution thereof, and any business or any transaction related thereto."

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 9, 2024.)

## ACT 238

S.B. NO. 2439

A Bill for an Act Relating to Limitation Of Actions.

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

SECTION 1. Chapter 657, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§657- Civil action arising from sexual offenses against adult victims; certificate of merit.** (a) For a period of two years commencing on July 1, 2024, a person who is a victim of sexual abuse that occurred after June 30, 2012, in the State when the person was eighteen years of age or older may file a claim in a circuit court of the State against the person who committed the act of sexual abuse if the victim is barred from filing a claim against the victim’s abuser due to the expiration of the applicable civil statute of limitations that was in effect before July 1, 2024.

A claim may also be brought under this subsection against a legal entity if:

- (1) The person who committed the act of sexual abuse against the victim was employed by an institution, agency, firm, business, corporation, or other public or private legal entity that owed a duty of care to the victim; or
- (2) The person who committed the act of sexual abuse and the victim were engaged in an activity over which the legal entity had a degree of responsibility or control.

Damages against the legal entity shall be awarded under this subsection only if there is a finding of gross negligence on the part of the legal entity.

(b) A civil cause of action for the sexual abuse of a person that occurred when the person was eighteen years of age or older shall be based upon sexual acts that constituted or would have constituted a criminal offense under part V of chapter 707.

(c) A defendant against whom a civil action is commenced may recover attorney’s fees if the court determines that a false accusation was made with no basis in fact and with malicious intent. A verdict in favor of the defendant shall not be the sole basis for a determination that an accusation had no basis in fact and was made with malicious intent. The court shall make an independent finding of an improper motive prior to awarding attorney’s fees under this section.

(d) In any civil action filed pursuant to subsection (a), a certificate of merit shall be filed by the attorney for the plaintiff, and shall be sealed and remain confidential. The certificate of merit shall include a notarized statement by a:

- (1) Marriage and family therapist licensed pursuant to chapter 451J;
- (2) Mental health counselor licensed pursuant to chapter 453D;
- (3) Psychologist licensed pursuant to chapter 465; or
- (4) Clinical social worker licensed pursuant to chapter 467E;

who is knowledgeable in the relevant facts and issues involved in the action, who is not a party to the action.

The notarized statement included in the certificate of merit shall set forth in reasonable detail the facts and opinions relied upon to conclude that there is a reasonable basis to believe that the plaintiff was subject to one or more acts that would result in an injury or condition specified in subsection (b).”

SECTION 2. New statutory material is underscored.<sup>1</sup>

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

(Approved July 9, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 239**

S.B. NO. 2193

A Bill for an Act Relating to Computer Crime.

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

SECTION 1. Section 708-893, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of use of a computer in the commission of a separate crime if the person knowingly uses a computer to identify, select, solicit, persuade, coerce, entice, induce, procure, pursue, surveil, contact, harass, annoy, or alarm the victim or intended victim of the following offenses:

- (a) Section 707-726, relating to custodial interference in the first degree;
- (b) Section 707-727, relating to custodial interference in the second degree;
- (c) Section 707-731, relating to sexual assault in the second degree;
- (d) Section 707-732, relating to sexual assault in the third degree;
- (e) Section 707-733, relating to sexual assault in the fourth degree;
- (f) Section 707-751, relating to promoting child abuse in the second degree;
- (g) Section 711-1106, relating to harassment;
- (h) Section 711-1106.4, relating to aggravated harassment by stalking;
- (i) Section 711-1106.5, relating to harassment by stalking; ~~[(h)]~~
- (j) Section 711-1110.9, violation of privacy in the first degree;
- (k) Section 711-1111, violation of privacy in the second degree; or
- ~~[(j)]~~ (l) Section 712-1215, relating to promoting pornography for minors.”

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; provided that on July 1, 2027, this Act shall be repealed and section 708-893(1), Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.

(Approved July 9, 2024.)

A Bill for an Act Relating to Crime.

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

SECTION 1. The legislature finds that there has been an increase in criminal acts by non-residents within the restricted areas of multi-unit dwellings. As the number of multi-unit dwellings continues to rise in the foreseeable future, the efforts of law enforcement agencies and county prosecuting offices need to be directed, whenever possible, toward investigating and prosecuting the criminal acts of non-residents within the restricted areas of multi-unit dwellings as burglaries. Burglary, as opposed to theft, is not only an offense against property rights, it is an offense against the fundamental sense of security and well-being of the owner whose property has been unlawfully entered.

Pursuant to section 708-810, Hawaii Revised Statutes, burglary of a dwelling is a class B felony, regardless of the value of any property stolen or damaged or any other crime committed or attempted during the unlawful entry. The legislature notes with concern the frequent reluctance of county law enforcement and prosecutor's offices to investigate and prosecute burglaries of restricted parking and storage areas within apartment buildings and condominiums, despite the clear danger posed to the buildings' residents. The legislature also notes that, with respect to the burglary of a parking or storage area within a multi-unit dwelling, it is also the building's owner or condominium association whose property has been invaded and who may be in the best position to follow through with law enforcement agencies to provide evidence and cooperate with the prosecution of the crime.

Accordingly, the purpose of this Act is to:

- (1) Clarify that the definition of "dwelling", as it relates to offenses against property rights, includes multi-unit buildings and connected parking or storage areas that are restricted to residents; and
- (2) Allow the owner of a multi-unit building, owner of an individual unit, a property manager, or an authorized representative of the condominium association to act as a complainant for the purpose of investigating and prosecuting an offense of burglary in the first degree in a multi-unit building.

SECTION 2. Section 708-800, Hawaii Revised Statutes, is amended by amending the definition of "dwelling" to read as follows:

"Dwelling" means a building [which], including a multi-unit building, that is used or usually used by a person or persons for lodging. "Dwelling" includes any connected parking or storage areas, access to which is clearly restricted to residents by means of signage or security apparatus, or both."

SECTION 3. Section 708-810, Hawaii Revised Statutes, is amended to read as follows:

**§708-810 Burglary in the first degree.** (1) A person commits the offense of burglary in the first degree if the person intentionally enters or remains unlawfully in a building, with intent to commit therein a crime against a person or against property rights, and:

- (a) The person is armed with a dangerous instrument in the course of committing the offense;
- (b) The person intentionally, knowingly, or recklessly inflicts or attempts to inflict bodily injury on anyone in the course of committing the of-

fense; or

- (c) The person recklessly disregards a risk that the building is the dwelling of another, and the building is such a dwelling.
- (2) An act occurs “in the course of committing the offense” if it occurs in effecting entry or while in the building or in immediate flight therefrom.
- (3) In the case of a dwelling that is a multi-unit building, the owner of the multi-unit building, owner of an individual unit, a property manager, or an authorized representative of the condominium association may act as a complainant.

~~(3)~~ (4) Burglary in the first degree [is] shall be a class B felony.”

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 9, 2024.)

## ACT 241

S.B. NO. 2706

A Bill for an Act Relating to Expungement of Criminal Records.

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

SECTION 1. The legislature finds that approximately seventy-seven million people living in the United States, or one in three adults, have a criminal record. In some instances, the person was arrested but ultimately not convicted of any crime. The legislature recognizes that arrest and conviction records often adversely affect a person’s financial and housing security by limiting the person’s access to employment, housing, or a professional license. As of 2019, three hundred thousand residents of the State have been adversely affected by past criminal records, hindering their ability to fully participate in society, access employment, housing, and other opportunities.

The legislature notes that by being more easily available to attain employment and housing, individuals with cleared records are significantly less likely to reoffend, contributing to safer communities and reducing recidivism rates.

The legislature also finds that many states, including Hawai‘i, have laws that allow persons who meet certain eligibility criteria to petition or apply for the removal of a criminal record. This current process is administratively cumbersome and creates an unnecessary burden on the criminal legal system, whereby resources are inefficiently allocated to administer and review these petitions. Furthermore, the citizens engaged in this process must face an additional burden before being able to clear their records.

The legislature further finds that making the procedure state-initiated would eliminate the need for an eligible person to navigate this process and pay any required processing fees. According to research compiled by the National Conference of State Legislatures, twenty states have at least one statutory state-initiated record-clearing provision as of July 2021. Michigan, New Jersey, Pennsylvania, and Utah are examples of states having laws that automate the record-clearing process; these laws are sometimes known as “clean slate laws”. As of 2024, twelve states are already engaging in state-initiated record clearing processes.

The legislature finds that these states, through implementing some type of clean slate laws, have increased access to opportunities for their citizens, re-

moved barriers to reintegration that disproportionately impact marginalized communities, increased public safety, and streamlined legal processes.

Accordingly, the purpose of this Act is to establish the clean slate expungement task force to develop a state-initiated record clearing program.

SECTION 2. (a) There shall be established the clean slate expungement task force to develop a state-initiated record clearing program. The clean slate expungement task force shall be attached to the judiciary for administrative purposes only.

(b) The clean slate expungement task force shall provide recommendations:

- (1) For legislation related to a record clearing program that:
  - (A) Expands access to employment, education, and other necessities required for successful reintegration as a successful member of society;
  - (B) Promotes equity and fairness by removing barriers within the criminal legal system that disproportionately impact marginalized communities;
  - (C) Enhances public safety by adopting best practices for clearing records that have been linked to a reduction in recidivism; and
  - (D) Streamlines the procedures involved in the record clearance process to reduce the time and resources required by the various state entities responsible for the implementation of record clearance; and
- (2) To the judicial council that will inform the review of the Hawaii Penal Code.

(c) The clean slate expungement task force shall be composed of one representative from the following entities:

- (1) The judiciary, whose representative shall convene the task force;
- (2) The department of the attorney general;
- (3) The office of Hawaiian affairs;
- (4) The office of the public defender;
- (5) The offices of the prosecuting attorney of the county of Hawai'i, county of Maui, city and county of Honolulu, and county of Kaua'i; and
- (6) The Hawai'i innocence project at the university of Hawai'i at Mānoa William S. Richardson school of law.

(d) The clean slate expungement task force shall invite one representative from each of the following entities to participate as members of the task force:

- (1) The Hawaii Workers Center;
- (2) The ACLU of Hawai'i;
- (3) The Hawai'i Friends of Restorative Justice; and
- (4) The Last Prisoner Project.

(e) The clean slate expungement task force shall invite two directly impacted individuals with lived experience in the criminal legal system to participate as members of the task force.

(f) The clean slate expungement task force shall seek technical assistance from:

- (1) The Clean State Initiative;
- (2) Code for America; and
- (3) SEARCH - System for the Electronic Analysis and Retrieval of Criminal Histories.

(g) The clean slate expungement task force shall submit an interim report of its findings and recommendations, including any proposed legislation, to the legislature no later than forty days prior to the convening of the regular sessions of 2025 and 2026. The clean slate expungement task force shall submit a final report of its findings and recommendations, including any proposed legislation, to the legislature no later than forty days prior to the convening of the regular session of 2027.

(h) The clean slate expungement task force shall be dissolved on June 1, 2027.

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

(Approved July 9, 2024.)

## ACT 242

S.B. NO. 3033

A Bill for an Act Relating to Physical Evidence.

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

SECTION 1. The purpose of this Act is to amend the statute for the criminal offense of tampering with physical evidence, to adopt the wording of Model Penal Code section 241.7, “Tampering with or Fabricating Physical Evidence”.

SECTION 2. Section 710-1076, Hawaii Revised Statutes, is amended to read as follows:

**“§710-1076 Tampering with or fabricating physical evidence.** (1) A person commits the offense of tampering with or fabricating physical evidence if, believing that an official proceeding or investigation is pending or about to be instituted, the person:

- (a) Destroys, mutilates, conceals, removes, or alters physical evidence with intent to impair its verity or availability in the pending or prospective official proceeding~~[-]~~ or investigation; or
- (b) Makes, presents, ~~offer~~ offers, or uses any false physical evidence, knowing it to be false, with intent that it be introduced in the pending or prospective official proceeding~~[-]~~ or investigation, or with intent to mislead a public servant who is or may be engaged in the pending or prospective official proceeding or investigation.

(2) ~~Physical~~ For the purposes of this section, “physical evidence~~[-]~~” ~~[as used in this section]~~ includes any article, object, document, record, or other thing of physical substance.

(3) Tampering with or fabricating physical evidence is a misdemeanor.”

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 9, 2024.)

A Bill for an Act Relating to Penal Liability.

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

SECTION 1. Section 702-230, Hawaii Revised Statutes, is amended to read as follows:

**“§702-230 Intoxication[-]; self-induced; not self-induced; pathological; affirmative defense.** (1) Self-induced intoxication is prohibited as a defense to any offense, except as specifically provided in this section.

(2) Evidence of the [~~nonself-induced or pathological~~] intoxication of the defendant ~~that is not self-induced intoxication or that is pathological intoxication~~ shall be admissible to prove or [~~negative~~] ~~disprove~~ the conduct alleged or the state of mind sufficient to establish an element of the offense. Evidence of self-induced intoxication of the defendant is admissible to prove or [~~negative~~] ~~disprove~~ conduct or to prove ~~the~~ state of mind sufficient to establish an element of an offense. Evidence of self-induced intoxication of the defendant is not admissible to [~~negative~~] ~~disprove~~ the state of mind sufficient to establish an element of the offense.

(3) Intoxication does not, in itself, constitute a physical or mental disease, disorder, or defect within the meaning of section 704-400.

(4) Intoxication that is:

- (a) Not self-induced[;] intoxication; or
- (b) Pathological[;] intoxication.

is [a] an affirmative defense if by reason of the intoxication, the defendant at the time of the defendant's conduct lacks substantial capacity [either] to engage in the alleged conduct, to have the state of mind sufficient to establish an element of the offense, to appreciate [its] the wrongfulness of the defendant's conduct, or to conform the defendant's conduct to the requirements of law.

(5) [~~H~~] As used in this section:

“Intoxication” means a disturbance of mental or physical capacities resulting from the introduction of substances into the body.

“Lacks substantial capacity” means capacity that has been impaired to such a degree that only an extremely limited amount remains.

“Pathological intoxication” means intoxication grossly excessive in degree, given the amount of the intoxicant, to which the defendant does not know the defendant is susceptible and [~~which~~] that results from a physical abnormality of the defendant.

“Self-induced intoxication” means intoxication caused by substances [~~which~~] that the defendant knowingly introduces into the defendant's body, the tendency of which to cause intoxication the defendant knows or ought to know, unless the defendant introduces [~~them~~] the substances pursuant to medical advice or under [~~such~~] circumstances [~~as~~] that would afford a defense to a charge of a penal offense.”

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; provided that on July 1, 2034, this Act shall be repealed and section 702-230, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.

(Approved July 9, 2024.)

## ACT 244

S.B. NO. 3037

A Bill for an Act Relating to Promoting Pornography for Minors.

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

SECTION 1. The legislature finds that there is a need for increased ability to investigate and prosecute those who promote pornography for minors. The legislature further finds that the current offense of promoting pornography for minors does not provide for undercover operations, and undercover operations have proven to be an effective tool in reducing and combating the offense and related sex trafficking offenses.

Accordingly, the purpose of this Act is to allow the prosecution of a person who disseminates pornographic material to undercover law enforcement officers who represent themselves as minors under the offense of promoting pornography for minors.

SECTION 2. Section 712-1215, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of promoting pornography for minors if:

- (a) Knowing its character and content, the person disseminates to a minor material ~~[which]~~ that is pornographic for minors; ~~or~~
- (b) Knowing its character and content, the person disseminates material that is pornographic for minors to a law enforcement officer who represents that officer’s self as a minor; or
- ~~(b)~~ (c) Knowing the character and content of a motion picture film or other performance ~~[which,]~~ that, in whole or in part, is pornographic for minors, the person:
  - (i) Exhibits ~~[such]~~ the motion picture film or other performance to a minor;
  - (ii) Sells to a minor an admission ticket or pass to premises where there is exhibited or to be exhibited ~~[such]~~ the motion picture film or other performance; or
  - (iii) Admits a minor to premises where there is exhibited or to be exhibited ~~[such]~~ the motion picture film or other performance.”

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 9, 2024.)

A Bill for an Act Relating to the Penal Code.

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

SECTION 1. The legislature finds that the Hawaii Penal Code is the fundamental document by which the State addresses crime. It is imperative that such an important part of state law receives full and deliberate attention from time to time to ensure the Code's continued force and effectiveness.

Since the Hawaii Penal Code was enacted in 1972, there have been four significant reviews of the Code by means of:

- (1) Act 291, Session Laws of Hawaii 1983, which resulted in the enactment of many of the committee on penal code revision and reform of the judicial council of the Hawaii supreme court's recommendations as Act 314, Session Laws of Hawaii 1986;
- (2) Act 284, Session Laws of Hawaii 1993, which did not result in legislative action on the recommendations of the committee on penal code review;
- (3) Act 125, Session Laws of Hawaii 2005, which led to enactment of many of the committee on penal code review's recommendations as Act 230, Session Laws of Hawaii 2006; and
- (4) House Concurrent Resolution No. 155, S.D. 1, Regular Session of 2015, which led to the enactment of Act 231, Session Laws of Hawaii 2016.

The legislature concludes that it is time for another review. The purpose of this Act is to require the judicial council to conduct another comprehensive review of the Hawaii Penal Code to be completed no later than forty days prior to the convening of the regular session of 2026.

SECTION 2. The judicial council, as established pursuant to section 601-4, Hawaii Revised Statutes, through an advisory committee on penal code review, shall conduct a comprehensive review of the Hawaii Penal Code and recommend to the legislature necessary amendments to ensure:

- (1) That the Hawaii Penal Code is consistent and proportional across the various types and classes of offenses;
- (2) That the Hawaii Penal Code is aligned with national best practices and based upon evidence-based strategies;
- (3) That grades and punishment are appropriate and proportionate to other sentences imposed for criminal or civil offenses and are cost-effective in deterring crime, reducing recidivism, and providing restitution to victims in a manner that provides equal justice and punishment regardless of socioeconomic class or ethnicity;
- (4) That the response of the criminal justice system to mentally ill offenders is appropriate to the situation; and
- (5) The continued force, effectiveness, and enforcement of the Hawaii Penal Code.

SECTION 3. (a) No later than September 1, 2024, the judicial council shall appoint an advisory committee on penal code review. The advisory committee shall include the following members:

- (1) Representatives of the judiciary;
  - (2) A member of the senate standing committee on judiciary;
  - (3) A member of the house of representatives standing committee on judiciary and Hawaiian affairs;
  - (4) The attorney general, or the attorney general's designee;
  - (5) A representative of the office of the public defender;
  - (6) The administrator of the office of Hawaiian affairs, or the administrator's designee;
  - (7) A representative of the department of corrections and rehabilitation;
  - (8) A representative of the department of law enforcement;
  - (9) The governor's senior advisor for mental health and the justice system;
  - (10) The prosecuting attorney of each county, or each prosecuting attorney's designee; and
  - (11) A representative of the police department of each county, at least one of which shall be in a role that focuses on mental health.
- (b) The following members shall be invited by the judicial council to participate on the advisory committee:
- (1) Representatives from citizen participation bodies, such as neighborhood boards;
  - (2) Private citizens interested in criminal law and civil liberties;
  - (3) Hawaii-licensed attorneys in private practice who handle criminal cases;
  - (4) Representatives from advocacy groups for incarcerated individuals;
  - (5) Representatives from advocacy groups for crime victims;
  - (6) Psychologists or social workers; and
  - (7) Any other members the judicial council deems necessary.
- (c) The members of the advisory committee shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.
- (d) The advisory committee shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than forty days prior to the convening of the regular session of 2026.

SECTION 4. The judicial council may appoint a reporter for the review and other research and clerical staff, as may be necessary, without regard to chapter 76, Hawaii Revised Statutes. In selecting the reporter and research and clerical staff, the judicial council is urged to use, to the greatest extent possible, the faculty and students of the university of Hawaii at Manoa William S. Richardson school of law.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$10,000 or so much thereof as may be necessary for fiscal year 2024-2025 for the purposes of this Act.

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

SECTION 6. This Act shall take effect on July 1, 2024.

(Approved July 9, 2024.)

A Bill for an Act Relating to Law Enforcement Officers.

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

SECTION 1. The legislature finds that law enforcement officers are authorized to use physical force to enforce laws and should be held to the highest standards to ensure that this authority is not abused. When such abuse results in the suspension or revocation of a law enforcement officer's certification, the law enforcement standards board should be transparent about sharing that information with other law enforcement agencies. The law enforcement standards board and law enforcement agencies should also conduct thorough background checks before certifying or hiring a new officer to ensure that the officer has not abused their authority in another position.

The purpose of this Act is to require law enforcement agencies and the law enforcement standards board to consult the National Decertification Index and report certain information related to a law enforcement officer's certification status to the Index.

SECTION 2. Chapter 139, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§139- National Decertification Index; participation; reporting.** (a) Before certifying or employing any law enforcement officer, the board and the employing law enforcement agency shall consult the National Decertification Index to determine whether an applicant or employee is listed and to review any information about that person.

(b) The board shall report to the National Decertification Index each time:

- (1) The board suspends or revokes a law enforcement officer's certification;
- (2) A law enforcement officer voluntarily relinquishes their certification;
- (3) A law enforcement officer's certification lapses; or
- (4) The board opens an investigation into whether a law enforcement officer does not meet the minimum standards for employment.

(c) Beginning July 1, 2026, and every six months thereafter, the board shall communicate with the International Association of Directors of Law Enforcement Standards and Training, or review the National Decertification Index website, or the website of any successor index, to determine if the National Decertification Index is accepting any information or records apart from those described in subsection (b) from the board, law enforcement agencies, or other state and county agencies. Within three months of learning that the National Decertification Index is accepting any information or records apart from those described in subsection (b), the board shall adopt rules requiring and providing a process for the additional information or records to be reported to the National Decertification Index by the board, law enforcement agencies, or any other state and county agencies that possess the information or records.

(d) For the purposes of this section, “National Decertification Index” means the National Decertification Index, or any successor index, as maintained by the International Association of Directors of Law Enforcement Standards and Training, or any successor entity.”

SECTION 3. Section 139-1, Hawaii Revised Statutes, is amended by adding one new definition to be appropriately inserted and to read as follows:

““Law enforcement agency” means:

- (1) A county police department;
- (2) The department of law enforcement;
- (3) The department of land and natural resources;
- (4) The department of taxation; or
- (5) The department of the attorney general.”

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect on July 1, 2026.

(Approved July 9, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 247**

H.B. NO. 2352

A Bill for an Act Relating to Law Enforcement.

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

SECTION 1. The legislature finds that section 139-2, Hawaii Revised Statutes, established a law enforcement standards board for the certification of law enforcement officers, including county police officers and law enforcement officers of the departments of law enforcement, land and natural resources, taxation, and attorney general.

The law enforcement standards board is responsible for establishing minimum standards for employment as a law enforcement officer and certifying persons qualified as law enforcement officers. It is also responsible for establishing minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for the training of law enforcement officers. It must consult and cooperate with the counties, state agencies, other governmental agencies, universities and colleges, and other institutions concerning the development of law enforcement officer training schools and programs. The board is also responsible for regulating and enforcing the certification requirements of law enforcement officers.

These are important and substantial duties that require evaluation to ensure that existing legal obligations are not compromised. Before imposing new standards impacting the employment of law enforcement officers, the board must consider collective bargaining and other employment requirements. At a minimum, the board must evaluate how probationary periods; training requirements, including the types of training; the number of hours of training; the availability of training facilities; and the issuance, suspension, and revocation of certification, will impact obligations already established by law.

This evaluation should include consideration of the study conducted by the legislative reference bureau pursuant to Act 124, Session Laws of Hawaii 2018, and any additional study necessary to determine the impact of uniform standards, certification, and training for all law enforcement officers. The board has determined that it will need significantly more time and resources to accomplish its mission.

The purpose of this Act is to:

- (1) Exempt the administrator of the law enforcement standards board from civil service laws;
- (2) Amend the membership requirements for the law enforcement standards board to facilitate more meaningful participation and representation;
- (3) Require the board to consider studies relevant to its objectives and conduct its own study on how to satisfy its duties; and
- (4) Establish new deadlines for the completion of the board's significant responsibilities.

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, 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]~~ bilingual or bicultural school-home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work study assistants, alternative school ~~[educational/supportive]~~ educational or 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, and 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 impractic-

- cable 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; 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; 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]~~ 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]~~ no 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 Hawaii 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, security and privacy compliance analyst, information technology implementation manager, assistant information technology implementation manager, resource manager, ~~[community/project]~~ community or project development director, policy director, special assistant to the director, and limited English proficiency project ~~[manager/coordinator;]~~ manager or 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;
- (35) In the office of homeland security of the department of law enforcement, the statewide interoperable communications coordinator; ~~[and]~~
- (36) In the social services division of the department of human services, the business technology analyst~~[-];~~ and
- (37) The administrator for the law enforcement standards board.

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 139-2, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) There ~~[is]~~ shall be established the law enforcement standards board within the department of the attorney general for administrative purposes only. The purpose of the board shall be to provide programs and standards for training and certification of law enforcement officers. The law enforcement standards board shall consist of the following voting members: eight ex officio individuals~~[-];~~ two] or their designees, five law enforcement officers, [and] four members of the public~~[-];~~ and one member selected by the union representing police officers in the State; provided that:

- (1) The eight ex officio members of the board shall consist of the:

- (A) Attorney general[;] or the attorney general's designee;
  - (B) Director of law enforcement[;] or the director's designee;
  - (C) Chairperson of the board of land and natural resources or the chairperson's designee;
  - (D) Director of taxation or the director's designee; and
  - (E) Chiefs of police of the four counties[;] or the designees of each of the chiefs of police;
- (2) The ~~two~~ five law enforcement officers shall ~~each~~ be persons other than the chiefs of police or designees described in paragraph (1)(E) and shall consist of:

(A) One county law enforcement officer from each of the four counties; and

(B) One state law enforcement officer.

Each law enforcement officer described in this paragraph shall have at least ten years of experience as a law enforcement officer [and], shall be appointed by the governor[;], and, notwithstanding section 26-34, shall be appointed without the advice and consent of the senate; and

- (3) The ~~four members of the~~ public members shall consist of one member ~~[of the public]~~ from each of the four counties ~~[and], each of whom shall be appointed by the governor[-], and, notwithstanding section 26-34, shall be appointed without the advice and consent of the senate.~~ At least two of the four members of the public holding a position on the board at any given time shall:

(A) Possess a master's or doctorate degree related to criminal justice;

(B) Possess a law degree and have experience:

- (i) Practicing in Hawaii as a deputy attorney general, deputy prosecutor, deputy public defender, or private criminal defense attorney; or
- (ii) Litigating constitutional law issues in Hawaii;

(C) Be a recognized expert in the field of criminal justice, policing, or security; or

(D) Have work experience in a law enforcement capacity[;] ~~provided that experience in a county police department shall not itself be sufficient to qualify under this paragraph].~~

(b) The law enforcement officers, member selected by the union representing police officers in the State, and the members of the public on the board shall serve for a term of ~~three~~ four years[-]; provided that the initial terms for the law enforcement officers and the public members shall be staggered, as determined by the governor."

SECTION 4. Section 139-3, Hawaii Revised Statutes, is amended to read as follows:

**"§139-3 Powers and duties of the board.** The board shall:

- (1) Adopt rules in accordance with chapter 91 to implement this chapter;
- (2) Establish minimum standards for employment as a law enforcement officer and to certify persons to be qualified as law enforcement officers;
- (3) Establish criteria and standards in which a person who has been denied certification, whose certification has been revoked by the board, or whose certification has lapsed may reapply for certification;

- (4) Establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the State or a county for the specific purpose of training law enforcement officers;
- (5) Consult and cooperate with the counties, agencies of the State, other governmental agencies, universities, colleges, and other institutions concerning the development of law enforcement officer training schools and programs of criminal justice instruction;
- (6) Employ~~[, subject to chapter 76,]~~ an administrator, without regard to chapter 76, and other persons necessary to carry out its duties under this chapter;
- (7) Investigate when there is reason to believe that a law enforcement officer does not meet the minimum standards for employment, and in so doing, may:
  - (A) Subpoena persons, books, records, or documents;
  - (B) Require answers in writing under oath to questions asked by the board; and
  - (C) Take or cause to be taken depositions as needed in investigations, hearings, and other proceedings, related to the investigation;
- (8) Establish and require participation in continuing education programs for law enforcement officers;
- (9) Have the authority to charge and collect fees for applications for certification as a law enforcement officer;
- (10) Establish procedures and criteria for the revocation of certification issued by the board;
- (11) Have the authority to revoke certifications; ~~[and]~~
- (12) Review and recommend statewide policies and procedures relating to law enforcement, including the use of force~~[-]~~;
- (13) Consider studies relevant to the board's objectives, including the study that examines consolidating the law enforcement activities and responsibilities of various state divisions and agencies under a single, centralized state enforcement division or agency, conducted pursuant to Act 124, Session Laws of Hawaii 2018; and
- (14) Conduct its own study to evaluate how to efficiently and effectively satisfy its duties in accordance with the law."

SECTION 5. Section 139-6, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) No person may be appointed or employed as a law enforcement officer after June 30, 2026, unless the person:

- (1) Has satisfactorily completed a basic program of law enforcement training approved by the board;
- (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
- (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.

(b) ~~[The]~~ Beginning on July 1, 2026, the board shall issue a certification to an applicant or law enforcement officer who meets the requirements of subsection (a) or who has satisfactorily completed a program or course of instruc-

tion in another jurisdiction that the board deems to be equivalent in content and quality to the requirements of subsection (a).”

SECTION 6. Section 139-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No person shall be appointed or employed as a law enforcement officer by any county police department, the department of law enforcement, the department of land and natural resources, the department of taxation, or the department of the attorney general~~[;]~~ after June 30, 2026, unless the person possesses a valid certification issued by the board pursuant to section 139-6(b).”

SECTION 7. Act 220, Session Laws of Hawaii 2018, as amended by section 5 of Act 47, Session Laws of Hawaii 2020, is amended by amending section 6 to read as follows:

“SECTION 6. This Act shall take effect on July 1, 2018~~;~~ provided that the law enforcement standards board established under this Act shall finalize its standards and certification process by December 31, 2021.”

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

(Approved July 9, 2024.)

**ACT 248**

S.B. NO. 2845

A Bill for an Act Relating to Firearms.

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

SECTION 1. The legislature finds that the State has some of the strongest gun safety laws in the nation and had the third lowest number of gun deaths per capita in the nation as of 2021. Despite this, state laws restricting the sale, ownership, and possession of ammunition do not currently align with the State’s gun safety laws. Existing law prohibits the ownership of firearms by persons under the age of twenty-one, but state law does not restrict the purchase, ownership, or possession of ammunition by persons under the age of twenty-one. Numerous states, including Arizona, California, Connecticut, Delaware, Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, have set a minimum age requirement for ammunition sales. Setting a minimum age requirement to purchase, own, or possess ammunition that conforms to the existing minimum age requirement to purchase, own, or possess a firearm in the State will help to ensure the safety of residents and reduce incidents of gun violence in the State.

Accordingly, the purpose of this Act is to prohibit:

- (1) A person from selling ammunition to a person under the age of twenty-one; and
- (2) A person under the age of twenty-one from owning, possessing, or controlling ammunition, with exceptions.

SECTION 2. Chapter 134, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§134- Sale of ammunition to a person under the age of twenty-one; prohibition; penalty.** (a) No person shall intentionally, knowingly, or recklessly sell, offer to sell, distribute, or otherwise transfer ammunition for any firearm to any person who is under the age of twenty-one; provided that it shall not be a violation of this section to sell, offer to sell, distribute, or otherwise transfer ammunition to a person who:

- (1) Meets the criteria to possess a firearm under section 134-5; and
- (2) Is actively engaged in hunting or target shooting or going to or from the place of hunting or target shooting.

(b) Any person who sells, offers for sale, distributes, or otherwise transfers ammunition for any firearm shall check the government-issued photographic identification of the buyer or recipient to establish the age of the buyer or recipient before making the transfer.

(c) It shall be an affirmative defense to subsection (a) that the seller, distributor, or transferor of the ammunition had requested, examined, and reasonably relied upon a government-issued photographic identification establishing the age of the buyer or recipient as at least twenty-one years of age before selling, offering to sell, distributing, or otherwise transferring the ammunition.

(d) Any person violating subsection (a) shall be guilty of a misdemeanor.”

SECTION 3. Section 134-7, Hawaii Revised Statutes, is amended to read as follows:

**“§134-7 Ownership, possession, or control prohibited, when; penalty.** (a) No person who is a fugitive from justice or prohibited from possessing 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.

(b) No person who 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, 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.

(c) No person 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 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,

unless the person establishes, with appropriate medical documentation, that the person is no longer adversely affected by 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, 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.

(e) No minor 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,

unless the minor 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, so long as the protective order, restraining order, or any extension is in effect. 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 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.

(g) Except as provided in section 134-5, no person who is under the age of twenty-one shall own, possess, or control any ammunition for any firearm; provided that this subsection shall not apply to a person in an exempt category identified in section 134-11(a).

~~(g)~~ (h) 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)]~~ (i) 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.

~~[(+)]~~ (j) 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), ~~[(+)]~~ (g), or (h) shall be guilty of a misdemeanor.”

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.<sup>1</sup>

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

(Approved July 9, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 249**

S.B. NO. 2197

A Bill for an Act Relating to Gambling Offenses.

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

SECTION 1. Section 712-1220, Hawaii Revised Statutes, is amended by amending the definition of “advance gambling activity” to read as follows:

““Advance gambling activity”. A person “advances gambling activity” if the person:

- (1) Engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward:
  - (A) The creation or establishment of the particular game, contest, scheme, device, or activity involved;
  - (B) The acquisition or maintenance of premises, paraphernalia, equipment, or apparatus therefor;
  - (C) The solicitation or inducement of persons to participate therein;
  - (D) The actual conduct of the playing phases thereof;
  - (E) The arrangement of any of its financial or recording phases; or
  - (F) Any other phase of its operation; or
- (2) Having substantial proprietary control or other authoritative control over premises being used with the person’s knowledge for purposes of gambling activity, permits that activity to occur or continue ~~[or makes no effort to prevent its occurrence or continuation].”~~

## ACT 250

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.

SECTION 4. This Act shall take effect upon its approval; provided that on July 1, 2029, this Act shall be repealed and section 712-1220, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of this Act.

(Approved July 9, 2024.)

## ACT 250

S.B. NO. 2601

A Bill for an Act Relating to Sexual Abuse of Minors.

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

SECTION 1. The legislature finds that child sexual abuse is extremely prevalent and that most children do not immediately disclose the fact that they were abused. In the United States, one in five girls and one in twenty boys is a victim of childhood sexual abuse, and studies show that between sixty and eighty per cent of survivors withhold disclosure. Of those who delay disclosure until adulthood, the average delay has been found to be approximately twenty years, with some survivors delaying up to fifty years.

The legislature further finds that there are many reasons children delay disclosing sexual abuse. These reasons range from their particular stage of cognitive development, limited capacity to understand what happened, inability to recognize that the sexual abuse may cause dysfunction in their adult life, confusion about their feelings, or limited ability to adequately express complaints, to the fact that a majority of survivors know the perpetrator and may fear retaliation or harmful impacts on their family or community. Moreover, when survivors disclose abuse, they may also be subjected to disbelief, accusations, silencing, and retraumatizing reactions by the recipients of the disclosure.

Accordingly, the purpose of this Act is to:

- (1) Expand the time period by which a civil action for childhood sexual abuse committed on or after July 1, 2024, may be initiated; and
- (2) Allow a court to order the personnel of a legal entity against whom a claim is brought to undergo training on trauma-informed response to allegations of sexual abuse.

This Act shall not be deemed retroactive. This Act shall only apply prospectively and does not revive any action that has passed the existing statute of limitations.

SECTION 2. Section 657-1.8, Hawaii Revised Statutes, is amended to read as follows:

**“§657-1.8 Civil action arising from sexual offenses; application; certificate of merit[.]; trauma-informed response.** (a) Notwithstanding any law to the contrary, ~~[except as provided under subsection (b).]~~ no action for recovery of damages based on physical, psychological, or other injury or condition suffered by a victim when the victim was a minor, arising from the sexual abuse of the



~~[minor]~~ victim by any person when the victim was a minor, shall be commenced against the person who committed the act of sexual abuse more than:

- (1) For sexual abuse committed before July 1, 2024:
  - ~~[(1)]~~ (A) Eight years after the eighteenth birthday of the [minor or the person who committed the act of sexual abuse attains the age of majority, whichever occurs later;]<sup>1</sup> victim; or
  - ~~[(2)]~~ (B) Three years after the date the [minor] victim discovers or reasonably should have discovered that psychological injury or illness occurring after the [minor's] victim's eighteenth birthday was caused by the sexual abuse,  
whichever [comes] occurs later[-]; or
- (2) For sexual abuse committed on or after July 1, 2024:
  - (A) Thirty-two years after the eighteenth birthday of the victim; or
  - (B) Five years after the date the victim discovers or reasonably should have discovered that psychological injury or illness occurring after the victim's eighteenth birthday was caused by the sexual abuse,  
whichever occurs later.

A civil cause of action for the sexual abuse of a victim when the victim was a minor shall be based upon sexual acts that constituted or would have constituted a criminal offense under part V or VI of chapter 707.

~~(b) [For a period of eight years after April 24, 2012, a victim of child sexual abuse that occurred in this State may file a claim in a circuit court of this State against the person who committed the act of sexual abuse if the victim is barred from filing a claim against the victim's abuser due to the expiration of the applicable civil statute of limitations that was in effect prior to April 24, 2012.]~~

A claim may also be brought under this ~~[subsection]~~ section against a legal entity if:

- (1) The person who committed the act of sexual abuse against the victim was employed by an institution, agency, firm, business, corporation, or other public or private legal entity that owed a duty of care to the victim; or
- (2) The person who committed the act of sexual abuse and the victim were engaged in an activity over which the legal entity had a degree of responsibility or control.

Damages against the legal entity shall be awarded under this subsection only if there is a finding of gross negligence on the part of the legal entity.

(c) A defendant against whom a civil action is commenced may recover attorney's fees if the court determines that a false accusation was made with no basis in fact and with malicious intent. A verdict in favor of the defendant shall not be the sole basis for a determination that an accusation had no basis in fact and was made with malicious intent. The court shall make an independent finding of an improper motive ~~[prior to]~~ before awarding attorney's fees under this section.

(d) In any civil action filed pursuant to subsection (a) or (b), a certificate of merit shall be filed by the attorney for the plaintiff, and shall be sealed and remain confidential. The certificate of merit shall include a notarized statement by a:

- ~~[(1)]~~ Psychologist licensed pursuant to chapter 465;
- ~~[(2)]~~ (1) Marriage and family therapist licensed pursuant to chapter 451J;
- ~~[(3)]~~ (2) Mental health counselor licensed pursuant to chapter 453D;  
~~[or]~~
- (3) Psychologist licensed pursuant to chapter 465; or

## ACT 251

(4) Clinical social worker licensed pursuant to chapter 467E[;], who is knowledgeable in the relevant facts and issues involved in the action, and who is not a party to the action.

The notarized statement included in the certificate of merit shall set forth in reasonable detail the facts and opinions relied upon to conclude that there is a reasonable basis to believe that the plaintiff was subject to one or more acts that would result in an injury or condition specified in [[]subsection[]] (a).

(e) With respect to a legal entity against whom a claim is brought pursuant to subsection (b), a plaintiff may request, and a court may order, the personnel of the legal entity to undergo training on trauma-informed response to allegations of sexual abuse. As used in this subsection, “trauma-informed response” may include:

- (1) Fully integrating research about the effects and impacts of trauma into policies, procedures, and practices;
- (2) Understanding the ways in which stress and trauma may affect attention, cognition, behavior, and memory processes;
- (3) Creating an environment that is safe, non-judgmental, and free of gratuitous re-triggering; and
- (4) Listening to and documenting victims’ statements without 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 July 9, 2024.)

### Note

1. Not stricken.

## ACT 251

H.B. NO. 2231

A Bill for an Act Relating to Law Enforcement.

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

SECTION 1. The legislature finds that, according to the Task Force on Twenty-First Century Policing, increasing the diversity of law enforcement agencies throughout the nation is critical to developing trust between law enforcement agencies and the public. Additionally, the legislature notes that nearly all modern national reports on law enforcement recommend the increased employment of women and people from underrepresented racial and ethnic groups in law enforcement. The legislature recognizes that, when compared to male law enforcement officers, female law enforcement officers generally use less force, including excessive force; are named in fewer lawsuits and complaints; are perceived by the public as being more honest and compassionate; achieve better outcomes for crime victims, especially victims of sexual assault; and make fewer discretionary arrests.

Accordingly, the purpose of this Act is to:

- (1) Establish as a goal of the State the increased representation of female law enforcement officers in the State by 2030 and nonbinary law enforcement officers in the State; and

- (2) Require each law enforcement agency to recruit law enforcement officers from diverse backgrounds.

SECTION 2. Chapter 139, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§139- Law enforcement officers; diversity.** (a) The State shall have a goal of each law enforcement agency increasing the employment of:

- (1) Female law enforcement officers to thirty per cent of all law enforcement officers employed by that law enforcement agency by 2030; provided that each law enforcement agency shall use the percentage of female law enforcement officers employed by that law enforcement agency as of January 1, 2023, as the benchmark for measuring the law enforcement agency’s progress toward achieving the goal set forth in this section; and
- (2) Law enforcement officers who do not adhere to the gender binary.
- (b) To effectuate the purposes of this section, each law enforcement agency shall recruit law enforcement officers from diverse backgrounds, including diverse educational backgrounds.
- (c) As used in this section, “law enforcement agency” shall have the same meaning as defined in section 78-52.”

SECTION 3. New statutory material is underscored.<sup>1</sup>

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

(Approved July 9, 2024.)

**Note**

1. Edited pursuant to HRS §23G-16.5.

**ACT 252**

H.B. NO. 2657

A Bill for an Act Relating to Abusive Litigation.

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

SECTION 1. The legislature finds that abusive litigation in the intimate partner violence context is a unique issue that needs to be addressed. Individuals who abuse their intimate partners may also take advantage of court proceedings to control, harass, intimidate, coerce, and impoverish the abused partner, even after a relationship has ended. Abusive litigation arises in a variety of contexts, often in family law cases, and it is not uncommon for abusers to file civil lawsuits against survivors. Even if a lawsuit is meritless, forcing a survivor to spend time, money, and emotional resources responding to the action provides a means for the abuser to assert power and control over the survivor.

The legislature further finds that the term “abusive litigation” is the most common term for this issue. Two states, Tennessee and Washington, have already enacted laws to prevent and remedy abusive litigation.

The purpose of this Act is to establish judicial procedures to prevent and remedy abusive litigation.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
ABUSIVE LITIGATION**

**§ -1 Purpose and intent.** The legislature finds and declares that court proceedings can provide a means for domestic violence abusers to control, harass, intimidate, coerce, and impoverish their intimate partner during the relationship and after it has ended. Misused in this way, the legal system unwittingly becomes another avenue that abusers exploit to cause psychological, emotional, and financial harm. Abusive litigation arises in a variety of contexts such as marriage dissolutions, legal separations, parenting plan actions or modifications, and protection order proceedings, and it is not uncommon for abusers to file civil lawsuits against survivors for defamation, tort, or breach of contract. Even if a lawsuit is meritless, forcing the partner to spend time, money, and emotional resources responding to the action provides a means for the abuser to assert power and control. The purpose of this chapter is to provide the courts with a process to curb abusive litigation and to mitigate the harms abusive litigation perpetuates. It is the legislature’s intent that this chapter be liberally construed to effectuate the goal of protecting survivors of domestic violence from abusive litigation.

**§ -2 Definitions.** As used in this chapter:

“Intimate partner” means:

- (1) Current or former spouses or reciprocal beneficiaries;
- (2) Persons who have a child in common regardless of whether they have been married or have lived together at any time; or
- (3) Persons who have or have had a dating relationship as that term is defined in section 586-1.

For the purposes of this definition, “intimate” has no romantic connotations.

“Litigation” means any civil action or proceeding commenced, maintained, or pending in any state or federal court of record.

**§ -3 Abusive litigation; defined.** (a) Abusive litigation occurs where the following apply:

- (1) The opposing parties have a current or former intimate partner relationship or have filed on behalf of a minor or incapacitated person who has a current or former intimate partner relationship;
- (2) The party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have committed intimate partner violence against the other party, including by a temporary restraining order or order for protection that the court found was necessary due to domestic violence or the parties had agreed to an order for protection in a case of domestic violence and to the facts of that order, pursuant to:
  - (A) An order or decree issued pursuant to section 571-46 or 580-74;
  - (B) An order for protection issued pursuant to section 586-3;
  - (C) A temporary restraining order issued pursuant to section 586-4;
  - (D) A protective order issued pursuant to section 586-5.5;
  - (E) A foreign protective order credited pursuant to section 586-21;
  - (F) A no contact order issued pursuant to section 709-906(4); or
  - (G) A criminal conviction or a plea of no contest, in this State or any other jurisdiction for any of the crimes identified in section 709-906, 711-1106.4, or 711-1106.5; or a filing for any offense related to domestic violence;

- (3) The litigation is being filed, initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party; and
- (4) At least one of the following factors apply:
  - (A) Claims, allegations, and other legal contentions made in the litigation are not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law;
  - (B) Allegations and other factual contentions made in the litigation are without the existence of evidentiary support; or
  - (C) An issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation.
- (b) Litigation is harassing, intimidating, or maintaining contact with the other party when the litigation is filed with the intent or is primarily designed to, among other actions:
  - (1) Exhaust, deplete, impair, or adversely impact the other party's financial resources;
  - (2) Prevent or interfere with the ability of the other party to raise a child or children for whom the other party has sole or joint legal custody;
  - (3) Force, coerce, or attempt to force or coerce the other party to agree to or make adverse concessions concerning financial, custodial, support, or other issues when the issues in question have been previously litigated and decided in favor of the other party;
  - (4) Force, coerce, or attempt to force or coerce the other party to alter, engage in, or refrain from engaging in conduct when the conduct is lawful;
  - (5) Impair, or attempt to impair, the health or well-being of the other party or the other party's dependent;
  - (6) Prevent, interfere, or adversely impact the ability of the other party to pursue or maintain a livelihood or lifestyle at the same or better standard as the other party enjoyed before the filing of the action;
  - (7) Force, coerce, or attempt to force or coerce the other party to maintain contact with the party who is filing, initiating, advancing, or continuing the litigation; or
  - (8) Impair, diminish, or tarnish the other party's reputation in the community or alienate the other party's friends, colleagues, attorneys, or professional associates by, including but not limited to subjecting parties without knowledge of or not reasonably relevant to the litigation to unreasonably or unnecessarily complex, lengthy, or intrusive interrogatories or depositions.

**§ -4 Procedure to request order restricting abusive litigation.** (a) A party to a case may request from the court an order restricting abusive litigation if the parties are current or former intimate partners and one party has been found by the court to have committed domestic violence against the other party:

- (1) In any answer or response to the litigation being filed, initiated, advanced, or continued;
- (2) By motion made at any time during any open or ongoing case; or
- (3) By separate motion made under this chapter; provided that for a temporary restraining order or order for protection, the motion

shall be made within five years of the entry of the temporary restraining order or order for protection even if the order has since expired.

(b) Any court of competent jurisdiction may, on its own motion, determine that a hearing pursuant to this chapter is necessary to determine if a party is engaging in abusive litigation.

(c) No filing fee shall be charged to the party requesting an order restricting abusive litigation.

(d) This section shall not preclude the party requesting an order restricting abusive litigation from pursuing any other remedy under law or in equity.

**§ -5 Hearing; procedure.** (a) If a party asserts that they are being subjected to abusive litigation, the court shall attempt to verify that the parties have or previously had an intimate partner relationship and that the party raising the claim of abusive litigation has been found to be a victim of domestic violence by the other party. If the court verifies that both elements are true or is unable to verify that they are not true, the court shall set a hearing to determine whether the litigation meets the definition of abusive litigation.

(b) At the time set for the hearing on the alleged abusive litigation action, the court shall hear all relevant testimony and may require any affidavits, documentary evidence, or other records the court deems necessary. The court shall allow the party raising the claim of abusive litigation to attend the hearing remotely if requested by the party.

**§ -6 Presumptions.** At the hearing conducted pursuant to this chapter, evidence of any of the following creates a rebuttable presumption that litigation is being filed, initiated, advanced, or continued primarily for the purpose of harassing, intimidating, or maintaining contact with the other party:

- (1) Proffered legal claims are not based on existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;
- (2) Allegations and other factual contentions are made without adequate evidentiary support or are unlikely to have evidentiary support after a reasonable opportunity for further investigation;
- (3) An issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation;
- (4) Within the last ten years, the party allegedly engaging in abusive litigation has been sanctioned by a court of law for filing one or more cases, petitions, motions, or other filings, that were found to have been frivolous, vexatious, intransigent, or brought in bad faith involving the same opposing party; or
- (5) A court of record in another judicial circuit or jurisdiction has determined that the party allegedly engaging in abusive litigation has previously engaged in abusive litigation or similar conduct and has been subject to a court order imposing prefiling restrictions.

**§ -7 Court findings.** (a) If the court finds by a preponderance of the evidence that a party is engaging in abusive litigation, and that any or all of the motions or actions pending before the court are abusive litigation, the litigation shall be dismissed, denied, stricken, or resolved by other disposition with prejudice.

(b) In addition to dismissal or denial of any pending abusive litigation within the jurisdiction of the court, the court shall enter an order restricting abusive litigation. The order restricting abusive litigation shall:

- (1) Impose all costs of any abusive litigation action pending in the court at the time of the court's finding pursuant to subsection (a) against the party advancing the abusive litigation;
- (2) Award the other party reasonable attorneys' fees and costs for responding to the abusive litigation action, including the cost of seeking the order restricting abusive litigation; and
- (3) Identify the party protected by the order restricting abusive litigation and impose prefiling restrictions upon the party found to have engaged in abusive litigation for a period of no more than seventy-two months; provided that the prefiling restrictions may be extended if the party found to have engaged in abusive litigation, since the effective date of the order, has engaged in further abusive litigation or caused further abuse, including "coercive control", "domestic abuse", "extreme psychological abuse", and "malicious property damage" as those terms are defined in section 586-1.

(c) If the court finds by a preponderance of the evidence that the litigation does not constitute abusive litigation, the court shall enter written findings and the litigation shall proceed. Nothing in this chapter shall be construed as limiting the court's inherent authority to control the proceedings and litigants before the court.

(d) This section shall not preclude the person who is protected by the order restricting abusive litigation from pursuing any other remedy under law or in equity.

**§ -8 Filing of new case or motion by person subject to an order restricting abusive litigation.** (a) A person subject to an order restricting abusive litigation who wishes to initiate a new case or file a motion in an existing case during the time the person is under filing restrictions shall first file an application or motion before the court that imposed the order restricting abusive litigation to make a request to file. The court may examine witnesses, court records, and any other available evidence to determine if the proposed litigation is abusive litigation or if there are reasonable and legitimate grounds upon which the litigation is based.

(b) Based on reviewing the records as well as any evidence submitted as sworn statements from the person who is subject to the order restricting abusive litigation, if the court determines the proposed litigation is abusive litigation, then it is not necessary for the person protected by the order to appear or participate in any way. If the court is unable to determine whether the proposed litigation is abusive litigation without hearing from the person protected by the order, then the court shall issue an order scheduling a hearing and notifying the protected party of the party's right to appear and participate in the hearing. The court order shall specify whether the protected party is expected to submit a written response. The court shall allow the protected party to attend the hearing remotely at the protected party's request.

(c) If the court believes the requested filing by the party who is subject to the order restricting abusive litigation will constitute abusive litigation, the request shall be denied, dismissed, or otherwise disposed of with prejudice.

(d) If the court reasonably believes that the requested filing by the party who is subject to the order restricting abusive litigation will not be abusive litigation,

tion, the court may grant the request and issue an order permitting the filing of the case, motion, or pleading. The court order shall be attached to the front of the pleading to be filed with the clerk. The party who is protected by the order restricting abusive litigation shall be served with a copy of the court order at the same time as the underlying pleading.

(e) The findings of the court shall be reduced to writing and made a part of the record in the matter. If the party who is subject to the order restricting abusive litigation disputes the finding of the judge, the party may seek review of the decision as provided by the applicable court rules.

(f) If the request to file is granted pursuant to this section, the period of time commencing with the filing of the request to file and ending with the issuance of an order permitting filing shall not be computed as a part of any applicable period of limitations within which the matter must be instituted.

(g) After a party who is subject to an order restricting abusive litigation has made a request to file and been granted permission to file or advance a case pursuant to this section, if any court hearing or presiding over the case, or any part thereof, determines that the person is attempting to add parties, amend the complaint, or is otherwise attempting to alter the parties and issues involved in the litigation in a manner that the court reasonably believes would constitute abusive litigation, the court shall stay the proceedings and refer the case back to the court who granted the request to file for further disposition.

(h) If a party who is protected by an order restricting abusive litigation is served with a pleading filed by the person who is subject to the order and the pleading does not have an attached order allowing the filing, the protected party may respond by filing a copy of the order restricting abusive litigation.

(i) If it is brought to the court's attention that a person who is subject to an order restricting abusive litigation has filed a new case or is continuing an existing case without having been granted a request to file pursuant to this section, the court shall dismiss, deny, or otherwise dispose of the matter on the court's own motion or initiative. The court may take whatever action against the perpetrator of abusive litigation deemed necessary and appropriate for a violation of the order.

(j) If a party who is protected by an order restricting abusive litigation is served with a pleading filed by the person who is subject to the order, and the pleading does not have an attached order allowing the pleading, the protected party is under no obligation or duty to respond to the summons, complaint, petition, or motion; answer interrogatories; appear for depositions; or take any other responsive action required by statute or rule in a civil action.

(k) If the court who issued the order restricting abusive litigation is otherwise unavailable for any reason, any other court may perform the review required and permitted by this section.

(l) For the purposes of this section, "perpetrator of abusive litigation" means a person who files, initiates, advances, or continues litigation in violation of an order restricting abusive litigation."

**SECTION 3.** By January 1, 2025, the courts shall create new forms for the motion for order restricting abusive litigation and develop relevant instructions. By July 1, 2025, the judiciary shall provide training on abusive litigation and this Act to applicable family, district, and circuit court judges.

**SECTION 4.** 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 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. This Act shall take effect on January 1, 2025.

(Approved July 9, 2024.)

## ACT 253

H.B. NO. 1801

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 said article VII, section 13, of the state constitution.

- (2) Actual and estimated debt limits. The limit on principal and interest of general obligation bonds issued by the State, actual for fiscal year 2023-2024 and estimated for each fiscal year from 2024-2025 to 2026-2027, is as follows:

<u>Fiscal Year</u>	<u>Net General Fund Revenues</u>	<u>Debt Limit</u>
2020-2021	\$8,249,554,335	
2021-2022	10,205,616,785	
2022-2023	10,183,780,738	
2023-2024	10,455,097,000	\$1,766,068,698
2024-2025	10,909,594,000	1,902,077,162
2025-2026	11,377,683,000	1,945,489,091
2026-2027	(not applicable)	2,019,113,063

For fiscal years 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 2020-2021, 2021-2022, and 2022-2023 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, 2023, dated November 14, 2023. The net general fund revenues for fiscal years 2023-2024 to 2025-2026 are estimates, based on general fund revenue estimates made as of March 11, 2024, by the council on revenues, the body assigned by article VII, section 7, of the state constitution to make such estimates, and based on estimates made by the department of budget and finance of those receipts that cannot be included as general fund revenues for the purpose of calculating the debt limit, all of which estimates the legislature finds to be reasonable.

- (3) Principal and interest on outstanding bonds applicable to the debt limit.
- (A) According to the department of budget and finance, the total amount of principal and interest on outstanding general obligation bonds, after the exclusions permitted by article VII, section 13, of the state constitution, for determining the power of the State to issue general obligation bonds within the debt limit as of April 1, 2024, is as follows for fiscal year 2024-2025 to fiscal year 2030-2031:

<u>Fiscal Year</u>	<u>Principal and Interest</u>
2024-2025	\$1,029,382,011
2025-2026	1,032,952,707
2026-2027	877,462,252
2027-2028	851,100,231
2028-2029	820,024,069
2029-2030	773,375,895
2030-2031	725,929,474

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 2031-2032 to fiscal year 2042-2043 when the final installment of \$58,169,242 shall be due and payable.

- (B) The department of budget and finance further reports that the outstanding principal amount of bonds constituting instruments of indebtedness under which the State may incur a contingent liability as a guarantor is \$233,500,000, all or part of which is excludable in determining the power of the State to issue general obligation bonds, pursuant to article VII, section 13, of the state constitution.
- (4) Amount of authorized and unissued general obligation bonds and guaranties and proposed bonds and guaranties.
- (A) As calculated from the state comptroller's bond fund report as of February 29, 2024, adjusted for:
- (i) Appropriations to be funded by general obligation bonds or reimbursable general obligation bonds as provided in Act 164, Session Laws of Hawaii 2023 (the General Appropriations Act of 2023), to be expended in fiscal year 2024-2025, adjusted for additional appropriations provided in House Bill No. 1800 H.D. 1, S.D. 1, C.D. 1<sup>1</sup> (the Supplemental Appropriations Act of 2024);
  - (ii) Lapses as provided in House Bill No. 1800, H.D. 1, S.D. 1, C.D. 1<sup>1</sup> (the Supplemental Appropriations Act of 2024);
  - (iii) Appropriations to be funded by general obligation bonds or reimbursable general obligation bonds as provided in Act 70, Session Laws of Hawaii 2023 (the Judiciary Appropriations Act of 2023) to be expended in fiscal year 2024-2025, adjusted for additional appropriations provided in House Bill No. 1911, H.D. 2, S.D. 2, C.D. 1<sup>2</sup> (the Judiciary Supplemental Appropriations Act of 2024);
  - (iv) Lapses as provided in House Bill No. 1911, H.D. 2, S.D. 2, C.D. 1<sup>2</sup> (the Judiciary Supplemental Appropriations Act of 2024);
- the total amount of authorized but unissued general obligation bonds is \$3,874,136,011. The total amount of general obligation bonds authorized in this Act is \$1,199,590,000. The total amount of general obligation bonds previously authorized and unissued, as adjusted, and the general obligation bonds authorized in this Act is \$5,073,726,011.
- (B) As reported by the department of budget and finance the outstanding principal amount of bonds constituting instruments of indebtedness under which the State may incur a contingent liability as a guarantor is \$233,500,000, all or part of which is excludable in determining the power of the State to issue general obligation bonds, pursuant to article VII, section 13, of the state constitution.
- (5) Proposed general obligation bond issuance. As reported therein for the fiscal years 2023-2024, 2024-2025, 2025-2026, and 2026-2027, the State proposes to issue \$1,150,000,000 in general obligation bonds during the second half of fiscal year 2023-2024, \$650,000,000 in general obligation bonds semiannually during fiscal years 2024-2025 and 2025-2026, and \$670,000,000 in general obligation bonds semiannually during 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 2023-2024 to 2025-2026 is \$3,750,000,000. An additional \$1,340,000,000 is proposed to be issued in fiscal year 2026-2027. The total amount of \$5,090,000,000 that is proposed to be issued through fiscal year 2026-2027 is sufficient to meet the requirements of the authorized and unissued bonds, as adjusted, the total amount of which is \$5,073,726,011 reported in paragraph (4), except for \$1,323,726,011. It is assumed that the appropriations to which an additional \$1,323,726,011 in bond issuance needs to be applied will have been encumbered as of June 30, 2026. The \$1,340,000,000 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 \$1,323,726,011. 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 0.42 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; provided that the State shall establish and maintain a reserve in an amount in reasonable proportion to the outstanding loans guaranteed by the State as provided by law. According to the department of budget and finance and the assumptions presented herein, the total principal amount of outstanding general obligation bonds and general obligation bonds proposed to be issued, which are not otherwise excluded under article VII, section 13, of the state constitution for the fiscal years 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>
2023-2024	\$ 9,872,538,305
2024-2025	11,169,288,305
2025-2026	12,466,038,305
2026-2027	13,802,688,305

Based on the foregoing and based on the assumption that the full amount of a guaranty is immediately due and payable when such guaranty changes from a contingent liability to an actual liability, the aggregate principal amount of the portion of the outstanding guaranties and the guaranties proposed to be incurred, which does not exceed seven per cent of the average amount set forth in the last column of the above table and for which reserve funds have been or will have been established as heretofore provided, can be excluded in determining the power of the State to issue general obligation bonds. As it is not possible to predict with a reasonable degree of certainty when a guaranty will change from a contingent liability to an actual liability, it is assumed in conformity with fiscal conservatism and prudence, that all guaranties not otherwise excluded pursuant to article VII, section 13, of the state constitution will become due and payable in the same fiscal year in which the greatest amount of principal and interest on general obligation bonds, after exclusions, occurs. Thus, based on such assumptions and on the determination in paragraph (8), all of the outstanding guaranties can be excluded.

- (8) Determination whether the debt limit will be exceeded at the time of issuance. From the foregoing and on the assumption that all of the bonds identified in paragraph (5) will be issued at an interest rate not to exceed 7.50 per cent in fiscal years 2024 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 such issuance:

Time of Issuance and Amount to be Counted Against Debt Limit	Debt Limit at Time of Issuance	Greatest Amount and Year of Highest Principal and Interest on Bonds and Guaranties
2nd half FY 2023-2024 \$1,147,125,000	1,766,068,698	1,193,011,648 (2025-2026)
1st half FY 2024-2025 \$648,375,000	1,902,077,162	1,278,696,023 (2025-2026)
2nd half FY 2024-2025 \$648,375,000	1,902,077,162	1,365,824,148 (2025-2026)
1st half FY 2025-2026 \$648,375,000	1,945,489,091	1,390,138,211 (2025-2026)
2nd half FY 2025-2026 \$648,375,000	1,945,489,091	1,390,138,211 (2025-2026)
1st half FY 2026-2027 \$668,325,000	2,019,113,063	1,442,317,815 (2027-2028)
2nd half FY 2026-2027 \$668,325,000	2,019,113,063	1,532,122,190 (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 such matters must remain subject to substantial flexibility.

SECTION 3. Authorization for issuance of general obligation bonds. General obligation bonds may be issued as provided by law in an amount that may be necessary to finance projects authorized in House Bill No. 1800, H.D. 1, S.D. 1, C.D. 1<sup>1</sup> (the Supplemental Appropriations Act of 2024) and House Bill No. 1911, H.D. 2, S.D. 2, C.D. 1<sup>2</sup> (the Judiciary Supplemental Appropriations Act of 2024) passed by the legislature during this regular session of 2024 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 \$1,199,590,000. The proceeds of the general obligation bonds herein authorized are intended to be applied to reimburse expenditures made 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 such principal amount as may be required to refund any general obligation bonds of the State of Hawaii heretofore or hereafter issued pursuant to law.

**SECTION 4.** The provisions of this Act are declared to be severable and if any portion thereof is held to be invalid for any reason, the validity of the remainder of this Act shall not be affected.

**SECTION 5.** In printing this Act, the revisor of statutes shall substitute in section 1 and section 3 the corresponding act numbers for bills identified therein.

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

(Approved July 10, 2024.)

**Notes**

1. Act 230.
2. Act 233.

# PROPOSED CONSTITUTIONAL AMENDMENTS

## H.B. NO. 2802

A Bill for an Act Proposing an Amendment to Article 1, Section 23, of the Hawaii Constitution Relating to Marriage.

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

SECTION 1. The purpose of this Act is to repeal article I, section 23, of the Constitution of the State of Hawaii to repeal the legislature's authority to reserve marriage to opposite-sex couples.

SECTION 2. Article I, section 23, of the Constitution of the State of Hawaii is repealed.

SECTION 3. The question to be printed on the ballot shall be as follows:

“Shall the state constitution be amended to repeal the legislature's authority to reserve marriage to opposite-sex couples?”

SECTION 4. Constitutional material to be repealed is bracketed and stricken.<sup>1</sup>

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

### Note

1. Edited pursuant to HRS §23G-16.5.

## S.B. NO. 2927

A Bill for an Act Proposing an Amendment to Article VI, Section 3 of the Hawaii Constitution to Make the Senate Confirmation Process for Judicial Appointments More Uniform.

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

SECTION 1. Article VI, section 3, of the Constitution of the State of Hawaii is amended to read as follows:

### “APPOINTMENT OF JUSTICES AND JUDGES

**Section 3.** The governor, with the consent of the senate, shall fill a vacancy in the office of the chief justice, supreme court, intermediate appellate court and circuit courts[;] by appointing a person from a list of not less than four, and not more than six[;] nominees for the vacancy[;] presented to the governor by the judicial selection commission.

If the governor fails to make any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. If the senate fails to reject any appointment within thirty days thereof, [it] the senate shall be deemed to have given its



## PROPOSED CONSTITUTIONAL AMENDMENTS

~~consent]~~ consented to [such] that appointment. If the senate ~~[shall reject]~~ rejects any appointment, the governor shall make another appointment from the list within ten days thereof. The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the judicial selection commission shall make the appointment from the list, without senate consent.

The chief justice, with the consent of the senate, shall fill a vacancy in the district courts by appointing a person from a list of not less than four and not more than six nominees for the vacancy presented to the chief justice by the judicial selection commission. If the chief justice fails to make ~~[the]~~ any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. ~~[The senate shall hold a public hearing and vote on each appointment within thirty days of any appointment.]~~ If the senate fails to ~~[do so, the nomination shall be returned to the commission and the commission shall make the appointment from the list without senate consent.]~~ reject any appointment within thirty days thereof, the senate shall be deemed to have consented to that appointment. If the senate rejects any appointment, the chief justice shall make another appointment from the list within ten days thereof. The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the judicial selection commission shall make the appointment from the list, without senate consent. The chief justice shall appoint per diem district court judges as provided by law.

The judicial selection commission shall disclose to the public the list of nominees for each vacancy concurrently with the presentation of each list to the governor or the chief justice, as applicable.

### QUALIFICATIONS FOR APPOINTMENT

Justices and judges shall be residents and citizens of the State and of the United States, and licensed to practice law by the supreme court. A justice of the supreme court, [a] judge of the intermediate appellate court and [a] judge of the circuit court shall have been so licensed for a period of not less than ten years preceding nomination. A judge of the district court shall have been so licensed for a period of not less than five years preceding nomination.

No justice or judge shall, during the term of office, engage in the practice of law, or run for or hold any other office or position of profit under the United States, the State or its political subdivisions.

### TENURE; RETIREMENT

The term of office of justices and judges of the supreme court, intermediate appellate court and circuit courts shall be ten years. Judges of district courts shall hold office for the periods as provided by law. At least six months ~~[prior to]~~ before the expiration of a justice's or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire. If the judicial selection commission determines that the justice or judge should be retained in office, the commission shall renew the term of office of the justice or judge for the period provided by this section or by law.

Justices and judges shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State."

## PROPOSED CONSTITUTIONAL AMENDMENTS

SECTION 2. The question to be printed on the ballot shall be as follows:

“Shall the Constitution of the State of Hawaii be amended to make the appointment and confirmation process for district court judges the same as the appointment and confirmation process for supreme court justices and intermediate court of appeals and circuit court judges, which would require:

- (1) The Judicial Selection Commission to present the Chief Justice with a list of not less than four and not more than six nominees for a vacancy;
- (2) A district court appointee to be automatically considered appointed if the Senate fails to reject the appointment within thirty days of receiving the appointment notice;
- (3) The Chief Justice to make another appointment from the list of district court nominees within ten days if the Senate rejects an appointment; and
- (4) The appointment and consent procedure to be followed until a valid appointment is made, or failing this, the Judicial Selection Commission to make the appointment from the list of nominees, without Senate consent?”

SECTION 3. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 4. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

**COMMITTEE REPORTS ON BILLS ENACTED**



**TABLES SHOWING EFFECT OF ACTS**



**GENERAL INDEX**

# COMMITTEE REPORTS ON BILLS ENACTED

## REGULAR SESSION OF 2024

<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>
HB0040	229	1227, 1596	935	188-24 <sup>1</sup>
HB0129	001	2151	285	
HB0159	058	1366, 3061	486, 995	
HB0470	145	1291, 2730	344, 1089	
HB0982	059	1313, 1757	256, 691, 904	153-24
HB1148	107	1352, 1741	321, 898	137-24
HB1527	221	3291, 3749	651-24	
HB1529	123	3105, 3685	240-24, 895-24	
HB1533	108	3204, 3765	54-24, 978-24	136-24
HB1541	005	3480	689-24	
HB1554	222	3324, 3657	423-24, 896-24	
HB1577	060	3339, 3730	86-24, 867-24	57-24
HB1578	061	3229, 3686	67-24, 630-24	
HB1595	062	3103, 3769	655-24	
HB1597	160	3275, 3695	671-24	
HB1598	011	3270, 3748	672-24	
HB1599	012	3271, 3661	673-24	
HB1600	013	3272, 3662	674-24	
HB1611	246	3080, 3683	27-24, 903-24	
HB1640	234	3138, 3794	28-24, 809-24	128-24
HB1642	063	3196, 3735	105-24, 628-24	
HB1686	092	3217, 3751	25-24, 403-24, 955-24	127-24
HB1760	035	3678	95-24, 872-24	105-24
HB1763	235	3166, 3717	364-24, 874-24	167-24
HB1800	230	3419	1070-24	1-24
HB1801	253	3396	739-24	144-24
HB1827	089	3679	281-24, 949-24	126-24
HB1830	093	3337, 3770	200-24, 582-24, 1005-24	152-24
HB1832	186	3155, 3812	221-24, 811-24	102-24
HB1836	100	3199, 3413	550-24, 914-24	110-24
HB1842	201	3085, 3649	645-24	
HB1861	064	3223, 3801	251-24, 886-24	
HB1869	161	3224, 3684	650-24	
HB1879	014	3417	646-24	
HB1880	006	3415	688-24	
HB1881	015	3112, 3809	376-24, 937-24	
HB1889	101	3157, 3653	108-24, 812-24	
HB1899	004	3254	16-24, 733-24	
HB1902	206	3222, 3667	136-24, 377-24, 957-24	96-24
HB1911	233	3283, 3420	88-24, 1069-24	2-24
HB1915	007	3676	623-24	
HB1916	187	3677	641-24	5-24
HB1922	223	3327, 3659	181-24, 631-24	
HB1923	182	3318, 3724	551-24, 897-24	
HB1925	036	3319, 3775	498-24, 962-24	130-24
HB1932	109	3345, 3816	43-24, 455-24, 965-24	166-24
HB1936	236	3340, 3715	336-24, 910-24	
HB1944	094	3133, 3672	53-24, 542-24	6-24
HB1950	008	3479	15-24, 734-24	
HB1953	245	3117, 3795	126-24, 720-24	155-24
HB1974	018	3206, 3752	13-24, 795-24	

<sup>1</sup> See also Senate Floor Amendment 8 or House Floor Amendment 10.

<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>
HB2020	053	3278, 3655	566-24, 908-24	49-24
HB2042	102	3281, 3766	329-24, 1013-24	151-24
HB2058	224	3641	298-24, 854-24	3-24
HB2069	019	3276, 3701	487-24, 814-24	
HB2070	162	3265, 3731	107-24, 730-24	7-24
HB2071	163	3226, 3666	68-24, 731-24	
HB2072	016	3416	659-24	
HB2074	126	3120, 3789	209-24, 994-24	156-24
HB2090	037	3277, 3727	624-24	44-24
HB2107	210	3099, 3788	414-24, 963-24	131-24
HB2144	195	3128, 3779	173-24, 697-24	54-24
HB2159	087	3308, 3759	205-24, 558-24, 935-24	
HB2192	193	3482	123-24, 707-24	107-24
HB2193	208	3088, 3652	127-24, 721-24	41-24
HB2216	020	3208, 3705	74-24, 985-24	
HB2218	130	3087, 3692	22-24, 458-24, 877-24	
HB2224	159	3209, 3764	56-24, 986-24	135-24
HB2227	146	3116, 3777	271-24, 888-24	
HB2231	251	3086, 3651	129-24, 944-24	
HB2248	226	3306, 3758	493-24, 848-24	132-24
HB2278	199	3310, 3660 <sup>3</sup>	596-24, 902-24	53-24
HB2295	065	3253, 3665	459-24, 723-24	
HB2298	198	3336, 3658	684-24	48-24
HB2315	042	3297, 3723	632-24	9-24
HB2337	183	3072, 3664	438-24, 862-24	
HB2339	066	3273, 3802	643-24	109-24
HB2340	048	3188, 3718	300-24, 945-24	187-24
HB2342	021	3159, 3663	661-24	
HB2343	164	3130, 3734	223-24, 629-24	
HB2352	247	3090, 3746	644-24	
HB2354	067	3147, 3721	236-24, 735-24	51-24
HB2365	028	3321, 3792	669-24	8-24
HB2369	068	3243, 3790	235-24, 692-24	52-24
HB2374	049	3135, 3796	220-24, 953-24	190-24 <sup>3</sup>
HB2376	022	3227, 3716	744-24	142-24
HB2377	026	3643	745-24	143-24
HB2380	023	3228, 3817	372-24, 974-24	141-24
HB2390	054	3070, 3414	388-24, 907-24	50-24
HB2393	103	3295, 3729	546-24, 709-24	
HB2394	069	3646	585-24, 710-24	
HB2395	070	3163, 3708	481-24, 816-24	
HB2396	071	3082, 3710	482-24, 817-24	
HB2399	165	3214, 3807	746-24	42-24
HB2400	157	3242, 3725	278-24, 904-24	
HB2404	046	3680	747-24	169-24
HB2425	147	3202, 3726	93-24, 939-24	
HB2426	148	3193, 3656	229-24, 890-24	
HB2430	155	3644	269-24, 979-24	138-24
HB2435	072	3182, 3719	665-24	38-24
HB2444	110	3248, 3733	51-24, 543-24, 855-24	
HB2453	218	3183, 3738	409-24, 832-24	97-24
HB2457	131	3083, 3791	131-24, 947-24	40-24
HB2458	132	3100, 3747	678-24	4-24
HB2463	073	3132, 3760	226-24, 951-24	

<sup>2</sup> See also Floor Amendment 5.

<sup>3</sup> See also Senate Floor Amendment 10 or House Floor Amendment 12.

<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>
HB2467	219	3322, 3785	141-24, 476-24, 830-24	98-24
HB2471	220	3331, 3691	499-24, 894-24	100-24
HB2475	227	3332, 3737	497-24, 912-24	46-24
HB2478	216	3333, 3736	188-24, 478-24, 833-24	23-24
HB2480	133	3266, 3640	225-24, 819-24	125-24
HB2481	134	3286, 3750	637-24	47-24
HB2482	166	3269, 3690	381-24, 940-24	39-24
HB2483	074	3091, 3745	291-24, 997-24	
HB2484	075	3681	756-24	104-24
HB2485	076	3109, 3712	288-24, 725-24	
HB2486	077	3176, 3786	301-24, 726-24	
HB2488	078	3645	302-24, 727-24	
HB2489	079	3136, 3709	749-24	
HB2491	135	3231, 3689	259-24, 1052-24	
HB2492	136	3232, 3720	308-24, 1051-24	
HB2493	137	3233, 3688	309-24, 1053-24	
HB2499	111	3256, 3800	155-24, 587-24, 821-24	101-24
HB2501	167	3184, 3696	355-24, 784-24	
HB2513	168	3418	668-24	
HB2520	002	2827	218-24	
HB2526	212	3234, 3732	339-24, 1055-24	
HB2546	184	3067, 3722	447-24, 923-24	108-24
HB2553	104	3305, 3742	19-24, 402-24, 1059-24	55-24
HB2577	105	3673	245-24, 990-24	
HB2581	237	3102, 3687	680-24	45-24
HB2619	231	3066, 3706	521-24, 700-24	154-24
HB2626	124	3329, 3805	184-24, 461-24, 835-24	
HB2641	080	3220, 3756	100-24, 604-24, 823-24	129-24
HB2657	252	3475	555-24, 858-24	
HB2685	040	3143, 3773	64-24, 400-24, 1032-24	133-24
HB2715	081	3262, 3755	252-24, 926-24	103-24
HB2742	202	3304, 3707	589-24, 714-24	140-24
HB2743	217	3293, 3806	601-24, 1038-24	134-24
HB2790	029	3122, 3757	368-24, 802-24	168-24
HB2801	041	3348, 3819	590-24, 715-24	139-24
SB0063	095	482, 916	1305, 1570, 2088	182-24 <sup>4</sup>
SB0116	025	269, 949	1172-24, 1611-24	170-24
SB0582	010	2485, 2903	1780-24	184-24
SB0795	169	74, 660	1502, 2077	37-24
SB1035	047	308, 1089	1576, 1804-24	150-24
SB1099	030	127, 986	1316-24, 1821-24	121-24
SB1170	031	2209, 2905	1216-24, 1808-24	148-24
SB1258	170	362, 980	1243-24, 1767-24	81-24
SB2066	038	2143, 2929	1320-24, 1592-24	35-24
SB2070	150	2179, 2822	1263-24, 1607-24	160-24
SB2079	196	2629, 3009	1188-24, 1616-24	84-24
SB2085	209	2477, 2853	1270-24, 1768-24	177-24
SB2119	096	2475, 2771	1556-24	31-24
SB2132	032	2753	1130-24, 1588-24	72-24
SB2133	034	2138, 2820	1217-24, 1807-24	80-24
SB2182	214	2617, 3024	1330-24, 1770-24	61-24
SB2193	239	2742	1459-24	20-24
SB2197	249	2757	1463-24	19-24
SB2216	188	2105	1178-24, 1757-24	21-24
SB2217	189	2103	1179-24, 1758-24	18-24

<sup>4</sup> See also Senate Floor Amendment 7 or House Floor Amendment 9.

<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>
SB2240	190	2125, 2484	1204-24, 1813-24	175-24
SB2245	144	2470, 2973	1236-24, 1849-24	
SB2257	151	2199, 2377, 2808	1114-24, 1608-24	157-24
SB2284	200	2444, 2782	1082-24, 1283-24, 1771-24	146-24
SB2287	082	2428, 2783	1161-24, 1622-24	94-24
SB2289	118	2468, 2798	1083-24, 1309-24, 1785-24	78-24
SB2305	158	2304, 3027	1119-24, 1328-24, 1606-24	159-24
SB2333	027	2740	1458-24	17-24
SB2337	045	2135, 3051	1219-24, 1845-24	86-24
SB2342	138	2342, 2922	1265-24, 1816-24 <sup>5</sup>	73-24
SB2347	213	2741	1635-24	16-24
SB2350	171	2457, 2969	1267-24, 1600-24	68-24
SB2354	009	2752	1744-24	
SB2387	003	2739	1273-24	
SB2401	185	2492, 2907	1190-24, 1630-24	163-24
SB2413	181	2530, 2785	1191-24, 1838-24	90-24
SB2439	238	2761	1181-24, 1760-24	119-24
SB2443	112	2682, 3012	1102-24, 1310-24, 1624-24	172-24
SB2461	172	2473, 2856	1159-24, 1280-24, 1761-24	181-24
SB2475	156	2236, 3007	1101-24, 1321-24, 1609-24	120-24
SB2476	097	2334, 2769	1162-24, 1599-24	33-24
SB2497	139	2168, 3040	1286-24, 1793-24	158-24
SB2504	056	2147, 2812	1139-24, 1819-24	77-24
SB2516	140	2689, 2803	1136-24, 1333-24, 1750-24	93-24
SB2526	173	2708, 2908	1210-24, 1829-24	92-24
SB2529	098	2196, 2772	1176-24, 1589-24	27-24
SB2532	240	2375, 2968	1557-24	62-24
SB2536	113	2501, 2955	1093-24, 1262-24, 1751-24	95-24
SB2537	055	2490, 2814	1238-24, 1820-24	79-24
SB2575	228	2400, 2947	1078-24, 1269-24, 1811-24	65-24
SB2591	119	2517, 2966	1182-24, 1762-24	111-24
SB2600	044	2748	1132-24, 1613-24	64-24
SB2601	250	2768	1183-24, 1763-24	113-24
SB2657	120	2896	1214-24, 1632-24	66-24
SB2659	128	2577, 3010	1157-24, 1801-24	88-24
SB2687	191	2838	1207-24, 1601-24	58-24
SB2693	211	2173, 2857	1582-24	10-24
SB2706	241	2841	1634-24	
SB2715	174	2269, 2877	1170-24, 1590-24	29-24
SB2718	141	2272, 2990	1164-24, 1585-24	30-24
SB2721	215	2658, 2963	1244-24, 1597-24	36-24
SB2725	050	2845	1781-24	115-24
SB2726	043	2386, 3042	1289-24, 1795-24	176-24
SB2731	083	2455, 2909	1171-24, 1787-24	75-24
SB2753	057	2588, 2873	1271-24, 1603-24	70-24
SB2782	203	2274, 2938	1226-24, 1826-24	179-24
SB2787	207	2276, 2910	1169-24, 1752-24	180-24
SB2819	175	2345, 2942	1121-24, 1591-24	67-24
SB2834	033	2750	1232-24, 1595-24	63-24
SB2837	099	2471, 2799	1154-24, 1297-24, 1612-24	165-24
SB2841	024	2897	1174-24, 1584-24	173-24
SB2845	248	2653, 2941	1465-24	12-24
SB2861	176	2828	1329-24, 1765-24	124-24
SB2919	017	2567, 3014	1237-24, 1846-24	83-24
SB2937	127	2332, 3001	1107-24, 1326-24, 1620-24	122-24

<sup>5</sup> See also 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>
SB2943	177	2642, 2792	1225-24, 1625-24	118-24
SB2958	178	2766	1580-24	
SB2960	194	2260, 2874	1314-24, 1619-24	28-24
SB2974	142	2522, 2912	1288-24, 1794-24	82-24
SB2983	205	2246, 2928	1208-24, 1823-24	76-24
SB2991	143	2420, 2861	1256-24, 1822-24	178-24
SB3011	179	2630, 3003	1466-24	25-24
SB3033	242	2759	1460-24	15-24
SB3034	243	2834	1461-24	14-24
SB3037	244	2763	1464-24	11-24
SB3070	192	2431, 2913	1167-24, 1753-24	91-24
SB3083	084	2829	1234-24, 1834-24	116-24
SB3087	152	2240, 2825	1115-24, 1796-24	162-24
SB3091	051	2182, 2736	1116-24, 1797-24	185-24
SB3092	052	2180, 2737	1117-24, 1798-24	186-24
SB3094	088	2622, 3049	1091-24, 1841-24	117-24
SB3109	125	2153, 3028	1126-24, 1827-24	112-24
SB3116	153	2476, 2935	1089-24, 1789-24	145-24
SB3122	090	2364, 2888	1215-24, 1847-24	
SB3123	122	2518, 2927	1274-24	22-24
SB3125	091	2510, 2797	1099-24, 1298-24, 1850-24	
SB3139	086	2170, 2858	1142-24, 1327-24, 1832-24	183-24
SB3153	232	2319, 2778	1229-24, 1786-24	147-24
SB3154	129	2320, 2993	1230-24, 1587-24	24-24
SB3157	114	2253, 3026	1086-24, 1325-24, 1778-24	74-24
SB3191	115	2513, 2972	1108-24, 1322-24, 1623-24	60-24
SB3192	116	2514, 2971	1211-24, 1621-24	59-24
SB3202	039	2313, 2951	1746-24	149-24
SB3207	149	2181, 2960	1118-24, 1779-24	123-24
SB3220	117	2461, 3033	1235-24, 1818-24	171-24
SB3236	121	2833	1249-24, 1756-24	26-24
SB3242	180	2650, 2802	1105-24, 1247-24, 1627-24	174-24
SB3279	106	2683, 2866	1175-24, 1840-24	164-24
SB3290	204	2576, 2934	1138-24, 1747-24	114-24
SB3305	154	2333, 2826	1100-24, 1250-24, 1610-24	161-24
SB3312	085	2899	1277-24, 1596-24	69-24
SB3364	225	2284, 2777	1074-24, 1251-24, 1803-24	87-24
SB3365	197	2568, 2817	1109-24, 1290-24, 1614-24	34-24

#### PROPOSED CONSTITUTIONAL AMENDMENTS

HB2802	3284, 3811	685-24	
SB2927	2171, 2483	1206-24, 1754-24	13-24



# TABLES SHOWING EFFECT OF ACTS

## Thirty-Second State Legislature 2024 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.
<b>Volume 1</b>			89- _____	N	143
5- _____	N	4	89-9, 11	Am	234
5- _____	N	85	89-13	Am	63
6E-11	Am	129	92-2.5	Am	13
6E-16	Am	119	92-3.7	Am	12
6E-43.5	Am	123	92-7	Am	166
8- _____	N	8	92-7.5	Am	11
8- _____	N	24	92-12	Am	160
8-19	Am	120	97-4	Am	189
11- _____	N	16	97-4.5	R	189
11- _____	N	190	97-6	Am	188
11- _____ (2 secs)	N	191	97-7	Am	15
11-122	Am	14	103D- _____	N	113
11-158, 173.5	Am	1	103D-102	Am	150
14-26	Am	6	103D-203	Am	111
15D-2, 4	Am	178	103D-304	Am	113
16-42	Am	27	103D-709	Am	162
26-6	Am	19	103D-1001, 1004	Am	113
		140	107- _____	N	57
26-19	Am	109	107-26	Am	37
26-52	Am	149			
26H-4	Am	80	<b>Volume 3</b>		
27- _____	N	106	121-29	Am	70
27- _____	N	203	121-39, 40	Am	71
27-43	Am	82	127A- _____	N	211
		140	127A-1, 3	Am	206
28-15	Am	59	127A-13	Am	237
30-1	Am	178	127A-14	Am	206
37-41.5	Am	10	127A-16	Am	10
39B-2, 5	Am	35	127A-30	Am	206
<b>Volume 2</b>			128A-13	Am	66
46- _____ (2 secs)	N	37	132- _____	N	209
46- _____	N	39	132-13	Am	201
46-4	Am	17	132-16	Am	209
		39	132D- _____ (6 secs)	N	208
46-15.1	Am	31	132D-2, 8, 8.6, 9, 14, 20	Am	208
		45	134- _____	N	21
46-16.8	Am	30	134- _____	N	248
46-80	Am	41	134-2	Am	21
46-143	Am	39	134-7	Am	248
76- _____	N	186	134-51 to 53	Am	21
76-16	Am	66	C 138 (heading)	Am	66
		79	138-1 to 10, 12	Am	66
		131	139- _____	N	246
		165	139- _____	N	251
		209	139-1	Am	246
		247	139-2, 3, 6, 7	Am	247
78-64	Am	63	141- _____	N	184
84-10	Am	115	141- _____	N	197
84-11.5	Am	189	141-3.5	Am	231
84-31	Am	188	149A-51	Am	183
84-39	Am	15	150A-4.5	Am	197
88- _____	N	70	150A-5	Am	196
88-21, 122	Am	192	150A-51, 52, 57	Am	231
			161-3, 25	Am	178



HRS Section No.	Effect	Affected By Act No.	HRS Section No.	Effect	Affected By Act No.
334-121.5, 123, 126, 133	Am	87	C 466L	R	80
334-161, 162, pt X	Am	87	467B-____	N	205
334E-2	Am	87	467B-1, 1.5, 2.5, 5, 5.5, 8, 9, 9.5, 9.6, 9.7, 12, 12.5	Am	205
338-18	Am	122	467E-6, 7	Am	93
340E-____	N	218	471-2, 15	Am	221
342D-____	N	218			
342F-30.8	Am	179			
			<b>Volume 11</b>		
<b>Volume 7</b>			481B-____	N	176
346-____	N	106	486-120.5	Am	199
346-____	N	155	486-120.6	Am	198
346-15	Am	108	490:9-628	Am	178
346-17.6	Am	145			
346-53	Am	20	<b>Volume 12</b>		
346-152	Am	146	C 503B	R	134
346-181	Am	153	508D-____	N	119
346D-4.5	Am	18	514B-4, 41	Am	41
350-____	N	147	514B-88	Am	44
350-1, 2	Am	147	514B-105	Am	41
353-1.5	Am	74	514B-121	Am	42
353C-____	N	132	514B-146, 157	Am	41
353C-____	N	158	520-3, 4	Am	3
353C-1	Am	86	520A-3, 4	Am	3
353C-9	Am	131	521-____	N	33
371K-____	N	207	521-____	N	202
377-6	Am	174	521-64	Am	32
377-9	Am	141	558-7	Am	121
386-____	N	94	560:3-801	Am	7
386-21.9	Am	101	571-46.4	Am	93
387-1	Am	73	572-6	Am	72
388-9.7	Am	164	572B-6	Am	72
			577A-1 to 4	Am	91
<b>Volume 8</b>			587A-4, 8, 9	Am	144
421I-3	Am	178	587A-10	Am	148
			587A-11, 21	Am	144
<b>Volume 9</b>			588-2	Am	144
431:2-217	Am	69			
431:9A-154	Am	69	<b>Volume 13</b>		
431:9B-102, 106, 108	Am	69	657-____	N	238
431:9J-103, 112	Am	69	657-1.8	Am	250
431:10A-116	Am	103	662D-____	N	193
431:10C-103.6	Am	92	667-40	Am	41
431:10C-117, 301, 802	Am	138			
431:11-102, 105, 106, 108	Am	84	<b>Volume 14</b>		
431:19-____	N	69	702-230	Am	243
431:19-101	Am	69	704-421	Am	87
432:1-605	Am	103	706-622.9	Am	168
432E-34, 35, 36	Am	103	706-625	Am	87
			707-____	N	213
<b>Volume 10</b>			708-800, 810	Am	240
447-3	Am	97	708-893	Am	239
451J-____	N	93	708-8254	Am	201
451J-1, 3, 5, 6, 9, 10, 12, 13	Am	93	710-1076	Am	242
453D-____	N	93	C 711, pt I (heading)	N	161
453D-1, 3, 5, 6, 10, 11, 13, 14	Am	93	711-____ (5 secs, pt _)	N	224
457-____	N	95	711-____ (9 secs, pt _)	N	224
457-7, 8, 13	Am	95	711-1108.5	Am	221
461-____	N	100	712-1215	Am	244
461-1, 8, 11.4	Am	104	712-1220	Am	249
465-____	N	93	802-1	Am	87
465-1 to 3, 3.5, 6, 7, 7.6, 8, 11, 15	Am	93	846-2.7	Am	74
					80
					110

**B. SESSION LAWS OF HAWAII (SLH) AFFECTED**

<b>SLH No.</b>	<b>Effect</b>	<b>Affected By Act No.</b>	<b>SLH No.</b>	<b>Effect</b>	<b>Affected By Act No.</b>
Laws 2013			Act 88	Am	230
Act 221	Am	87	Act 210	Am	127
Laws 2014			Act 222	Am	219
Act 90	Am	149	Laws 2021 Sp		
Laws 2016			Act 4	Am	105
Act 114	Am	87	Act 8	Am	111
Laws 2017					115
Act 38	Am	115	Laws 2022		
Act 111	Am	87	Act 115	Am	10
Laws 2018			Act 179	Am	173
Act 220	Am	247	Act 247	Am	230
Laws 2019			Act 248	Am	230
Act 36	Am	5	Act 276	Am	230
Act 38	Am	233	Act 279	Am	125
Act 40	Am	230	Laws 2023		
Act 261	Am	139	Act 23	Am	178
Laws 2020			Act 35	Am	10
Act 5	Am	233	Act 66	Am	56
Act 6	Am	230	Act 70	Am	233
Act 46	Am	127	Act 134	Am	232
Act 47	Am	247	Act 164	Am	22
Laws 2021					26
Act 46	Am	214	Act 189	Am	230
					43

**C. SECTION OF THE HAWAIIAN  
HOMES  
COMMISSION ACT 1920  
(HHCA) AFFECTED**

<b>HHCA Section No.</b>	<b>Effect</b>	<b>Affected By Act No.</b>
215	Am	130

**D. SECTIONS OF THE STATE  
CONSTITUTION AFFECTED**

<b>Section No.</b>	<b>Proposed Effect</b>	<b>Bill No.</b>
Art. I, §23	R	HB2802
Art. VI, §3	Am	SB2927

**GENERAL INDEX**  
2024 Regular Session

**ACT**

**ABUSE**

Family or household member, *see DOMESTIC ABUSE*

**ACCOUNTANTS**

Service bids; state contracts; preference for Hawaii businesses..... 113

**ACCOUNTING AND GENERAL SERVICES**

Building code; refrigerant use..... 57  
Chief information officer; duties; salary ..... 140  
Elections, *see ELECTIONS*  
Enterprise technology services  
    mobile application development; Hawaii.gov site..... 82  
    multilingual accessibility standards; appropriation ..... 203  
Exempt employees; information technology modernization ..... 19  
Mobile application development; Hawaii.gov site..... 82  
Office of information practices; open meetings violations; lawsuits ..... 160  
State building code; refrigerant use..... 57  
Technology services consolidation working group; purpose; reports;  
    sunset extended..... 173

**ACTIONS**

Abusive litigation ..... 252  
Claims  
    sexual offenses against adult victims; extension of limitation..... 238  
    sexual offenses against minors; limitation of action ..... 250  
Claims against the State  
    judgments and settlement of claims ..... 48  
    Maui wildfires victims; one ohana bank trust account ..... 10  
Open meetings; lawsuit for violations ..... 160

**ADVERTISING**

Coffee; package labeling; geographic origin percentage..... 198  
Macadamia nuts; package labeling; nuts grown outside Hawaii ..... 199  
Tourism; destination management action plan ..... 225  
Unpermitted commercial ocean activity; determination of violation..... 227

**AGED PERSONS**

*see also LONG TERM CARE*

Missing person alerts..... 158  
Personal needs allowance ..... 18  
Silver alert program..... 158  
Veterans; Maui state veterans home ..... 99

**AGRICULTURE**

Agricultural activity; condition of land sale or lease ..... 194  
Agricultural cooperative associations; eligibility for farm lot ..... 194  
Agricultural lots  
    eligibility of agricultural cooperative association to apply ..... 194  
    proof of agricultural activity; condition of land sale or lease ..... 194  
Chickens, feral; control program; feeding of feral animals education  
    campaign ..... 185  
Coffee; package labeling; geographic origin percentage ..... 198  
Declaration form; submittal of paper or electronic format..... 196

Farm lands, leased  
    suitability and active farms; report..... 181  
    transferred leases; report..... 181  
Feeding feral animals; education campaign ..... 185  
Invasive species control; fine meshed nets ..... 184  
Leases; transferred farm lands; report ..... 181  
Macadamia nuts; package labeling; nuts grown outside Hawaii ..... 199  
Nets, fine meshed; invasive species control..... 184  
Overnight camps in agricultural districts..... 182  
Pest control and eradication biosecurity; staff positions; report;  
    appropriation..... 231  
Pesticides advisory committee ..... 183  
Plant and animal declaration form; paper or electronic format ..... 196  
Plant care components; treatment certification..... 197

**AIRPORTS AND AIRCRAFT**

Agriculture declaration form; paper or electronic format ..... 196  
Plant and animal declaration form; paper or electronic format ..... 196  
Uncrewed aircraft; misuse ..... 161

**ALCOHOLIC BEVERAGES**

*see INTOXICATING LIQUORS*

**ANIMALS**

Chickens, feral  
    control program; feeding of feral animals education campaign ..... 185  
    pest control by counties ..... 231  
Dangerous dogs..... 224  
Feeding feral animals; education campaign ..... 185  
Plant and animal declaration form; paper or electronic format ..... 196  
Snails; designation of state snails ..... 4

**APPROPRIATIONS**

Agriculture; pest control and eradication biosecurity ..... 231  
Bonds, *see BONDS*  
Budget  
    judiciary supplemental appropriations act of 2024 ..... 233  
    supplemental appropriations act of 2024 (state budget)..... 230  
Budget and finance  
    disbursement of moneys; mass transit special fund; emergency appropriation.... 23  
    Maui wildfires; response and recovery; emergency appropriation ..... 10  
Business, economic development, and tourism  
    glidepath program for certified nurse aides ..... 89  
    licensed practical nurse training ..... 89  
    public high school health care workforce certificate program ..... 89  
Claims against the State ..... 48  
Claims against the State; Maui wildfires response and recovery; one ohana  
    bank trust account..... 10  
Commerce and consumer affairs  
    appraisal management companies; registration program ..... 80  
    new license types; staff position ..... 93  
Counties; feral chicken control program..... 231  
Education  
    charter schools; emergency appropriation..... 52  
    food service operations; emergency appropriation ..... 51  
    health care training; renovating and equipping of classrooms..... 89  
    Kaiapuni schools; Hawaiian language immersion education..... 126  
    summer electronic benefits transfer for children program ..... 155

Elections; voter registration verification; membership in Electronic Registration Information Center, Inc. ....	190
Emergency and budget reserve fund; excess general fund revenues .....	229
Emergency management agency; language access coordinator; limited English proficiency; programming support .....	210
Enterprise technology services; multilingual accessibility standards; staff position ...	203
Excess general fund revenues .....	229
Executive office on aging; long-term care planner position.....	159
Executive; supplemental appropriations act of 2024 (state budget) .....	230
Funding adjustment	
public safety department.....	26
transportation department.....	22
Funds, <i>see FUNDS</i>	
Grants, <i>see GRANTS</i>	
Green infrastructure authority; solar hui program .....	40
Health; youth mental health and wellness services.....	102
Human services	
death benefits; unclaimed bodies.....	108
summer electronic benefits transfer for children program .....	155
Judiciary	
penal code review advisory committee .....	245
pre-litigation mediation; Maui wildfires emergency proclamation.....	202
supplemental appropriations act of 2024 .....	233
Labor and industrial relations	
collective bargaining units, creation of new; staff position.....	143
immigration services and access unit.....	207
state fire marshal position .....	209
Land and natural resources; dam and appurtenance improvement or removal grant program.....	232
Law enforcement; missing person alerts; silver alert program .....	158
Legislative reference bureau; condominium property regimes study .....	43
Legislature; legislative branch expenses .....	2
Lieutenant governor; apostilles; certification of documents.....	133
Pension accumulation fund; excess general fund revenues .....	229
Planning and sustainable development office; phase II task force .....	36
Public employees' collective bargaining agreements;	
units 1, 2, 3, 4, 8, 9, 10, 13, 14; excluded employees .....	49
Public safety; funding adjustment; prison programs.....	26
Special purpose revenue bonds, <i>see BONDS</i>	
State budget; supplemental appropriations act of 2024 (state budget).....	230
Transportation	
funding adjustment; special funds transfer for purchase .....	22
radar devices; speed enforcement systems program.....	112
University of Hawaii	
mental health-related programs .....	107
sea grant college program; north shore beach management plan .....	226
water resources research center; sea grant college program; cesspool overlay development .....	217
wildfire forecast system .....	200
Wellness and resilience office; state of well-being project.....	106

## ARBITRATION AND MEDIATION

Pre-litigation mediation; eviction moratorium; Maui wildfires emergency proclamation.....	202
---	-----

## ARMED FORCES

*see MILITARY*

**ARTS**

*see CULTURE AND THE ARTS*

**ATTORNEY GENERAL**

Arrest record expungement pilot project; report.....	62
Assisted community treatment; assistance with petition preparation and filing .....	87
Charitable fundraising platforms, regulation of .....	205
Criminal history record checks	
appraisal management companies; owners and controlling persons.....	80
corrections and rehabilitation; volunteers and service providers .....	74
hemp processors.....	110
Criminal justice data center; arrest record expungement pilot project .....	62
Habitual violent crime; conviction data; report .....	213
Law enforcement standards board	
administrator; exempt position .....	247
certification deadline .....	247
decertification index; reporting requirement .....	246
studies; duties of the board.....	247
Maui wildfires response and recovery; one ohana bank trust account; report; emergency appropriation .....	10
Tobacco enforcement special fund; excess unencumbered and unexpended moneys .....	59

**ATTORNEYS**

Public defenders; representation of indigent persons.....	87
---	----

**AUDITOR**

Appropriation .....	2
---------------------	---

**BEACHES**

North shore beach management plan; university of Hawaii sea grant college program .....	226
--	-----

**BOARDS AND COMMISSIONS**

Board packets.....	11
Burial councils; holdover members.....	123
Business revitalization task force .....	142
Clean slate expungement task force; reports .....	241
Commercial drivers workforce working group; report .....	177
Condominium property regime task force .....	43
Disability and communication access board; working group; report .....	204
Information technology steering committee; Hawaii.gov mobile application development .....	82
Interagency council for transit-oriented development; members.....	28
Labor relations board; new employee orientation.....	63
Land and natural resources; rulemaking authority.....	222, 223
Law enforcement standards board	
decertification index; reporting requirement .....	246
duties; administrator .....	247
911 board; exempt employees; term change.....	66
Open meetings	
investigative group report; discussion and decision-making .....	13
violations; lawsuits .....	160
Peer support specialist working group.....	88
Penal code review advisory committee.....	245
Pesticides advisory committee .....	183



Public utilities commission, <i>see PUBLIC UTILITIES</i>	
Remote meetings; testifiers .....	12
Small business regulatory review board; review of legislation .....	67
State Planning Act phase II task force; members; reports; appropriation .....	36
Taxation board of review; chairperson .....	78
Teacher standards board; qualification to teach career and technical education courses .....	151
Technology services consolidation working group; purpose; reports; sunset extended .....	173
<b>BOATS AND BOATING</b>	
Commercial ocean activity; unpermitted activities .....	227
Mooring of vessels; commercial docks; collective bargaining .....	236
Plant and animal declaration form; paper or electronic format .....	196
Registration or operation of vessels; penalty for violations .....	215
Unpermitted commercial activity; determination of violation .....	227
Violations; penalties .....	215
<b>BONDS</b>	
General obligation bonds authorization .....	253
Housing project infrastructure; issuance of bonds .....	34
Maui wildfires; reimbursement for recovery projects .....	230
Regional state infrastructure projects; issuance of bonds .....	34
Reimbursement for wildfire recovery projects .....	230
<b>BUDGET AND FINANCE</b>	
Debt limit declaration and bond authorization .....	253
Disbursement of moneys; mass transit special fund; emergency appropriation .....	23
Funds dedicated to vacant positions; report .....	230
Maui wildfires response and recovery; report; emergency appropriation .....	10
Public defenders; representation of indigent persons .....	87
<b>BUREAU OF CONVEYANCES</b>	
<i>see CONVEYANCES BUREAU</i>	
<b>BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM</b>	
Business revitalization task force; report .....	142
Chief energy officer; reports .....	55
Community-based economic development technical and financial assistance program; interest rate on loan .....	68
Glidepath program for certified nurse aides; appropriation .....	89
Green infrastructure authority	
commercial property assessed financing program .....	41
solar hui program; appropriation .....	40
Hawaii housing finance and development corporation, <i>see HOUSING FINANCE AND DEVELOPMENT CORPORATION</i>	
Hawaii Pacific hydrogen hub .....	56
Interagency council for transit-oriented development; members .....	28
Licensed practical nurse training; appropriation .....	89
Loans; interest rate; community-based economic development technical and financial assistance program .....	68
Planning and sustainable development office; phase II task force .....	36
Public high school health care workforce certificate program; appropriation .....	89
Research activities; income tax credit; sunset extended .....	139
Small business regulatory review board; review of legislation .....	67

**CEMETERIES**

Abandoned cemeteries; limited ownership appointment ..... 193  
 Burial councils; holdover members..... 123  
 Burial sites; failure to disclose or record site by landowner..... 119  
 Limited ownership appointment..... 193

**CHARITIES AND DONATIONS**

Charitable fundraising platforms; platform charities ..... 205  
 Fraud; state of emergency declaration..... 211  
 Fundraising platforms..... 205

**CHILDREN**

Child abuse and neglect central registry; expungement from registry..... 147  
 Child care providers; United States Department of Defense certified..... 146  
 Drowning prevention; Water Safety Day ..... 24  
 Emergency shelter and related services; provider requirements..... 145  
 Foster custody; exigent circumstances ..... 144  
 Foster placement; relative of child to apply for licensure..... 148  
 Harm to students registry..... 156  
 Homeless minors; emergency shelter and related services ..... 145  
 Medical care and services; sexually transmitted infection prevention;  
     parental notification..... 91  
 Mental health and wellness services..... 102  
 Parental notification; medical care and services..... 91  
 Pornography, promoting; undercover law enforcement operations ..... 244  
 Prekindergarten programs; charter schools ..... 154  
 Preschool open doors program; priority application period ..... 153  
 Protective custody by police ..... 144  
 Sexually transmitted infection prevention; medical care and services;  
     parental notification..... 91  
 Sexual offenses against; limitation of action..... 250  
 Students; harm to students registry ..... 156  
 Temporary foster custody..... 144  
 Vaccine administration by pharmacists, pharmacy interns, and  
     pharmacy technicians ..... 104  
 Water Safety Day; drowning prevention..... 24

**CHIROPRACTORS**

Reimbursement rate ..... 92

**CIRCUIT COURTS**

Open meetings violations; precedence of cases ..... 160

**CIVIL RIGHTS**

Marriage; repeal of reservation to opposite sex couples ..... HB2802

**CIVIL UNIONS**

Licenses; in-person or synchronous online access appearance ..... 72

**COMMERCE AND CONSUMER AFFAIRS**

Appraisal management companies; registration program; appropriation ..... 80  
 Cemeteries; limited ownership appointment..... 193  
 Consumer protection, *see CONSUMER PROTECTION*  
 New license types; staff position; appropriation ..... 93  
 Nurses; temporary permit to practice; staff position ..... 95  
 Public utilities commission, *see PUBLIC UTILITIES*

**CONDOMINIUMS**

Association meetings	
electronic meetings, electronic voting, and mail voting.....	42
voting deadline .....	42
Burglary; multi-unit buildings .....	240
Condominium property regimes study; legislative reference bureau .....	43
Condominium property regime task force; report; sunset extended .....	43
Documents; delivery by electronic mail .....	44
Financing for projects by associations; commercial property assessed financing program.....	41
Multi-unit buildings; burglary .....	240
Purchasers; delivery of documents by electronic mail.....	44
Study; condominium property regimes.....	43

**CONSTITUTION, STATE**

District court judges; appointment and confirmation.....	SB2927
Marriage; repeal of reservation to opposite sex couples .....	HB2802

**CONSUMER PROTECTION**

Coffee; package labeling; geographic origin percentage.....	198
Macadamia nuts; package labeling; nuts grown outside Hawaii .....	199
Nurses; temporary permit to practice.....	95
Real property; exclusive listing agreements.....	176

**CONTRACTORS**

Public contracts; cash or protest bond.....	162
---	-----

**CONTRACTS**

Accounting service businesses; state contracts; preference for Hawaii businesses.....	113
---	-----

**CONVEYANCES BUREAU**

Real property; exclusive listing agreements.....	176
--	-----

**CORPORATIONS**

Income tax election; pass-through entities; tax rates and tax credit use by qualified members.....	50
---	----

**CORRECTIONS AND REHABILITATION**

*see also PRISONS AND PRISONERS*

Interagency council for transit-oriented development; members.....	28
Volunteers and service providers; criminal history record checks.....	74

**COUNTIES**

Accessory dwelling units; county ordinances.....	39
Affordable housing credits; housing finance and development corporation .....	31
Affordable rental housing; bond volume cap recycling program.....	35
Bonds; infrastructure development by the housing finance and development corporation; exemption from taxes .....	34
Building code; refrigerant use.....	57
Chickens, feral	
control program; appropriation .....	231
feeding of feral animals education campaign; control program collaboration with agriculture department .....	185
Commercial buildings; adaptive reuse .....	37
Elections; verification of voter registration rolls .....	190
Emergency management power of mayors .....	206

High-risk or dangerous corridors and intersections.....	180
Highways; traffic infractions.....	65
Housing infrastructure costs; surcharge on state tax revenues .....	30
Housing projects; county powers.....	45
Impact fees .....	39
Mayors	
electronic media transmission; emergency period.....	237
emergency management powers .....	206
Meeting notices .....	166
Mixed-use developments; county powers.....	45
Pest control; feral chickens .....	185, 231
Powers to develop; housing projects; mixed-use developments .....	45
Private covenants; residentially zoned lots.....	39
Residential development; commercial use zone .....	37
Residentially zoned lots; accessory dwelling units; private covenants.....	39
Reuse of commercial buildings.....	37
Short-term rentals; counties' authority.....	17
Speed limits; school zones .....	180
Subdivided lots; residential use.....	39
Surcharge on state tax revenues; housing infrastructure costs.....	30
Tourism; destination management action plans.....	225
Traffic infractions; issuance of citations .....	65
Voter registration rolls, verification of .....	190
Weed whacker restrictions .....	179
Zoning regulations; transient accommodations.....	17

**COURTS**

*see JUDICIARY or specific court*

**CRIMES AND CRIMINAL JUSTICE**

Affirmative defense; not self-induced or pathological intoxication .....	243
Ammunition sales or possession; under twenty-one years old .....	248
Arrest record expungement pilot project .....	62
Assisted community treatment; mental health evaluation.....	87
Burglary; multi-unit buildings .....	240
Charitable fraud; state of emergency declaration .....	211
Children; harm to students registry .....	156
Clean slate expungement task force; reports.....	241
Concealed weapons; deadly or dangerous weapons.....	21
Dangerous dogs.....	224
Deadly or dangerous weapons; possession or use .....	21
Driving without valid license; penalties .....	212
Elections	
deceptive media distribution .....	191
solicitation of contributions; disaster victim assistance.....	16
Evidence, fabricating or tampering with.....	242
Expungement of record	
clean slate expungement task force; reports .....	241
driving under the influence of alcohol; first-time offender .....	168
pilot project; marijuana offenses .....	62
property offenses; first-time offender .....	168
Fire prevention; penalties for violators .....	201
Fireworks	
obstruction of enforcement officers .....	208
refusal of entry and inspection of premises.....	208
unreported theft, embezzlement, fraud, or diversion.....	208
Fitness to proceed; outstanding issue .....	87
Gambling activity; prevention of occurrence or continuation .....	249
Habitual violent crime.....	213

Harm to students registry.....	156
Hemp processors; criminal history record checks.....	110
Intoxication; not self-induced or pathological; affirmative defense.....	243
Investigations; law enforcement department.....	132
Involuntary hospitalization; mental health evaluation.....	87
Knives; switchblade and butterfly.....	21
Marijuana offenses; arrest record expungement pilot project.....	62
Mental health evaluation.....	87
Physical evidence, fabricating or tampering with.....	242
Pornography, promoting for minors; undercover law enforcement operations.....	244
Prisons and prisoners, <i>see PRISONS AND PRISONERS</i>	
Privacy, violation of; use of computer to commit.....	239
Probation violator; mental health evaluation.....	87
Property offenses; arrest record expungement.....	168
Public defenders; representation of indigent persons.....	87
Sexual offenses, <i>see SEXUAL OFFENSES</i>	
Subpoenas; law enforcement department.....	132
Teachers; license forfeiture; criminal or workplace investigation.....	157
Uncrewed aircraft; misuse.....	161
Undercover law enforcement operations; promoting pornography for minors.....	244
Veterinary practice; unlicensed activities.....	221
<b>CULTURE AND THE ARTS</b>	
Archaeological sites; civil and administrative violations.....	129
Kaena point state park; Makua and Keawaula sections; management system development and implementation.....	170
Makahiki Commemoration Day.....	120
Native Hawaiian cultural integrity; visitor industry objectives.....	128
Perpetuation of native Hawaiian culture; tourism authority management plan.....	225
Shaka; public work of art.....	85
<b>DAMS AND RESERVOIRS</b>	
Dam and apurtenance improvement or removal grant program; special fund.....	232
<b>DEATH</b>	
Estate and generation-skipping transfer tax; conformance to the Internal Revenue Code.....	75
Tenants; disposal of personal property of deceased tenant.....	33
Unclaimed bodies; death benefits.....	108
<b>DEBTORS AND CREDITORS</b>	
Hawaiian home lands loans to lessees; direct loan limit amount increased.....	130
<b>DENTISTRY</b>	
Dental hygienists; dental sealant screenings and application.....	97
General excise tax exemption; dental service providers.....	47
<b>DISABLED PERSONS</b>	
American Sign Language interpretation services working group.....	204
Missing person alerts.....	158
Personal needs allowance.....	18
Silver alert program.....	158
<b>DISASTERS</b>	
Electronic media transmission; emergency period.....	237
Emergency management powers; governor and mayors.....	206
Emergency period; electronic media transmission.....	237

Language access coordinator; limited English proficiency .....	210
Maui wildfires	
eviction moratorium; pre-litigation mediation .....	202
reimbursement for recovery projects .....	230
Price control periods; emergency management powers .....	206
State of emergency declaration	
charitable fraud.....	211
medication refills by pharmacists .....	100
Victim assistance; solicitation by candidates.....	16
Wildfire forecast system; university of Hawaii; program development.....	200

**DISCRIMINATION**

Unfair labor practices; political opinion of employers.....	174
---	-----

**DISEASES**

Cancer; workers’ compensation for firefighters .....	101
Coronavirus disease 19 outbreak; report by education department .....	105
Public health emergency; report by education department .....	105
Sexually transmitted infection prevention; medical care and services for minors .....	91
Vaccine administration to children; pharmacists, pharmacy interns, and pharmacy technicians .....	104

**DISTRICT COURTS**

Judges; appointment and confirmation.....	SB2927
---	--------

**DIVORCE**

*see FAMILY COURTS*

**DOMESTIC ABUSE**

Abusive litigation .....	252
Child abuse and neglect central registry; expungement from registry.....	147
Custody of child; protective or temporary foster .....	144
Habitual violent crime.....	213

**DRUGS**

Cannabis, medical; purchase from other dispensaries.....	172
Initial fill prescription transfers .....	96
Intoxication; not self-induced or pathological; affirmative defense .....	243
Marijuana offenses; arrest record expungement pilot project .....	62
Medical cannabis; purchase from other dispensaries .....	172
Medication refills by pharmacists; state of emergency declaration .....	100
Prescription transfers; out-of-state pharmacies to in-state pharmacies.....	96

**EDUCATION**

Career and technical education	
procurement of educational materials, equipment, and related training.....	150
qualification to teach courses.....	151
Charter schools	
emergency appropriation .....	52
prekindergarten programs.....	154
Coronavirus disease 19 outbreak; report .....	105
Dental sealant screenings and application; dental hygienists .....	97
Early learning programs; use of school facilities.....	152
Educational materials, equipment, and related training, procurement of; career and technical education .....	150
Electronic benefits transfer for children; summer program .....	155

Food service operations; emergency appropriation .....	51
Harm to students registry .....	156
Hawaiian language immersion education; staff positions; appropriation .....	126
Health care training; renovating and equipping of classrooms; appropriation .....	89
Kaipuni schools; staff positions; appropriation .....	126
Licenses; forfeiture; criminal or workplace investigation .....	157
Prekindergarten programs; charter schools .....	154
Preschool open doors program, <i>see HUMAN SERVICES</i>	
Public health emergency; report .....	105
School facilities; use by early learning programs .....	152
School zones; speed limits .....	180
Students; harm to students registry .....	156
Summer electronic benefits transfer for children program; staff positions; appropriation .....	155
Superintendent of education; performance evaluation; salary cap; sunset repealed .....	149
Teacher's license; forfeiture of license .....	157
Teacher standards board; career and technical education courses .....	151
<b>ELECTIONS</b>	
Audits; copies of paper ballots .....	27
Ballots; paper ballot copies for audits .....	27
Contest complaints; filing deadline .....	1
Contributions; disaster victim assistance .....	16
Deceptive media, distribution of .....	191
Digital voter information guide; public release .....	14
Electors; day to assemble .....	6
Electronic Registration Information Center, Inc.; membership and dues; appropriation .....	190
Paper ballots, copies of; audits .....	27
Personal information; publication restriction .....	187
Personnel and volunteers; publication restriction on personal information .....	187
Presidential electors; day to assemble .....	6
Recount of votes .....	1
Solicitation of contributions; disaster victim assistance .....	16
Voter information guide; public release .....	14
Voter registration rolls, verification of .....	190
<b>EMBLEMS AND SYMBOLS</b>	
Shaka; state gesture .....	85
Snails; designation of state snails .....	4
<b>EMERGENCY RESPONSE</b>	
Electronic media transmission; emergency period .....	237
Emergency management agency; limited English proficiency; language access coordinator; programming support; appropriation .....	210
Emergency period; electronic media transmission .....	237
Emergency proclamation for Maui wildfires; eviction moratorium; pre-litigation mediation .....	202
Governor's powers; emergency management .....	206
Mayors' powers; emergency management .....	206
911 services; 911 board; term change .....	66
Price control periods .....	206
<b>EMPLOYERS AND EMPLOYEES</b>	
<i>see also PUBLIC EMPLOYMENT</i>	
Commercial driver employers; penalties .....	135
Discharge, discipline, or penalize employees; political opinion of employers .....	174

Employee defined; excluded individuals .....	73
Hearsay evidence; labor relations board .....	141
Political opinion of employers; unfair labor practices.....	174
Schools; harm to students registry.....	156
Wage payment violations; enforcement order .....	164
Wages; employee defined .....	73
Workers' compensation, <i>see</i> <b>WORKERS' COMPENSATION</b>	

**EMPLOYMENT**

*see also* **PUBLIC EMPLOYMENT**

Discharge, discipline, or penalize employees; political opinion of employers.....	174
Hearsay evidence; labor relations board .....	141
Political opinion of employers; unfair labor practices.....	174

**ENERGY**

Chief energy officer; reports .....	55
Clean energy initiative program; report by chief energy officer.....	55
Commercial property assessed financing program .....	41
Expenditures by departments; reports .....	230
Greenhouse gas emission lifecycle; assessments.....	54
Hawaii Pacific hydrogen hub .....	56
Lifecycle greenhouse gas emissions; assessments; public utilities commission.....	54
Renewable energy producer defined .....	53
Renewable portfolio standards; report by chief energy officer .....	55
Solar hui program .....	40

**ENVIRONMENT**

Electric vehicles; environmental conservation special number plates .....	64
Kaena point state park; Makua and Keawaula sections; management system development and implementation .....	170
License plates; environmental conservation special number plates.....	64
Mining; seabed minerals.....	228
Refrigerant use; state and county building codes.....	57
Seabed mining .....	228
Solar hui program .....	40
Water pollution control revolving fund; transfer funds to drinking water treatment revolving loan fund.....	218

**ESTATE AND GENERATION-SKIPPING TRANSFER TAX**

Conformance to the Internal Revenue Code.....	75
---	----

**ETHICS**

Ethics commission	
administrative fines; ethics violations.....	15
advice and advisory opinions.....	188
appropriation .....	2
investigations; powers and duties .....	188
Gift disclosure statement .....	189
Lobbyists; expenditure statement .....	189
Violations; administrative fines.....	15

**EVIDENCE**

Hearsay; labor relations board .....	141
Intoxication; not self-induced or pathological; affirmative defense.....	243
Photographs and recordings; red light cameras .....	163
Physical evidence, fabricating or tampering with .....	242
Unpermitted commercial ocean activity; determination of violation.....	227



**FAMILY COURTS**

Custody of child; protective or temporary foster .....	144
Judges; publication restriction on personal information .....	187

**FILM AND TELEVISION**

Tax credit for motion picture, digital media, and film production; notice to cure failure .....	169
--	-----

**FIREARMS**

Ammunition sales or possession; under twenty-one years old .....	248
Carrying firearm; separate misdemeanor offense .....	21
Permits; rifle or shotgun .....	21

**FIRE PROTECTION**

Emergency management; Maui wildfires response and recovery; major disaster fund trust moneys .....	10
Firefighters with cancer; workers' compensation .....	101
Fire marshal .....	209
Penalties; fire prevention .....	201
Red flag warning; arson .....	201
Wildfire forecast system; university of Hawaii; program development .....	200

**FIREWORKS**

Confiscation, seizure, or disposal .....	208
Entry and inspection of premises .....	208
Obstruction of law enforcement officers .....	208
Recordkeeping and reports by licensees and permittees .....	208

**FISH AND FISHING**

Fishponds; leasing .....	124
Pacific marine fisheries compact .....	216
Rulemaking authority; board of land and natural resources .....	222

**FOOD**

Coffee; package labeling; geographic origin percentage .....	198
Cottage food sales .....	195
Food service operations; education department; emergency appropriation .....	51
Homemade food product sales and delivery .....	195
Kimchi Day .....	8
Macadamia nuts; package labeling; nuts grown outside Hawaii .....	199

**FRAUD**

Charitable fraud; state of emergency declaration .....	211
--	-----

**FUNDS**

Drinking water treatment revolving loan fund; transfer funds to water pollution control revolving fund .....	218
Emergency and budget reserve fund; excess general fund revenues .....	229
Major disaster fund; Maui wildfires response and recovery; trust moneys .....	10
Mass transit special fund; emergency appropriation .....	23
Ocean stewardship special fund; sunset extended .....	214
One ohana bank trust account; compromise and settlement of claims for Maui wildfires; emergency appropriations .....	10
Pension accumulation fund	
excess balance to general fund .....	10
excess general fund revenues .....	229

Rental housing revolving fund  
 bond volume cap recycling program subaccount..... 35  
 loan forgiveness ..... 235  
 tax credit allocation prioritization; perpetual affordability commitment..... 235  
 Special funds  
 act 279 special fund; Hawaiian home lands..... 125  
 dam and appurtenance improvement or removal grant program ..... 232  
 tobacco enforcement; excess unencumbered and unexpended moneys ..... 59  
 Water pollution control revolving fund; transfer funds to drinking water  
 treatment revolving loan fund..... 218

**GAMBLING**

Prevention of occurrence or continuation of activity ..... 249

**GENERAL EXCISE TAX**

Exemption from tax; medical and dental service providers..... 47  
 Failure to collect; citation and penalty ..... 76  
 Medical and dental service providers; tax exemption..... 47  
 Motion picture, digital media, and film production tax credit; notice to  
 cure failure..... 169  
 Unfair competition; penalty ..... 76

**GOVERNOR**

Chief information officer; salary ..... 140  
 Electronic media transmission; emergency period ..... 237  
 Emergency management powers; generally..... 206  
 Emergency period; electronic media transmission ..... 237  
 Kalaupapa Settlement; proclamation of transfer..... 118  
 Personal information; publication restriction ..... 187

**GRANTS**

Counties; feral chicken control program..... 231  
 Dam and appurtenance improvement or removal grant program ..... 232  
 Feral chicken control program; counties..... 231

**GROUP HOMES**

Personal needs allowance for residents; toiletries, meals, and snacks;  
 operator provided ..... 18  
 Supplemental payments..... 20

**HARBORS**

Commercial docks; mooring of vessels; labor subject to collective bargaining ..... 236  
 Small boat harbors; violations and penalties ..... 215

**HAWAII**

University of Hawaii at Hilo; Hawaiian language college laboratory school  
 program; English-medium standards; sunset repealed ..... 127

**HAWAIIAN HOME LANDS**

Act 279 special fund; appropriation..... 125  
 Beneficiary programs; verification of eligibility ..... 122  
 Financial literacy education ..... 130  
 Hawaiian home lands loans to lessees; direct loan limit amount increased ..... 130  
 Waitlist elimination for beneficiaries; act 279 special fund..... 125

**HAWAIIAN PEOPLE**

Archaeological sites; civil and administrative violations .....	129
Cultural integrity; visitor industry objectives.....	128
Duke Kahanamoku; special number plates for motor vehicles .....	25
Education; Kaiapuni schools.....	126
Hawaiian language college laboratory school program; university of Hawaii at Hilo.....	127
Land trusts; personal property designation .....	121
License plates; use of okina or glottal stop.....	64
Makahiki Commemoration Day .....	120
Malama Puuloa; special number plates for motor vehicles .....	81
Mining; seabed minerals.....	228
Motor vehicles; special number plates Duke Kahanamoku .....	25
Malama Puuloa .....	81
Perpetuation of native Hawaiian culture; tourism authority management plan.....	225

**HEALTH**

Administrative rule amendment; homemade food products .....	195
Civil union licenses; in-person or synchronous online access appearance .....	72
Coronavirus disease 19 outbreak; report by education department .....	105
Cottage food; homemade food products.....	195
Crisis intervention and diversion services program.....	86
Disability and communication access board; American Sign Language interpretation services working group; report .....	204
Drinking water treatment revolving loan fund; transfer funds to water pollution control revolving fund.....	218
Drugs, <i>see DRUGS</i>	
Executive office on aging; long-term care; comprehensive plan creation; long-term care planner position; report; appropriation.....	159
Hemp processors; criminal history record checks .....	110
Kalaupapa Settlement; transfer of powers and duties .....	118
Licenses; in-person or synchronous online access appearance .....	72
Long-term care; comprehensive plan creation .....	159
Marriage licenses; in-person or synchronous online access appearance .....	72
Medical cannabis dispensaries; sale of products to other dispensaries.....	172
Public health emergency; report by education department .....	105
Public health standing orders; working group .....	90
Standing orders, public health .....	90
Value-added production; homemade food products; sales and delivery.....	195
Water pollution control revolving fund; transfer funds to drinking water treatment revolving loan fund.....	218
Workforce training for high school students; health care.....	89
Youth mental health and wellness services; appropriation .....	102

**HIGHWAYS**

*see also STREETS AND ROADS*

Mufflers; noise pollution .....	171
Noise pollution; motor vehicle and scooter mufflers.....	171
Overtaking or passing slow-moving motor vehicles.....	175

**HISTORIC PRESERVATION**

Archaeological sites civil and administrative violations.....	129
failure to disclose or record site by landowner .....	119
Burial councils; holdover members.....	123
Burial sites; failure to disclose or record site by landowner.....	119

**HOLIDAYS AND CELEBRATIONS**

Kimchi Day ..... 8  
 Makahiki Commemoration Day ..... 120  
 Suicide Prevention and Awareness Month; effective date ..... 5  
 Water Safety Day ..... 24

**HONOLULU**

Keana point state park; Makua and Keawaula sections; management system  
 development and implementation ..... 170  
 Malama Puuloa; special number plates for motor vehicles ..... 81  
 North shore beach management plan ..... 226

**HOSPITALS**

Maui state veterans home ..... 99

**HOTELS**

Public land leases; reduction or waiver of lease rentals; infrastructure or  
 demolition costs; sunset repealed ..... 219

**HOUSING**

Accessory dwelling units; county ordinances ..... 39  
 Affordable housing; county development ..... 45  
 Affordable housing credits; housing finance and development corporation ..... 31  
 Affordable rental housing; bond volume cap recycling program ..... 35  
 Bonds, issuance of; infrastructure projects of the housing finance and  
 development corporation ..... 34  
 Commercial buildings; adaptive reuse ..... 37  
 Condominium property regimes; report; study ..... 43  
 Deduction of rent; tenant’s correction of health or safety violation ..... 32  
 Development of projects; exemption from laws and rules ..... 38  
 Eviction moratorium; Maui wildfires emergency proclamation ..... 202  
 Exemption from laws and rules; housing project development ..... 38  
 Health or safety violation; landlord’s duty to remedy ..... 32  
 Housing finance and development corporation,  
*see HOUSING FINANCE AND DEVELOPMENT CORPORATION*  
 Housing loan and mortgage program; report ..... 29  
 Hula Mae single family program ..... 29  
 Infrastructure costs; use of county surcharge on state tax revenues ..... 30  
 Landlord’s correction of health or safety violation; commencement of repairs ..... 32  
 Maui wildfires response and recovery; emergency appropriation ..... 10  
 Private covenants; residentially zoned lots ..... 39  
 Public land leases; reduction or waiver of lease rentals; infrastructure or  
 demolition costs; sunset repealed ..... 219  
 Residential development; commercial use zone ..... 37  
 Residentially zoned lots; accessory dwelling units; private covenants ..... 39  
 Reuse of commercial buildings ..... 37  
 Subdivided lots; residential use; county powers ..... 39  
 Surcharge on state tax revenues; housing infrastructure cost use ..... 30  
 Tax credit allocation prioritization; perpetual affordability commitment ..... 235  
 Tenant’s correction of health or safety violation; deduction of rent ..... 32  
 Weed whacker restrictions; residential zones ..... 179

**HOUSING FINANCE AND DEVELOPMENT CORPORATION**

Bonds, issuance of  
 exemption from state, county, and municipal tax ..... 34  
 housing project infrastructure ..... 34  
 regional state infrastructure projects ..... 34

Bond volume cap recycling program.....	35
County affordable housing credits; affordable housing developments.....	31
Housing loan and mortgage program; report .....	29
Housing project development; exemption from laws and rules .....	38
Housing project infrastructure; issuance of bonds.....	34
Hula Mae single family program .....	29
Regional state infrastructure projects; issuance of bonds .....	34
Rental housing revolving fund	
bond volume cap recycling program subaccount.....	35
loan forgiveness .....	235
self-sufficiency of fund; report .....	235
tax credit allocation prioritization; perpetual affordability commitment.....	235
<b>HUMAN RESOURCES DEVELOPMENT</b>	
Minimum qualification reviews; vacant positions; department, division, or agency to conduct .....	186
<b>HUMAN SERVICES</b>	
<i>see also PUBLIC ASSISTANCE</i>	
Child abuse and neglect central registry; expungement from registry.....	147
Child care; licensure or registration exemption.....	146
Death benefits; unclaimed bodies; appropriation.....	108
Electronic benefits transfer for children; summer program .....	155
Emergency shelter and related services for minors; provider requirements .....	145
Foster child placement; relative of child .....	148
Foster custody of child; exigent circumstances .....	144
Licenses; foster child placement; application by relative .....	148
Maui wildfires response and recovery; report .....	10
Preschool open doors program; priority application period .....	153
Protective custody petition; child in imminent harm .....	144
Summer electronic benefits transfer for children program; staff positions; appropriation.....	155
Supplemental payments; care homes .....	20
Wellness and resilience office; state of well-being project; appropriation .....	106
<b>IMMIGRATION</b>	
Immigration services and access unit; staff positions.....	207
<b>IMPORTS AND EXPORTS</b>	
Coffee; package labeling; geographic origin percentage .....	198
Macadamia nuts; package labeling; nuts grown outside Hawaii .....	199
<b>INCOME TAX</b>	
Conformance to the Internal Revenue Code.....	75
Motion picture, digital media, and film production tax credit; notice to cure failure.....	169
Pass-through entities; rates and tax credit use by qualified members .....	50
Research activities tax credit; sunset extended.....	139
Standard deduction amounts; taxable income .....	46
<b>INFORMATION</b>	
Coronavirus disease 19 outbreak; report by education department .....	105
Ethics commission; confidentiality of information .....	188
Medical care and services for minors; confidentiality of information .....	91
Mobile application development; Hawaii.gov site.....	82

Office of information practices; open meetings violations .....	160
Open meetings	
board packets.....	11
investigative group report; discussion and decision-making .....	13
notices.....	166
remote meetings; testifiers .....	12
violations; lawsuits.....	160
Personal information; certain public servants; publication restriction .....	187
Public health emergency; report by education department .....	105
Public servants; publication restriction on personal information .....	187
State information technology data; facility requirements.....	173

**INSURANCE**

Amendments .....	69
Captive insurance companies; dormancy certificate.....	69
Chiropractic treatment; reimbursement rate.....	92
Dormant captive insurance companies; inactive status.....	69
Driving without insurance; penalties .....	138
External reviews .....	103
Holding company system .....	84
Insurance holding company system .....	84
Mammogram services; coverage costs .....	103
Mental health providers; insurance reimbursements.....	93
Motor vehicles	
minimum coverage amounts .....	138
peer-to-peer car sharing; coverage amounts .....	138
rate filing solicitation .....	138
Reinsurance intermediary managers; reinsurer requirements.....	69
Third party administrators; audited financial statement.....	69
TRICARE coverage; national guard member on active duty service.....	71

**INTOXICATING LIQUORS**

Brewpubs; sale of beer .....	9
Driving while under the influence; arrest record expungement; first-time offender ...	168
Intoxication; not self-induced or pathological; affirmative defense .....	243
Licenses	
brewpubs; sale of beer .....	9
renewal; notarization requirement exemption .....	58

**INVASIVE SPECIES**

*see PEST CONTROL*

**JUDICIARY**

*see also specific court*

Abusive litigation .....	252
Court personnel; publication restriction on personal information .....	187
Judicial council; penal code review advisory committee; members; report; appropriation.....	245
Litigation abuse.....	252
Personal information; publication restriction .....	187
Pre-litigation mediation; Maui wildfires emergency proclamation; appropriation ...	202
Supplemental appropriations act of 2024 .....	233

**LABOR AND INDUSTRIAL RELATIONS**

Collective bargaining units, creation of new; staff position; appropriation.....	143
Community services office; immigration services and access unit; staff positions; appropriation.....	207
Fire marshal position; appropriation.....	209

Hearsay evidence; labor relations board .....	141
New employee orientation; violation by employer .....	63
Unfair labor practices; discharge, discipline, or penalize employees; political opinions of employers.....	174
Wage payment violations; enforcement order .....	164
<b>LAND AND NATURAL RESOURCES</b>	
Adaptive management rulemaking authority .....	222, 223
Aquatic resources; rulemaking authority .....	222
Commercial ocean activity; unpermitted activities .....	227
Dam and appurtenance improvement or removal grant program; special fund; appropriation .....	232
Fishponds; leasing.....	124
Inspection of demised premises .....	220
Kaena point state park; Makua and Keawaula sections; management system development and implementation .....	170
Leased or licensed land; inspection of demised premises .....	220
Ocean stewardship special fund; sunset extended .....	214
Ocean stewardship user fee; collection by commercial activity permit holders.....	214
Pacific marine fisheries compact .....	216
Public land leases; renewable energy producer .....	53
Renewable energy producers; public lands.....	53
Unpermitted commercial activity; determination of violation.....	227
Wildlife resources; rulemaking authority.....	223
<b>LAND USE</b>	
Agricultural districts; overnight camps.....	182
Public land leases; reduction or waiver of lease rentals; infrastructure or demolition costs; sunset repealed .....	219
Short-term rentals; counties' authority .....	17
Zoning regulations; counties' authority; transient accommodations.....	17
<b>LANGUAGE</b>	
Hawaiian language college laboratory school program; university of Hawaii at Hilo.....	127
Kaipuni schools; Hawaiian language immersion education .....	126
License plates; use of okina or glottal stop.....	64
Limited English proficiency; language access coordinator; programming support....	210
Multilingual accessibility standards; development by enterprise technology services office .....	203
<b>LAW ENFORCEMENT</b>	
Accreditation; Commission on Accreditation for Law Enforcement Agencies, Inc., coordinators.....	131
Decertification index; reporting requirement .....	246
Diversity; recruitment efforts.....	251
Female law enforcement officers; recruitment efforts .....	251
Fireworks; obstruction of enforcement officers; refusal of entry and inspection of premises .....	208
Investigations .....	132
Missing person alerts; appropriation .....	158
Silver alert program; appropriation .....	158
Subpoena powers .....	132
<b>LEGISLATIVE REFERENCE BUREAU</b>	
Appropriation .....	2
Condominium property regimes study; appropriation .....	43
Kalaupapa Settlement; proclamation of transfer.....	118

**LEGISLATURE**

Appropriation .....	2
Ethics violations; administrative fines.....	15
Gift disclosure statement; ethics commission.....	189
Personal information; publication restriction .....	187
Travel allowance .....	2

**LIBRARIES**

Exempt employees; administrative assistants.....	165
--	-----

**LIEUTENANT GOVERNOR**

Apostilles; certification of documents; appropriation.....	133
Meeting notices .....	166
Personal information; publication restriction .....	187

**LIQUOR**

*see INTOXICATING LIQUORS*

**LOBBYISTS**

Ethics violations; administrative fines.....	15
Expenditure statement.....	189
Training programs; ethics commission.....	188

**LONG TERM CARE**

Comprehensive plan creation; staff position; appropriation .....	159
Maui state veterans home.....	99
Personal needs allowance for residents .....	18
Supplemental payments.....	20
Toiletries, meals, and snacks; operator provided.....	18

**MARRIAGE**

Licenses; in-person or synchronous online access appearance .....	72
Opposite sex couples; repeal of constitutional authority .....	HB2802

**MAUI**

Reimbursement for wildfire recovery projects .....	230
Veterans home; transfer to state agency.....	99
Wildfire response and recovery	
emergency appropriations.....	10
emergency proclamation; eviction moratorium; pre-litigation mediation .....	202
reimbursement for wildfire recovery projects.....	230

**MEDICAL RECORDS**

*see INFORMATION*

**MENTAL HEALTH**

Assisted community treatment	
assistance with petition preparation and filing.....	87
petition hearing; appointment of attorney .....	87
Associate marriage and family therapists; provisional license.....	93
Associate mental health counselors; provisional license.....	93
Associate psychologists; provisional license.....	93
Behavioral health crisis center; transportation of mentally unstable individuals.....	86
Crisis intervention; mentally unstable individuals.....	86
Fitness to proceed; outstanding issue .....	87



Mental health services	
administrative process for treatment over patient's objection;	
sunset repealed .....	87
crisis intervention and diversion services program .....	86
Peer support specialist working group; report .....	88
Public defenders; representation of indigent persons .....	87
Social work intern; insurance reimbursement .....	93
State of well-being project .....	106
Suicide Prevention and Awareness Month; effective date .....	5
Technician certificate program; Windward community college; appropriation .....	107
Trauma-informed response training .....	250
Youth mental health and wellness services .....	102
<b>MILITARY</b>	
Afghanistan war veterans; special number plates for motor vehicles .....	83
Iraq war veterans; special number plates for motor vehicles .....	83
License plates; Iraq and Afghanistan war veterans; special number plates .....	83
Maui state veterans home .....	99
National guard on active duty	
state employees' retirement system enrollment exemption .....	70
TRICARE coverage; state to pay .....	71
<b>MOLOKAI</b>	
Kalaupapa Settlement; transfer of powers and duties .....	118
<b>MOTOR VEHICLES</b>	
Afghanistan war veterans; special number plates .....	83
Automated speed enforcement systems .....	112
Chassis for shipping containers; safety inspection .....	61
Commercial drivers	
disqualification or downgrade of license or permit .....	136
employer penalties .....	135
issuance, renewal, or transfer of license or permit; denial by examiner	
of drivers .....	136
license endorsements and restrictions .....	137
out-of-service violations; penalties .....	135
workforce working group; report .....	177
Driver's licenses	
commercial drivers	
denial of issuance, renewal, or transfer .....	136
disqualification or downgrade .....	136
endorsements and restrictions .....	137
driving without valid license; penalties .....	212
Driving while under the influence of alcohol; arrest record expungement .....	168
Driving without insurance; penalties .....	138
Duke Kahanamoku; special number plates for motor vehicles .....	25
Electric vehicles; environmental conservation special number plates .....	64
Insurance	
chiropractic treatment; reimbursement rate .....	92
driving without insurance; penalties .....	138
minimum coverage amounts .....	138
peer-to-peer car sharing; coverage amounts .....	138
Iraq war veterans; special number plates .....	83
License plates, <i>see Number plates or Special number plates</i>	
Malama Puuloa; special number plates .....	81
Motor carrier law enforcement; transfer duties to transportation department .....	117
Mufflers; noise pollution .....	171
Noise pollution; motor vehicle mufflers .....	171
Number plates; use of okina or glottal stop; uppercase or lowercase letters .....	64

Out-of-service violations; commercial drivers.....	135
Overtaking or passing slow-moving vehicles.....	175
Overtaken vehicles; towing surcharge .....	60
Peer-to-peer car sharing; insurance coverage amounts.....	138
Photo red light imaging detector systems; prima facie evidence.....	163
Safety inspection; out-of-state shipping container chassis .....	61
Slow-moving vehicles; overtaking or passing.....	175
Special number plates	
Duke Kahanamoku .....	25
environmental conservation; electric vehicles .....	64
Iraq and Afghanistan war veterans .....	83
Malama Puuloa .....	81
Speed enforcement systems, automated .....	112
Stopped, standing, or parked vehicles; traffic infractions.....	65
Towing fees; acceptance of cash, credit card, and debit card .....	60

**NONPROFIT CORPORATIONS**

Charitable fundraising platforms; platform charities .....	205
--	-----

**NUISANCES**

Noise pollution	
motor vehicle and scooter mufflers .....	171
weed whackers .....	179

**NURSES**

Certified nurse aides; glidepath program; appropriation.....	89
General excise tax exemption; medical service providers .....	47
Licensed practical nurse training; appropriation .....	89
Out-of-state license holders; temporary permits .....	95
Provider orders for life-sustaining treatment; examination of patient.....	98

**OCEAN AND MARINE RESOURCES**

Commercial ocean activity; unpermitted activities .....	227
Discharging or dumping, unauthorized; penalty for violations .....	215
Drowning prevention; Water Safety Day.....	24
Mining; seabed minerals.....	228
Ocean stewardship special fund; sunset extended .....	214
Ocean stewardship user fee; collection by commercial activity permit holders.....	214
Pacific marine fisheries compact.....	216
Seabed mining.....	228
Unpermitted commercial activity; determination of violation.....	227
Violations; penalties .....	215
Water Safety Day .....	24

**OMBUDSMAN**

Appropriation .....	2
---------------------	---

**PARENT AND CHILD**

Parental notification; medical care and services for minors .....	91
---	----

**PARKS AND RECREATION**

Kaena point state park; Makua and Keawaula sections; management system development and implementation .....	170
--	-----

**PARTNERSHIPS**

Income tax election; pass-through entities; tax rates and tax credit use by qualified members.....	50
---	----

**PENAL CODE**

Affirmative defense; not self-induced or pathological intoxication .....	243
Arrest record expungement pilot project .....	62
Arson; red flag warning .....	201
Assisted community treatment; mental health evaluation .....	87
Burglary; multi-unit buildings .....	240
Clean slate expungement task force; reports .....	241
Dangerous dogs .....	224
Evidence, fabricating or tampering with .....	242
Expungement of record	
clean slate expungement task force; reports .....	241
pilot project; marijuana offenses .....	62
property offenses; first-time offender .....	168
Fitness to proceed; outstanding issue .....	87
Gambling activity; prevention of occurrence or continuation .....	249
Habitual violent crime .....	213
Intoxication; not self-induced or pathological; affirmative defense .....	243
Involuntary hospitalization; mental health evaluation .....	87
Marijuana offenses; arrest record expungement pilot project .....	62
Mental health evaluation .....	87
Physical evidence, fabricating or tampering with .....	242
Sexual offenses, <i>see</i> <b>SEXUAL OFFENSES</b>	

**PEST CONTROL**

Agriculture	
feral chicken control program; feeding feral animals; education campaign .....	185
pest control and eradication biosecurity .....	231
Chickens, feral .....	185, 231
Compost, filter sock, and wood chip treatment certification .....	197
Invasive species control; fine meshed nets .....	184
Liability of landowners .....	3
Nets, fine meshed; invasive species control .....	184
Pesticides advisory committee .....	183
Plant care components; treatment certification .....	197

**PHARMACISTS**

General excise tax exemption; medical service providers .....	47
Initial fill prescription transfers .....	96
Medication refills without practitioner authorization; state of emergency declaration .....	100
Pharmacy interns; vaccine administration .....	104
Pharmacy technicians; vaccine administration .....	104
Prescription transfers; out-of-state pharmacies to in-state pharmacies .....	96
Vaccines; administration to children three years of age or older .....	104

**PHYSICIANS AND SURGEONS**

Cervical and lumbar spinal injuries; workers' compensation .....	94
General excise tax exemption; medical service providers .....	47
Medication refills by pharmacists; state of emergency declaration .....	100
Provider orders for life-sustaining treatment; examination of patient .....	98

**PLANTS**

Compost, filter sock, and wood chip treatment certification; pest control .....	197
Plant and animal declaration form; paper or electronic format .....	196
Treatment certification; plant care components .....	197

**POLICE**

Crisis intervention officer .....	86
Decertification index; reporting requirement .....	246
Diversity; recruitment efforts .....	251
Female law enforcement officers; recruitment efforts .....	251
Fireworks; obstruction of enforcement officers; refusal of entry and inspection of premises .....	208
Pornography, promoting for minors; undercover operations .....	244
Protective custody of child .....	144
Undercover operations; promoting pornography for minors .....	244

**PRISONS AND PRISONERS**

Corrections and rehabilitation volunteers and service providers; criminal history record checks .....	74
Program funding; funding adjustment; appropriation .....	26

**PROBATE CODE**

Notice to creditors; publishing of notice .....	7
---	---

**PROCUREMENT**

Accounting service businesses; state contracts; preference for Hawaii businesses.....	113
---	-----

**PROFESSIONS AND OCCUPATIONS**

<i>see also specific professions and occupations</i>	
Associate marriage and family therapists; provisional license .....	93
Associate mental health counselors; provisional license .....	93
Firefighters; workers' compensation .....	101
Social work intern; insurance reimbursement .....	93

**PUBLIC ASSISTANCE**

Death benefits; unclaimed bodies .....	108
Electronic benefits transfer for children; summer program .....	155

**PUBLIC CONTRACTS**

Educational materials, equipment, and related training, procurement of; career and technical education .....	150
Solicitation or award protest; cash or protest bond; frivolous or bad faith appeal ....	162

**PUBLIC EMPLOYMENT**

Chief information officer; duties; salary .....	140
Collective bargaining; repricing of classes .....	234
Collective bargaining units, creation of new .....	143
Employees' retirement system	
enrollment exemption; active duty national guard members .....	70
unfunded accrued liability; maximum funding period .....	192
Ethics violations; administrative fines .....	15
Exempt employees	
accounting and general services department .....	19
Commission on Accreditation for Law Enforcement Agencies, Inc., coordinators ...	131
law enforcement standards board administrator .....	247
library system; administrative assistants .....	165
911 board; executive director and staff .....	66
planning and sustainable development office; phase II task force coordinator ....	36
state fire marshal.....	209
taxation; senior software developers .....	79
Gift disclosure statement; ethics commission.....	189

Harm to students registry.....	156
Impasse procedures; repricing of classes.....	234
National guard members; retirement system enrollment exemption .....	70
New employee orientation; violation by employer .....	63
Performance evaluation; superintendent of education; sunset repealed .....	149
Personal information; publication restriction .....	187
Public employees' collective bargaining agreements; units 1, 2, 3, 4, 8, 9, 10, 13, 14; excluded employees .....	49
Recruitment for vacant positions; minimum qualification review by department, division, or agency .....	186
Repricing of classes; impasse procedures.....	234
Salaries	
chief information officer .....	140
superintendent of education .....	149
Schools; harm to students registry.....	156
Superintendent of education; salary cap; performance evaluation; sunset repealed.....	149
Unfunded accrued liability; employees' retirement system maximum funding period .....	192
Vacant positions; minimum qualification review .....	186
<b>PUBLIC LANDS</b>	
Agricultural lots	
eligibility of agricultural cooperative association to apply .....	194
proof of agricultural activity; condition of land sale or lease .....	194
Commercial-use parcels; direct negotiation for leases.....	114
Early learning programs, use by; public school facilities .....	152
Farm lands, leased; suitability and active farms; transferred leases; report .....	181
Industrial-use parcels; direct negotiation for leases.....	114
Inspection of demised premises .....	220
Leased farm lands; transferred leases; suitability and active farms; report .....	181
Lease rentals, reduction or waiver of; infrastructure or demolition costs; sunset repealed.....	219
Leases; direct negotiation for commercial-use or industrial-use parcels.....	114
Public school facilities use; early learning programs .....	152
Renewable energy producer; leases .....	53
<b>PUBLIC SAFETY</b>	
<i>see also LAW ENFORCEMENT; CORRECTIONS AND REHABILITATION</i>	
Funding adjustment; prison programs.....	26
Prison programs; funding adjustment; appropriation .....	26
<b>PUBLIC UTILITIES</b>	
Expenditures by departments; reports .....	230
Greenhouse gas emission lifecycle; assessments.....	54
Public utilities commission	
lifecycle greenhouse gas emissions; assessments .....	54
motor carrier law enforcement; transfer duties to transportation department.....	117
<b>REAL PROPERTY</b>	
Accessory dwelling units; county ordinances .....	39
Appraisal management companies .....	80
Archaeological sites; failure to disclose or record site by landowner.....	119
Burglary; multi-unit buildings .....	240
Burial sites; failure to disclose or record site by landowner.....	119
Commercial buildings; adaptive reuse .....	37
Commercial property assessed financing program .....	41

Condominiums, *see* CONDOMINIUMS

Death of tenant; disposal of personal property of tenant ..... 33

Deduction of rent; tenant’s correction of health or safety violation ..... 32

Documents; delivery by electronic mail ..... 44

Eviction moratorium; Maui wildfires emergency proclamation;  
pre-litigation mediation ..... 202

Exclusive listing agreements ..... 176

Health or safety violation; landlord’s duty to remedy ..... 32

Landlord’s correction of health or safety violation; commencement of repairs ..... 32

Land trusts; personal property designation ..... 121

Liability of landowners ..... 3

Multi-unit buildings; burglary ..... 240

Personal property of deceased tenant, disposal of ..... 33

Private covenants; residentially zoned lots ..... 39

Purchasers; delivery of documents by electronic mail ..... 44

Residential development; commercial use zone ..... 37

Residentially zoned lots; accessory dwelling units; private covenants ..... 39

Reuse of commercial buildings ..... 37

Sales; undisclosed burial or archaeological site ..... 119

Short-term rentals; counties’ authority ..... 17

Subdivided lots; residential use; county powers ..... 39

Tenant’s correction of health or safety violation; deduction of rent ..... 32

Time share commissioners of deeds; chapter repealed ..... 134

Transportation department; acquisition of real property ..... 109

Weed whacker restrictions; residential zones ..... 179

Zoning regulations; counties’ authority; transient accommodations ..... 17

**REPORTS OR STUDIES**

Agriculture

    farm lands, leased; suitability and active farms; transferred leases ..... 181

    pest control and eradication biosecurity efforts ..... 231

American Sign Language interpretation services working group ..... 204

Attorney general

    arrest record expungement pilot project ..... 62

    habitual violent crime; conviction data ..... 213

    Maui wildfires response and recovery ..... 10

Budget and finance

    funds dedicated to vacant positions ..... 230

    Maui wildfires response and recovery ..... 10

Business revitalization task force ..... 142

Cemetery improvements ..... 193

Clean slate expungement task force ..... 241

Commercial drivers workforce working group ..... 177

Condominium property regime task force ..... 43

Executive office on aging; long-term care; comprehensive plan creation ..... 159

Health

    American Sign Language interpretation services working group ..... 204

    water pollution control revolving fund; drinking water treatment revolving  
    loan fund; transfer of funds ..... 218

Housing finance and development corporation

    housing loan and mortgage program ..... 29

    rental housing revolving fund; self-sufficiency of fund ..... 235

Human services; Maui wildfires response and recovery ..... 10

Legislative reference bureau; condominium property regimes study ..... 43

Peer support specialist working group ..... 88

Penal code review advisory committee ..... 245

Planning and sustainable development office; phase II task force ..... 36

State departments; utilities; expenditures by departments ..... 230

State fire council; fire marshal ..... 209

Technology services consolidation working group; reports.....	173
Tourism authority; tourism functional plan update.....	128
University of Hawaii	
north shore beach management plan .....	226
wildfire forecast system .....	200
workers' compensation for students; biennial report repealed .....	167
<b>SALES</b>	
Coffee; package labeling; geographic origin percentage; retail sale exemption.....	198
Homemade food products .....	195
Macadamia nuts; package labeling; nuts grown outside Hawaii .....	199
<b>SCHOOLS</b>	
<i>see EDUCATION</i>	
<b>SEXUAL OFFENSES</b>	
Habitual violent crime.....	213
Limitation of actions	
offenses against adult victims.....	238
offenses against minors; trauma-informed training.....	250
Pornography, promoting for minors; undercover law enforcement operations .....	244
Privacy, violation of; use of computer to commit .....	239
Probation violator; mental health evaluation.....	87
Property offenses; arrest record expungement .....	168
Review advisory committee; members; report .....	245
Trauma-informed training.....	250
Uncrewed aircraft; misuse .....	161
Veterinary practice; unlicensed activities .....	221
<b>SMOKING</b>	
Tobacco enforcement special fund; excess unencumbered and unexpended moneys.....	59
<b>SPORTS</b>	
Duke Kahanamoku; special number plates for motor vehicles .....	25
<b>STATE DEPARTMENTS</b>	
Department heads; publication restriction on personal information.....	187
Expenditures on utilities; reports.....	230
Open meetings	
board packets.....	11
investigative group report; discussion and decision-making .....	13
notices.....	166
remote meetings; testifiers .....	12
violations; lawsuits against .....	160
Recruitment for vacant positions; minimum qualification review by department, division, or agency .....	186
Vacant positions; minimum qualification review .....	186
<b>STATE PLANNING</b>	
Phase II task force; staff position; reports; appropriation.....	36
Visitor industry objectives; native Hawaiian cultural integrity.....	128
<b>STATUTES</b>	
General technical revisions .....	178

Penal code; review advisory committee..... 245

**STREETS AND ROADS**

High-risk or dangerous corridors and intersections..... 180  
 Highways and county properties; traffic infractions ..... 65  
 Noise pollution; motor vehicle and scooter mufflers..... 171  
 Overtaking or passing slow-moving motor vehicles..... 175  
 Photo red light imaging detector systems; prima facie evidence..... 163  
 Slow-moving motor vehicles; overtaking or passing ..... 175  
 Traffic infractions; stopping, standing, or parking..... 65

**SUNSET AND REPEAL**

Extension of sunset or repeal  
     condominium property regime task force; report ..... 43  
     ocean stewardship special fund ..... 214  
     research activities tax credit ..... 139  
     technology services consolidation working group ..... 173  
     university of Hawaii designation of chief procurement officer..... 111

Temporary programs and provisions  
     accounting service businesses; state contracts; preference for  
         Hawaii businesses ..... 113  
     act 279 special fund; Hawaiian home lands..... 125  
     American Sign Language interpretation services working group ..... 204  
     business revitalization task force ..... 142  
     clean slate expungement task force..... 241  
     collective bargaining units, creation of new..... 143  
     commercial drivers workforce working group ..... 177  
     county powers; housing projects; mixed-use developments ..... 45  
     educational materials, equipment, and related training, procurement of;  
         career technical education ..... 150  
     emergency shelter and related services for minors; provider requirements..... 145  
     gambling activity; prevention of occurrence or continuation ..... 249  
     habitual violent crime charge ..... 213  
     hemp processors; criminal history record checks ..... 110  
     intoxication; not self-induced or pathological; affirmative defense..... 243  
     Kalaupapa Settlement; transfer of powers and duties; health  
         department report ..... 118  
     Maui wildfires response and recovery; major disaster fund trust moneys ..... 10  
     mooring of vessels; labor subject to collective bargaining ..... 236  
     peer support specialist working group..... 88  
     pre-litigation mediation; Maui wildfires emergency proclamation;  
         eviction moratorium..... 202  
     public health standing orders; working group ..... 90  
     public land leases; direct negotiation for commercial-use or  
         industrial-use parcels ..... 114  
     repricing of classes; collective bargaining ..... 234  
     State Planning Act phase II task force ..... 36  
     university of Hawaii chief financial officer as chief procurement officer ..... 111

Temporary provisions made permanent (sunset repealed)  
     innovation and commercialization initiative program; university of Hawaii..... 116  
     mental health services; administrative process for treatment over  
         patient's objection ..... 87  
     performance evaluation; superintendent of education ..... 149  
     public land leases; reduction or waiver of lease rentals ..... 219  
     salary cap; superintendent of education ..... 149  
     technology transfer activities; university of Hawaii..... 115  
     university of Hawaii at Hilo Hawaiian language college laboratory school  
         program; English-medium standards..... 127



**TAXATION***see also specific tax*

Board of review; chairperson .....	78
Bonds; infrastructure development by the housing finance and development corporation; exemption from taxes .....	34
Exempt employees; senior software developers.....	79
Subpoenas; service outside the state .....	77
Tax clearance charge; certified copy.....	76

**TECHNOLOGY***see also ENERGY; TELECOMMUNICATIONS*

Elections; deceptive media distribution .....	191
Mobile application development; Hawaii.gov site.....	82
Privacy, violation of; use of computer to commit .....	239
Research activities; income tax credit; sunset extended.....	139
State information technology data; facility requirements.....	173
Technology services consolidation working group; purpose; reports; sunset extended .....	173
University of Hawaii; technology transfer activities .....	115

**TELECOMMUNICATIONS**

Elections; deceptive media distribution .....	191
Electronic media transmission; emergency period .....	237
Expenditures by departments; reports .....	230
Missing person alerts.....	158
Mobile application development; Hawaii.gov site.....	82
Privacy, violation of; use of computer to commit .....	239

**TIME SHARING**

Time share commissioners of deeds; chapter repealed.....	134
--	-----

**TOURISM**

Career opportunity objectives .....	128
Destination management action plans.....	225
Functional plan update report.....	128
Native Hawaiian cultural integrity; visitor industry objectives .....	128
Regenerative tourism	
tourism authority powers.....	225
visitor industry objectives .....	128
Tourism authority	
exemption from administrative supervision repealed .....	225
functional plan update report .....	128

**TRADE REGULATIONS**

Appraisal management companies.....	80
Coffee; package labeling; geographic origin percentage .....	198
Macadamia nuts package labeling.....	199

**TRANSIENT ACCOMMODATIONS TAX**

Failure to collect; citation and penalty .....	76
--	----

**TRANSPORTATION**

Barrier transfer machines; special funds transfer for purchase; appropriation.....	22
Commercial drivers workforce working group; report.....	177
Funding adjustment; special funds transfer for purchase.....	22

High-risk or dangerous corridors and intersections.....	180
Motor carrier law enforcement; transfer duties from public utilities commission .....	117
Real property; acquisition for public purpose.....	109
Speed enforcement systems program; radar devices; appropriation .....	112
Speed limits; school zones .....	180

**TRUSTS AND TRUSTEES**

Land trusts; personal property designation .....	121
Notice to creditors; publishing of notice .....	7

**UNITED STATES**

Department of Defense certified child care providers; licensure or registration exemption .....	146
Presidential electors; day to assemble .....	6

**UNIVERSITY OF HAWAII**

Cesspools; overlay development; appropriation.....	217
Chief financial officer as chief procurement officer .....	111
Designation of chief procurement officer; sunset extended.....	111
Hawaii Pacific hydrogen hub .....	56
Innovation and commercialization initiative program; sunset repealed.....	116
Mental health-related programs; appropriation.....	107
Procurement; chief financial officer as chief procurement officer .....	111
Sea grant college program; north shore beach management plan; appropriation.....	226
Students; workers' compensation coverage; biennial report repealed .....	167
Technology transfer activities; sunset repealed .....	115
University of Hawaii at Hilo; Hawaiian language college laboratory school program; English-medium standards; sunset repealed .....	127
Water resources research center; sea grant college program; cesspool overlay development; appropriation .....	217
Wildfire forecast system; program development; report; appropriation .....	200
Windward community college; mental health-related programs; mental health technician certificate .....	107
Workers' compensation for students; biennial report repealed.....	167

**VETERANS**

*see MILITARY*

**VETERINARIANS**

Unlicensed activities; surgical procedures .....	221
--	-----

**VITAL STATISTICS**

Hawaiian home lands; eligibility for beneficiary programs .....	122
---	-----

**WATER RESOURCES**

Cesspools; overlay development .....	217
Drinking water treatment revolving loan fund; transfer funds to water pollution control revolving fund.....	218
Utilities; expenditures by departments; reports.....	230
Wastewater treatment facilities; expansion or construction for cesspool conversions .....	217
Water pollution control revolving fund; transfer funds to drinking water treatment revolving loan fund.....	218

**WOMEN**

Law enforcement officers; diversity efforts in hiring.....	251
Workers' compensation; firefighters with cancer .....	101

**WORKERS' COMPENSATION**

Cervical and lumbar spinal injuries; treatment plan .....	94
Firefighters with cancer .....	101
University of Hawaii students; biennial report repealed .....	167