

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

REGULAR SESSION
2025

Convened on Wednesday, January 15, 2025, and
Adjourned sine die on Friday, May 2, 2025

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PREFACE

This volume contains all of the laws enacted by the Hawaii State Legislature during the Regular Session of 2025.

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 Statutory material that is being repealed is either bracketed or bracketed and stricken.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Hawaii Revised Statutes (HRS), the text is edited to omit the bracketed material for HRS sections that are being repealed in their entirety and to omit the underscoring for entirely new HRS sections.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 9, 2025

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**PROPOSED CONSTITUTIONAL AMENDMENTS
2025 REGULAR SESSION**

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**Session Laws of Hawaii
Passed By The
Thirty-Third State Legislature
Regular Session
2025**

ACT 1

H.B. NO. 1440

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 2024-2025 has already been exceeded by \$8,551,795, or 1.0 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 2024-2025 to be further exceeded by \$30,334,159, or 1.0 per cent. This declaration takes into account the additional general fund appropriations authorized for fiscal year 2024-2025 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 \$12,483,412 or so much thereof as may be necessary to the senate for the following expenses:

- (1) The sum of \$11,145,162 for defraying any and all session and non-session expenses of the senate up to and including June 30, 2026, including the 2025 regular session, thirty-third legislature of the State of Hawaii, and pre-session expenses and the expenses of any committee or committees established during the interim between the 2025 and 2026 regular sessions;
- (2) The sum of \$1,219,000 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

ACT 1

- (3) The sum of \$119,250 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 \$17,041,749 or so much thereof as may be necessary to the house of representatives for the following expenses:

- (1) The sum of \$15,927,770 for defraying any and all session and non-session expenses of the house of representatives up to and including June 30, 2026, including the 2025 regular session, thirty-third legislature of the State of Hawaii, and pre-session expenses and the expenses of any committee or committees established during the interim between the 2025 and 2026 regular sessions;
- (2) The sum of \$994,729 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 \$119,250 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 2025 and 2026 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 2025 and 2026 regular sessions shall be made only with the approval of the speaker of the house of representatives.

SECTION 5. Before January 21, 2026, 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 21, 2026.

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 \$3,761,208 or so much thereof as may be necessary to the office of the auditor for the following expenses:

- (1) The sum of \$3,611,208 for defraying the expenses of the office of the auditor during fiscal year 2025-2026; and
- (2) The sum of \$150,000 during fiscal year 2025-2026 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 2025-2026 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 \$6,800,000 or so much thereof as may be necessary to the office of the auditor during fiscal year 2025-2026 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 \$4,585,330 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 2025-2026, 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 \$1,669,017 or so much thereof as may be necessary to the office of the ombudsman for defraying the expenses of the office during fiscal year 2025-2026.

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 \$1,679,759 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 2025-2026.

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

SECTION 13. There is appropriated out of the general revenues of the State of Hawaii the following sums or so much thereof as may be necessary to be expended for the purpose of accrued vacation payments and vacation transfer payments for any employee leaving the employ of the senate, house of representatives, office of the auditor, legislative reference bureau, office of the ombudsman, and state ethics commission:

ACT 2

<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, 2026.

SECTION 14. As of the close of business on June 30, 2026, 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 12, 2025.)

ACT 2

H.B. NO. 998

A Bill for an Act Relating to Contents of Citations.

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

SECTION 1. Section 803-6, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) In any case in which it is lawful for a police officer to arrest a person without a warrant for a misdemeanor, petty misdemeanor, or violation, the police officer may, but need not, issue a citation in lieu of the requirements of [sub]section (a), if the police officer finds and is reasonably satisfied that [the person]:

- (1) ~~[Will]~~ The person will appear in court at the time designated;
 - (2) ~~[Has]~~ The person has no outstanding arrest warrants ~~[which]~~ that would justify the person's detention or give indication that the person might fail to appear in court; and
 - (3) ~~[That the]~~ The offense is of such nature that there will be no further police contact on or about the date in question~~],~~ or in the immediate future.
- (c) The citation shall contain:
- (1) The name ~~[and current address]~~ of the offender;
 - (2) The current address of the offender, if available;
 - ~~[(2)]~~ (3) The last four digits of the offender's social security number~~],~~ if available;
 - ~~[(3)]~~ (4) A description of the offender;
 - ~~[(4)]~~ (5) The nature of the offense;
 - ~~[(5)]~~ (6) The time and date of the offense;
 - ~~[(6)]~~ (7) A notice of time and date for court appearance;
 - ~~[(7)]~~ (8) The signature and badge number of the officer;

~~[(8)]~~ (9) The signature of the offender agreeing to court appearance~~[-]~~, unless the offender refuses, or is unable to sign;
~~[(9)]~~ (10) Any remarks; and
~~[(10)]~~ (11) A notice directing the offender to appear at the time and place designated to stand trial for the offense indicated and a notice that failure to obey the citation may result in a fine or imprisonment, or both~~[-]~~;
provided that omission of any of the information listed in paragraphs (1) to (11) or any error in the citation shall not be a ground for dismissal of a charge or for reversal of a conviction if the omission or error did not prejudice the defendant.”

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 10, 2025.)

ACT 3

H.B. NO. 145

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 Act 159, Session Laws of Hawaii 2023 (Act 159), requires the court to automatically seal or remove from the judiciary’s publicly accessible databases any information relevant to the arrest or case of a person for whom an expungement order has been entered and transmitted to the court by July 1, 2025.

The legislature further finds that the court is currently unable to effectuate Act 159 because the Hawaii criminal justice data center is not statutorily authorized to release the expungement orders to the judiciary.

Accordingly, the purpose of this Act is to provide the Hawaii criminal justice data center with the statutory authority to transmit all expungement orders to the judiciary.

SECTION 2. Section 831-3.2, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) Every expungement order with a court case number issued by the attorney general shall be transmitted to the judiciary solely for the purposes of this section. The court shall seal or otherwise remove from the judiciary’s publicly accessible electronic databases all judiciary files and other information pertaining to the applicable arrest or case of any person for whom an expungement order listing the court case number and arrest number associated with the offense has been entered and transmitted to the court[-]; provided that the court’s duties under this subsection shall not apply to any case referenced in the expungement order where the person for whom the order has been entered:

(1) Was charged with multiple offenses at least one of which is not the subject of the order; or

ACT 4

- (2) Is only one of multiple defendants in the case at least one of whom has not been the subject of a prior expungement order.

The court shall make good faith diligent efforts to seal or otherwise remove the applicable files and information within a reasonable time.”

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved April 10, 2025.)

ACT 4

H.B. NO. 386

A Bill for an Act Relating to Dangerous Drugs.

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

SECTION 1. Section 712-1241, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of promoting a dangerous drug in the first degree if the person knowingly:

- (a) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of:
 - (i) One ounce or more, containing methamphetamine, heroin, morphine, fentanyl, or cocaine or any of their respective salts, isomers, and salts of isomers; or
 - (ii) One and one-half ounce or more, containing one or more of any of the other dangerous drugs;
- (b) Distributes:
 - (i) Twenty-five or more capsules, tablets, ampules, dosage units, or syrettes containing one or more dangerous drugs; or
 - (ii) One or more preparations, compounds, mixtures, or substances of an aggregate weight of:
 - (A) One-eighth ounce or more, containing methamphetamine, heroin, morphine, fentanyl, or cocaine or any of their respective salts, isomers, and salts of isomers; or
 - (B) Three-eighths ounce or more, containing any other dangerous drug;
- (c) Distributes any dangerous drug in any amount to a minor except for methamphetamine; or
- (d) Manufactures a dangerous drug in any amount, except for methamphetamine; provided that this subsection shall not apply to any person registered under section 329-32.”

SECTION 2. Section 712-1242, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of promoting a dangerous drug in the second degree if the person knowingly:

- (a) Possesses twenty-five or more capsules, tablets, ampules, dosage units, or syrettes, containing one or more dangerous drugs;
- (b) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of:

- (i) One-eighth ounce or more, containing methamphetamine, heroin, morphine, fentanyl, or cocaine or any of their respective salts, isomers, and salts of isomers; or
- (ii) One-fourth ounce or more, containing any dangerous drug; or
- (c) Distributes any dangerous drug in any amount.”

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. 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. New statutory material is underscored.

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

(Approved April 10, 2025.)

ACT 5

H.B. NO. 132

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 Act 62, Session Laws of Hawaii 2024 (Act 62), is a vital pilot project that provides needed relief to hundreds of Hawaii residents with criminal records related to possession of small amounts of cannabis. Since the implementation of Act 62, the legislature finds that the efficiency and effectiveness of the law will be greatly improved through modification.

The purpose of this Act is to amend Act 62 to include possession of a schedule V substance in any amount to the charges that are eligible for expungement under the pilot project.

SECTION 2. Act 62, Session Laws of Hawaii 2024, is amended as follows:

1. By amending section 1 to read:

“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."

2. By amending subsections (a) and (b) of section 2 to read:

"(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;
- (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."

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

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

(Approved April 10, 2025.)

ACT 6

H.B. NO. 408

A Bill for an Act Relating to Voter Registration.

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

SECTION 1. Section 11-16, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any qualified person unable for any cause to appear in person before the clerk for registration may register to vote by mail, not later than ~~[thirty]~~ ten days prior to a primary or general election, through the affidavit on application for voter registration or other form prescribed by the chief election officer. The form shall include a self-subscribing oath for the applicant to swear to the truth of the allegations in the application. An applicant unable to write for reason of illiteracy, blindness, or other physical disability shall have the applicant’s mark witnessed by a person who shall sign the affidavit in the space provided. ~~[Each application form shall also include a space to request a permanent absentee ballot.]~~ Application forms shall be made available to any qualified person through community groups, political parties, and other groups prescribed by the chief election officer. Application forms shall be made available to any qualified person at the time of that person’s driver’s license application or renewal through the examiner of drivers.”

SECTION 2. Section 15D-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if it is received no later than ~~[thirty]~~ ten days prior to the election pursuant to section 11-16.”

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 10, 2025.)

ACT 7

S.B. NO. 1341

A Bill for an Act Relating to Energy Industry Information Reporting.

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

SECTION 1. Section 486J-5.5, Hawaii Revised Statutes, is amended to read as follows:

“**§486J-5.5 Energy data collection program.** The department shall establish the energy data collection program that includes development and maintenance of an energy database system that meets the requirements of government and industry, while promoting sound policy making, greenhouse gas emission inventory reporting, energy planning, energy assurance planning, ~~[and]~~ energy security[-], critical infrastructure protection, and emergency management, response, and recovery.”

ACT 8

SECTION 2. Section 486J-6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Unless otherwise provided by law, with respect to data that the commission or department obtained or was provided pursuant to this chapter, neither the commission or department nor any employee of the commission or department may do any of the following:

- (1) Use the information furnished or obtained for any purpose other than the purposes for which it is supplied;
- (2) Make any publication whereby the data furnished by any person can be identified; or
- (3) Permit any person other than the commission, the department of taxation, the attorney general, the consumer advocate, the department of business, economic development, and tourism, the department of health, the Hawaii emergency management agency, the office of homeland security, and the authorized representatives and employees of each to examine the individual reports or statements provided.”

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 10, 2025.)

ACT 8

S.B. NO. 1382

A Bill for an Act Relating to the National Guard.

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

SECTION 1. Section 707-711, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of assault in the second degree if the person:

- (a) Intentionally, knowingly, or recklessly causes substantial bodily injury to another;
- (b) Recklessly causes serious bodily injury to another;
- (c) Intentionally or knowingly causes bodily injury to a correctional worker, as defined in section 710-1031(2), who is engaged in the performance of duty or who is within a correctional facility;
- (d) Intentionally or knowingly causes bodily injury to another with a dangerous instrument;
- (e) Intentionally or knowingly causes bodily injury to an educational worker who is engaged in the performance of duty or who is within an educational facility. For the purposes of this paragraph, “educational worker” means any administrator, specialist, counselor, teacher, or employee of the department of education or an employee of a charter school; a person who is a volunteer, as defined in section 90-1, in a school program, activity, or function that is established, sanctioned, or approved by the department of education; or a person hired by the department of education on a contractual basis and engaged in carrying out an educational function;

- (f) Intentionally or knowingly causes bodily injury to any emergency medical services provider who is engaged in the performance of duty. For the purposes of this paragraph, “emergency medical services provider” means emergency medical services personnel, as defined in section 321-222, and physicians, physician’s assistants, nurses, nurse practitioners, certified registered nurse anesthetists, respiratory therapists, laboratory technicians, radiology technicians, and social workers, providing services in the emergency room of a hospital;
- (g) Intentionally or knowingly causes bodily injury to a person employed at a state-operated or -contracted mental health facility. For the purposes of this paragraph, “a person employed at a state-operated or -contracted mental health facility” includes health care professionals as defined in section 451D-2, administrators, orderlies, security personnel, volunteers, and any other person who is engaged in the performance of a duty at a state-operated or -contracted mental health facility;
- (h) Intentionally or knowingly causes bodily injury to a person who:
 - (i) The defendant has been restrained from, by order of any court, including an ex parte order, contacting, threatening, or physically abusing pursuant to chapter 586; or
 - (ii) Is being protected by a police officer ordering the defendant to leave the premises of that protected person pursuant to section 709-906(4), during the effective period of that order;
- (i) Intentionally or knowingly causes bodily injury to any firefighter or water safety officer who is engaged in the performance of duty. For the purposes of this paragraph, “firefighter” has the same meaning as in section 710-1012 and “water safety officer” means any public servant employed by the United States, the State, or any county as a lifeguard or person authorized to conduct water rescue or ocean safety functions;
- (j) Intentionally or knowingly causes bodily injury to a person who is engaged in the performance of duty at a health care facility as defined in section 323D-2. For purposes of this paragraph, “a person who is engaged in the performance of duty at a health care facility” includes health care professionals as defined in section 451D-2, physician assistants, surgical assistants, advanced practice registered nurses, nurse aides, respiratory therapists, laboratory technicians, and radiology technicians;
- (k) Intentionally or knowingly causes bodily injury to a person who is engaged in providing home health care services, as defined in section 431:10H-201;
- (l) Intentionally or knowingly causes bodily injury to a person, employed or contracted to work by a mutual benefit society, as defined in section 432:1-104, to provide case management services to an individual in a hospital, health care provider’s office, or home, while that person is engaged in the performance of those services;
- (m) Intentionally or knowingly causes bodily injury to a person who is sixty years of age or older and the age of the injured person is known or reasonably should be known to the person causing the injury; [Ø¶]
- (n) Intentionally or knowingly causes bodily injury to a sports official who is engaged in the lawful discharge of the sports official’s duties. For the purposes of this paragraph, “sports official” and “lawful

- discharge of the sports official's duties" have the same meaning as in section 706-605.6 [-]; or
- (o) Intentionally or knowingly causes bodily injury to a national guard member who is engaged in the performance of duty. For purposes of this paragraph, "national guard member" means a member of the national guard on any duty or service done under or in pursuance of an order or call of the governor or the President of the United States or any proper authority as provided by 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 April 10, 2025.)

ACT 9

H.B. NO. 994

A Bill for an Act Relating to the Offense of Promoting Pornography for Minors.

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

SECTION 1. The legislature finds that the prevention of sexual exploitation and abuse of children is a government objective of paramount importance, and this objective extends to blocking dissemination of pornographic materials to children. To improve the ability to prosecute those who promote pornography for minors, Act 244, Session Laws of Hawaii 2024, specifically allowed the prosecution of the offense of promoting pornography for minors through undercover operations.

The legislature further finds that large-scale undercover operations have proven to be an effective tool in reducing and combating offenders who solicit minors to engage in sexual activities on the Internet. Expeditious charging is crucial during these large-scale operations. Main charges brought from these operations, the offenses of electronic enticement of a child under sections 707-756 and 707-757, Hawaii Revised Statutes, and the offense of commercial sexual exploitation of a minor under section 712-1209.1, Hawaii Revised Statutes, can be instituted by written information. Another major charge resulting from undercover operations, the offense of promoting pornography for minors under section 712-1215, Hawaii Revised Statutes, however, is included in the list of offenses that cannot be instituted by written information under section 806-83, Hawaii Revised Statutes.

Accordingly, the purpose of this Act is to enhance the effectiveness of Act 244, Session Laws of Hawaii 2024, by allowing the offense of promoting pornography for minors to be instituted by written information.

SECTION 2. Section 806-83, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Criminal charges may be instituted by written information for a felony when the charge is a class C felony, except under:

- (1) Section 159-28 (bribery related to the Hawaii Meat Inspection Act);

- (2) Section 161-28 (bribery related to the Hawaii Poultry Inspection Act);
- (3) Section 707-712.5 (assault against a law enforcement officer in the first degree);
- (4) Section 707-716 (terroristic threatening in the first degree);
- (5) Section 707-732 (sexual assault in the third degree);
- (6) Section 707-741 (incest);
- (7) Section 707-752 (promoting child abuse in the third degree);
- (8) Section 708-880 (commercial bribery);
- (9) Section 709-904.5 (compensation by an adult of juveniles for crimes);
- (10) Section 710-1026.9 (resisting an order to stop a motor vehicle in the first degree);
- (11) Section 710-1070 (bribery of or by a witness);
- (12) Section 710-1071 (intimidating a witness);
- (13) Section 710-1072.2 (retaliating against a witness);
- (14) Section 710-1073 (bribery of or by a juror);
- (15) Section 710-1075 (jury tampering);
- (16) Section 710-1075.5 (retaliating against a juror);
- (17) Section 711-1106.4 (aggravated harassment by stalking);
- (18) Section 711-1110.9 (violation of privacy in the first degree);
- (19) Section 712-1208 (promoting travel for prostitution);
- (20) Section 712-1209.5 (habitual commercial sexual exploitation);
- ~~[(21) Section 712-1215 (promoting pornography for minors);~~
- ~~(22)]~~ (21) Section 712-1218 (failure to maintain age verification records of sexual performers);
- ~~[(23)]~~ (22) Section 712-1218.5 (failure to maintain age verification records of sexually exploited individuals); and
- ~~[(24)]~~ (23) Section 712-1219 (failure to affix information disclosing location of age verification records of sexual performers)."

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 April 10, 2025.)

ACT 10

H.B. NO. 1175

A Bill for an Act Relating to the Procedure for Tax Appeals.

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

SECTION 1. The legislature finds that section 232-19, Hawaii Revised Statutes, is no longer consistent with the appeal procedures adopted by the judiciary and must be amended to restore consistency.

The legislature further finds that *Alford v. City and County of Honolulu*, 109 Hawai'i 14, 122 P.3d 809 (2005), created an issue regarding appellate jurisdiction over a dispositive order that is later merged into a final judgment if a

notice of appeal is filed within thirty days of the judgment but not within thirty days of the earlier order.

The purpose of this Act is to:

- (1) Conform the statutory provisions for tax appeals with the procedures adopted by the judiciary; and
- (2) Clarify that an appeal may be taken if a notice of appeal is filed within thirty days of the judgment or within thirty days of the earlier order.

SECTION 2. Section 232-19, Hawaii Revised Statutes, is amended to read as follows:

“§232-19 Appeals; procedure. Any taxpayer or county aggrieved or the assessor may appeal to the intermediate appellate court, subject to chapter 602, from the decision of the tax appeal court by filing a written notice of appeal ~~[with the tax appeal court]~~ and depositing ~~[therewith]~~ the costs of appeal, in the manner required by court rules, within thirty days after the filing of the decision~~[-]~~ or within thirty days after entry of final judgment. The appeal shall be considered and treated for all purposes as a general appeal and shall bring up for determination all questions of fact and all questions of law, including constitutional questions, involved in the appeal. A notice of appeal may be amended at any time up to the final determination of the tax liability by the last court from which an appeal may be taken. The appellate court shall enter a judgment in conformity with its opinion or decision.

All such appeals shall be speedily disposed of and, in the hearing and disposition thereof, shall be given preference over other litigation in the discretion of the court.”

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 10, 2025.)

ACT 11

S.B. NO. 1319

A Bill for an Act Relating to Identification Processing.

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

SECTION 1. Section 846-2.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The attorney general shall select and enforce systems of identification, including fingerprinting, of: all adults arrested for a criminal offense; all persons to whom penal summonses or citations have been issued for a criminal offense and who have been convicted or granted a deferred acceptance of guilty or nolo contendere plea or a conditional discharge; and without the necessity of a court order, children who are twelve years of age or older who come within section 571-11(1) and who are taken into custody for committing an act that, if committed by an adult, would be a felony, a misdemeanor, or a petty misdemeanor. The attorney general shall provide for the collection, recording, and compilation of data and statistics relating to crime. Unless a child’s physical fingerprint record is otherwise authorized to be entered into the system, and notwithstanding any law to the contrary, the attorney general shall purge any child’s electronic fingerprint record entered into the identification system pursu-

ant to this subsection either, upon court order or when: the child attains the age of twenty-five years; the child is determined not to be responsible for committing the act for which the fingerprints were taken; or the child is not informally adjusted under section 571-31.4 and a petition is not filed within one year from the date the child is taken into custody. The court shall notify the attorney general when a child is determined not to be responsible for committing the act for which the fingerprints were taken. A child's fingerprint record shall not be transmitted to any system outside the State.

Notwithstanding any law to the contrary, upon the conviction of a person to whom a penal summons complaint or a citation has been issued for a criminal offense, or upon the granting of a deferred acceptance of a guilty or nolo contendere plea or a conditional discharge to such person, the court shall order the person to report, within seven days, to the appropriate police department, sheriff's office, or other governmental agency for identification processing, including fingerprinting and photographing, as provided under this subsection. Failure to comply with a court order for identification processing under this subsection will constitute criminal contempt of court in violation of section 710-1077.

The several counties shall provide the necessary equipment and the compensation of the persons required to install and carry out the work of the systems of identification and statistics in their respective jurisdictions; provided that those expenses in connection with matters exclusively within the control of the State shall be borne by the State; and provided further that the State shall provide for the management and equipment maintenance of the computerized fingerprint identification system.

The systems shall be uniform throughout the State, shall be continuous in operation, and shall be maintained as far as possible in a manner as shall be in keeping with the most approved and modern methods of identification and of the collection and compilation of the statistics.

The attorney general shall keep a uniform record of the work of the courts, prosecuting officers, the police, and other agencies or officers for the prevention or detection of crime and the enforcement of law in a form suitable for the:

- (1) Study of the cause and prevention of crime and delinquency and of the efforts made and efficacy thereof to detect or prevent crime and to apprehend and punish violators of law; and
- (2) Examination of the records of the operations of those officers and the results thereof."

SECTION 2. New statutory material is underscored.

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

(Approved April 10, 2025.)

ACT 12

S.B. NO. 100

A Bill For An Act Relating to Intoxicating Liquor.

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

SECTION 1. Section 281-53.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The respective county liquor commissions may request a criminal history record check of an applicant for a liquor license in accordance with section 846-2.7; provided that neither a criminal history record check nor compliance

with this section shall be required for the officers and directors of publicly-traded companies or entities ultimately solely owned by a publicly-traded company, who are not designated as primary decision-makers regarding the sale or purchase of liquor[-]; provided further that a county liquor commission of a county with a population of less than five hundred thousand shall not request an officer, director, or board member of a nonprofit organization to be fingerprinted. The criminal history record check, at a minimum, shall require the applicant to disclose whether:

- (1) The applicant has been convicted in any jurisdiction of a crime that would tend to indicate the applicant may be unsuited for obtaining a liquor license; and
- (2) The judgment of conviction has not been vacated.

For the purpose of this section, the criminal history disclosure made by the applicant may be verified by the liquor commission by means of information obtained through the Hawaii criminal justice data center. The applicant shall provide the Hawaii criminal justice data center with personal identifying information [which] that shall include but not be limited to the applicant's name, social security number, date of birth, and gender. This information shall be secured only for the purpose of conducting the criminal history record check authorized 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 upon its approval.

(Approved April 10, 2025.)

ACT 13

S.B. NO. 289

A Bill for an Act Relating to Ethics Administrative Fines.

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

SECTION 1. The legislature finds that it is in the public interest to have an efficient and timely resolution of ethics and lobbying cases. Timely resolution of matters before the ethics commission promotes the fair adjudication of rights and public transparency. This Act aims to provide greater uniformity, flexibility, and efficiency in assessing administrative fines related to violations of the state ethics code and lobbyist law.

SECTION 2. Section 84-17, Hawaii Revised Statutes, is amended by amending subsection (l) to read as follows:

~~"[(l)] If notice and order of an administrative fine has been issued pursuant to this section, the order shall become final on the twentieth day after it is served upon the alleged violator, unless the alleged violator submits a written request for a hearing before the state ethics commission on or before the twentieth day. After conducting a hearing pursuant to chapter 91, the state ethics commission may affirm, modify, or rescind the order as appropriate. The state ethics commission may file with the circuit court of the first circuit any order the commission has issued pursuant to this section for the purpose of confirming the order as a final judgment that shall have the same force and effect and shall be enforceable and collectable as other judgments issued by the circuit courts;~~

~~provided that there shall be no appeal from the judgment.] Administrative fines assessed pursuant to this section may be enforced using the procedure provided in section 84-31(g)."~~

SECTION 3. Section 84-31, Hawaii Revised Statutes, is amended to read as follows:

"§84-31 Duties of commission; complaint, hearing, determination. (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;
- (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 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;
- (5) It shall 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, initiate or make investigation, and hold hearings;
- (6) 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;

- (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;
- (8) It shall have jurisdiction for purposes of investigation and taking appropriate action on possible violations of this chapter in all proceedings commenced within six years of 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;
- (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 on matters of ethics in government employment; and
- (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; provided that any charge initiated by the commission shall be signed by three or more members of the commission. The commission shall 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, 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 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.

(c) If after twenty days following service of the charge and further statement of alleged violation in accordance with this section, a majority of the members of the commission conclude that there is probable cause to believe that a violation of this chapter or of the code of ethics adopted by the constitutional convention has been committed, then the commission shall set a time and place for a hearing, giving notice to the complainant and the alleged violator. Upon the commission's issuance of a notice of hearing, the charge and further statement of alleged violation and the alleged violator's written response thereto shall become public records. The hearing shall be held within ninety days of the commission's issuance of a notice of hearing. If the hearing is not held within that ninety-day period, the charge and further statement of alleged violation shall be dismissed; provided that any delay that is at the request of, or caused by, the alleged violator shall not be counted against the ninety-day period. All parties shall have an opportunity to:

- (1) Be heard;
- (2) Subpoena witnesses and require the production of any books or papers relative to the proceedings;
- (3) Be represented by counsel; and
- (4) Have the right of cross-examination.

All hearings shall be in accordance with chapter 91. All witnesses shall testify under oath and the hearings shall be open to the public. The commission shall not be bound by the strict rules of evidence but the commission's findings must be based upon competent and substantial evidence. All testimony and other evidence taken at the hearing shall be recorded.

(d) A decision of the commission pertaining to the conduct of any legislator, delegate to the constitutional convention, or employee or person formerly holding such office or employment shall be in writing and signed by three or more of the members of the commission. A decision of the commission rendered after a hearing together with findings and the record of the proceeding shall be a public record.

(e) A person who files a frivolous charge with the commission against any person covered by this chapter shall be civilly liable to the person charged for all costs incurred in defending the charge, including but not limited to costs and attorneys' fees. In any case where the commission decides not to issue a complaint in response to a charge, the commission shall upon the written request of the person charged make a finding as to whether or not the charge was frivolous. The person charged may initiate an action in the circuit court for recovery of fees and costs incurred in commission proceedings within one year after the commission renders a decision. The commission's decision shall be binding upon the court for purposes of a finding pursuant to section 607-14.5.

(f) The commission shall cause to be published yearly summaries of decisions, advisory opinions, and informal advisory opinions. The commission shall make sufficient deletions in the summaries to prevent disclosing the identity of persons involved in the decisions or opinions where the identity of such persons is not otherwise a matter of public record under this chapter.

(g) Notwithstanding the above procedures, for any violation of this chapter with a proposed administrative penalty of less than \$1,000, the state ethics commission may issue a notice and order of administrative fine describ-

ing the violation and assessing an administrative fine. The order shall become final on the twentieth day after it is served upon the alleged violator, unless the alleged violator submits a written request for a hearing before the state ethics commission on or before the twentieth day. After conducting a hearing pursuant to chapter 91, the state ethics commission may affirm, modify, or rescind the order as appropriate. The state ethics commission may file with the circuit court of the first circuit any order the commission has issued pursuant to this section for the purpose of confirming the order as a final judgment that shall have the same force and effect and shall be enforceable and collectable as other judgments issued by the circuit courts; provided that there shall be no appeal from the judgment.”

SECTION 4. Section 84-39, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) No fine shall be assessed under this section unless:

- (1) The state ethics commission convenes a hearing in accordance with section 84-31(c) and chapter 91 and a decision has been rendered by the commission; ~~or~~
- (2) The state ethics commission and respondent agree to resolve any charge of an alleged violation prior to completion of the contested case process and the resolution includes payment of an administrative fine or restitution, or both~~[-]; or~~
- (3) The state ethics commission issues a notice and order of administrative fine pursuant to section 84-31(g).”

SECTION 5. Section 97-6, Hawaii Revised Statutes, is amended to read as follows:

“§97-6 Administration. (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;
- (4) Render advisory opinions upon the request of any person subject to this chapter. If no advisory opinion is rendered within 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;

- (5) Issue subpoenas, administer oaths, 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;
- (6) Adopt, amend, and repeal 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 of this chapter, including every matter or thing required to be done or 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;
- (7) Have jurisdiction for purposes of investigation and taking appropriate action on possible violations of this chapter in all proceedings commenced within six years of 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; provided that any charge initiated by the commission shall be signed by three or more members of the commission. The commission shall 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, 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 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.

(c) If after twenty days following service of the charge and further statement of alleged violation in accordance with this section, a majority of the members of the commission conclude that there is probable cause to believe that a violation of this chapter has been committed, then the commission shall set a time and place for a hearing, giving notice to the complainant and the alleged violator in the same manner as provided in subsection (b). Upon the commission's issuance of a notice of hearing, the charge and further statement of alleged violation and the alleged violator's written response thereto shall become public records. The hearing shall be held within ninety days of the commission's issuance of a notice of hearing. If the hearing is not held within that ninety-day period, the charge and further statement of alleged violation shall be dismissed; provided that any delay that is at the request of, or caused by, the alleged violator shall not be counted against the ninety-day period.

All parties shall have an opportunity to:

- (1) Be heard;
- (2) Subpoena witnesses and require the production of any books or papers relative to the proceedings;
- (3) Be represented by counsel; and
- (4) Have the right of cross-examination.

All hearings shall be in accordance with chapter 91. All witnesses shall testify under oath and the hearings shall be open to the public. The commission shall not be bound by the strict rules of evidence but the commission's findings shall be based on competent and substantial evidence.

All testimony and other evidence taken at the hearing shall be recorded. All fees collected under this chapter shall be deposited into the general fund.

(d) A decision of the commission pertaining to the conduct of any person subject to this chapter shall be in writing and signed by three or more of the members of the commission. A decision of the commission rendered after a hearing together with findings and the record of the proceeding shall be a public record.

(e) A person who files a frivolous charge with the commission against any person covered by this chapter shall be civilly liable to the person charged for all costs incurred in defending the charge, including but not limited to costs and attorneys' fees. In any case where the commission does not issue a decision or final conclusion in which the commission concludes that a person has violated this chapter, the commission shall, upon the written request of the person charged, make a finding as to whether or not the charge was frivolous. The person charged may initiate an action in the circuit court for recovery of fees and costs incurred in commission proceedings within one year after the commission renders a decision that the charge was frivolous. The commission's decision shall be binding upon the court for purposes of a finding pursuant to section 607-14.5.

(f) The commission shall cause to be published yearly summaries of decisions, advisory opinions, and informal advisory opinions. The commission shall make sufficient deletions in the summaries to prevent disclosing the iden-

tity of persons involved in the decisions or opinions where the identity of such persons is not otherwise a matter of public record under this chapter.

(g) Notwithstanding the above procedures, for any violation of this chapter with a proposed administrative penalty of less than \$1,000, the state ethics commission may issue a notice and order of administrative fine describing the violation and assessing an administrative fine. The order shall become final on the twentieth day after it is served upon the alleged violator, unless the alleged violator submits a written request for a hearing before the state ethics commission on or before the twentieth day. After conducting a hearing pursuant to chapter 91, the state ethics commission may affirm, modify, or rescind the order as appropriate. The state ethics commission may file with the circuit court of the first circuit any order the commission has issued pursuant to this section for the purpose of confirming the order as a final judgment that shall have the same force and effect and shall be enforceable and collectable as other judgments issued by the circuit courts; provided that there shall be no appeal from the judgment.”

SECTION 6. Section 97-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) No fine shall be assessed unless the state ethics commission:

- (1) Convenes a hearing in accordance with section 97-6(c) and chapter 91 and renders a decision; [øø]
- (2) Together with the alleged violator, agrees to resolve any alleged violation before the completion of the contested case process; provided that the resolution includes payment of an administrative fine or restitution, or both[-]; or
- (3) Issues a notice and order of administrative fine pursuant to section 97-6(g).”

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

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

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

(Approved April 10, 2025.)

ACT 14

S.B. NO. 1291

A Bill for an Act Relating to Certified Public Accountants.

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

SECTION 1. The legislature finds that business and commerce continue to grow more complicated, increasing the need for well-qualified certified public accountants in the State and nationwide. At the same time, however, a declining

percentage of students in accounting classes are pursuing certified public accountant (CPA) licenses. In part, this decline is due to the requirement of thirty additional semester hours of education, beyond the requirements of a bachelor's degree, to obtain a CPA license. The time and monetary costs of this additional education can be a serious obstacle for many students. Thus, the additional education requirement effectively blocks many potential candidates from obtaining CPA licenses, at a time when more qualified CPAs are needed.

The purpose of this Act is to generate more qualified CPAs by establishing alternative pathways to licensure that eliminate certain barriers for eligible applicants.

SECTION 2. Section 466-5, Hawaii Revised Statutes, is amended by amending subsections (a) through (d) to read as follows:

“(a) A license and a permit are required to practice public accountancy. The board may license and grant the designation of “certified public accountant” to any person who has met the following:

- (1) Attained eighteen years of age;
- (2) Possesses a history of competence, trustworthiness, and fair dealing;
- (3) Educational requirements of this section ~~[or section 466-5.5];~~
- (4) ~~[Experience requirements of]~~ Completed two years of professional experience meeting the requirements in subsection (d);
- (5) Examination requirements of subsection (e); and
- (6) Paid the appropriate fees and assessments.

(b) The educational requirement for a license shall include a baccalaureate degree conferred by a college or university recognized by the board with at least eighteen semester hours of upper division or graduate level accounting or auditing subjects as determined by rules adopted by the board pursuant to chapter 91, and:

- (1) Completion of not less than thirty semester hours of study in addition to those semester hours required for a baccalaureate degree~~]. The baccalaureate degree and the thirty semester hours of additional study shall include a minimum of eighteen semester hours of upper division or graduate level accounting or auditing subjects. The]; provided that the content of the additional qualifying hours of study shall be determined by rules adopted by the board pursuant to chapter 91; or~~
- (2) ~~[If the applicant has a minimum of eighteen semester hours of upper division or graduate level accounting and auditing subjects, the applicant may elect to replace the thirty semester hours with an additional thirty months of professional experience in a public accounting practice. This]~~ In lieu of the thirty semester hours described in paragraph (1), the applicant may demonstrate completion of an additional twelve months of professional experience in the practice of public accounting only; provided that this experience shall not be credited toward the experience requirements in subsection (d); (a)(4).

(c) A person shall be exempt from the requirements in subsection (b) ~~[or section 466-5.5] if that person:~~

- (1) Holds a current license as a public accountant under section 466-6; or
- (2) Holds, and has continued to hold, a valid comparable certificate, registration, or license of certified public accountant of another state for a period of not less than ten years preceding the date of the person's application under this section, and has been in active

practice of public accountancy in one or more states for a period of not less than five years preceding the date of the application.

(d) Each applicant shall present satisfactory evidence in the form of a certified statement from present or former employer(s) that the applicant has ~~met one of the following experience requirements for license:~~

- (1) ~~Completion of one thousand five hundred chargeable hours in the performance of audits involving the application of generally accepted accounting principles and auditing standards earned while in public accounting practice; or~~
- (2) ~~Completion of two years of]~~ completed the required professional experience in public accountancy practice as defined in section 466-3. Completion of experience in private or government accounting or auditing work, deemed by the board to be equivalent to professional experience in public accountancy practice as defined in section 466-3, may be substituted for all or part of the two years of professional experience in public accounting practice~~[-]~~ required in subsection (a)(4). The nature, variety, and depth of acceptable private or government accounting or auditing experience shall be defined by the board in its rules.”

SECTION 3. Section 466-5.5, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

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

(Approved April 10, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5

ACT 15

S.B. NO. 1447

A Bill for an Act Relating to Administrative Orders.

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

SECTION 1. Section 321-20, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§321-20]] Remedies.~~ Notwithstanding other penalties, the director may enforce this chapter in either administrative or judicial proceedings:

- (1) **Administrative.** If the director determines that any person is violating any provision of this chapter, any rule adopted thereunder, or any variance or exemption or waiver issued pursuant thereto, the director may have that person served with a notice of violation and an order. The notice shall specify the alleged violation. The order may require that the alleged violator do any or all of the following: cease and desist from the violation, pay an administrative penalty not to exceed \$1,000 for each day of violation, correct the violation at the alleged violator’s own expense, or appear before the director at a time and place specified in the order and answer the charges complained of. The order shall become final twenty days after ser-

vice unless within those twenty days the alleged violator requests in writing a hearing before the director. Upon such request the director shall specify a time and place for the alleged violator to appear. When the director issues an order for immediate action to protect the public health from an imminent and substantial danger, the department shall provide an opportunity for a hearing within twenty-four hours after service of the order. Any hearing before the director shall not stay any order to cease and desist issued pursuant to this paragraph. After a hearing pursuant to this [subsection,] paragraph, the director may affirm, modify, or rescind the order as appropriate. The director may institute a civil action in any court of appropriate jurisdiction for the enforcement of any order issued pursuant to this [subsection,] paragraph.

Factors to be considered in imposing the administrative penalty include the nature and history of the violation and any prior violation and the opportunity, difficulty, and history of corrective action. It is presumed that the violator's economic and financial conditions allow payment of the penalty and the burden of proof to the contrary is on the violator. In any judicial proceeding to enforce the administrative penalty imposed pursuant to this chapter, the director need only show that notice was given, a hearing was held or the time granted for requesting a hearing had expired without such a request, the administrative penalty imposed, and that the penalty imposed remains unsatisfied.

This section does not supersede specific administrative penalties provided elsewhere.

- (2) Judicial. The director may institute a civil action in any court of appropriate jurisdiction for injunctive relief to prevent violation of any order issued or rule adopted pursuant to this chapter, in addition to any other remedy or penalty provided for under this chapter.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that began 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 10, 2025.)

ACT 16

H.B. NO. 137

A Bill for an Act Relating to Firearms.

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

SECTION 1. Section 134-7, Hawaii Revised Statutes, is amended by amending subsection (j) to read as follows:

“(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[.] and if said prior felony conviction is that of a crime of violence, as defined in section 134-1, the defendant shall be sentenced to an indeterminate

term of imprisonment as provided by law. Any person violating subsection (c), (d), (e), (f), (g), or (h) shall be guilty of a misdemeanor.”

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 10, 2025.)

ACT 17

S.B. NO. 112

A Bill for an Act Relating to Police Reports.

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

SECTION 1. The legislature finds that the death of a family member where the incident led to law enforcement initiating an investigation may raise many questions for the surviving family members even years later. Law enforcement’s investigation and the ensuing report may provide some answers and perhaps even closure for a family. The legislature further finds that obtaining this information can be difficult. For one Hawaii family whose son was murdered, it took seventeen years and repeated assistance from a state legislator’s office to receive the closing report. For another family whose son was killed during an incident involving law enforcement, the family still has not received a copy of the report more than five years after the incident despite state legislator involvement.

The purpose of this Act is to allow surviving immediate family members of deceased persons for whom law enforcement initiated an investigation to receive a copy of the closing report prepared by the investigating police department after a specified period of time.

SECTION 2. Chapter 52D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§52D- Request for copy of police report by a surviving immediate family member. (a) Each surviving immediate family member of a deceased person for whom law enforcement initiated an investigation shall, upon request, be provided a copy of the closing report prepared by the investigating police department, upon the conclusion of any criminal proceedings related to the incident, the passage of five years after the report has been completed, or the passage of seven years after the underlying incident, whichever occurs first; provided that if the investigation has been reopened in the six months before the request, the investigating police department shall not be required to provide a copy of the report to the family member while the investigation is ongoing; provided further that upon the conclusion of the reopened investigation there shall be no further delay in providing a copy of the report to the requesting family member.

(b) The closing report shall be provided via electronic means or in physical paper form, at the requester’s preference.

(c) All information pertaining to minors and confidential personal information shall be redacted from the closing report when the report is released.

(d) This section shall not diminish any right of a surviving immediate family member or any other person to receive a copy of any portion of a police report or any other government record at any other time.

(e) For the purposes of this section:

“Closing report” means the final report or similar summary of the investigation that is prepared by the assigned police detective in the normal course of investigating the incident.

“Surviving immediate family member” means a person who is a surviving grandparent, parent, sibling, spouse or reciprocal beneficiary, child, or legal guardian of the deceased person.”

SECTION 3. New statutory material is underscored.¹

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

(Approved April 10, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 18

H.B. NO. 392

A Bill for an Act Relating to Firearms.

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

SECTION 1. Section 134-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Ghost gun” means a firearm, including a firearm frame or firearm receiver, that has not been imprinted with a serial number registered with a federally licensed manufacturer. “Ghost gun” does not include a firearm that has been rendered permanently inoperable.”

SECTION 2. Chapter 706, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§706- Sentence of imprisonment for use of a ghost gun in a felony.

(1) A person convicted of a felony, where the person had a ghost gun in the person’s possession or threatened its use or used the ghost gun while engaged in the commission of the felony, whether the ghost gun was loaded or not, may in addition to the indeterminate term of imprisonment provided for the grade of offense be sentenced to a mandatory minimum term of imprisonment without possibility of parole or probation the length of which shall be as follows:

- (a) For murder in the second degree and attempted murder in the second degree—up to fifteen years;
- (b) For a class A felony—up to ten years;
- (c) For a class B felony—up to five years; and
- (d) For a class C felony—up to three years.

The sentence of imprisonment for a felony involving the use of a ghost gun as provided in this section shall not be subject to the procedure for determining minimum term of imprisonment prescribed under section 706-669; provided that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon the expiration of the term of mandatory imprisonment fixed under paragraph (a), (b), (c), or (d).

(2) A person convicted of a second or subsequent ghost gun felony offense as provided in subsection (1), where the person had a ghost gun in the

person's possession or threatened its use or used the ghost gun while engaged in the commission of the felony, whether the ghost gun was loaded or not, shall in addition to the indeterminate term of imprisonment provided for the grade of offense be sentenced to a mandatory minimum term of imprisonment without possibility of parole or probation the length of which shall be as follows:

- (a) For murder in the second degree and attempted murder in the second degree—twenty years;
- (b) For a class A felony—thirteen years, four months;
- (c) For a class B felony—six years, eight months; and
- (d) For a class C felony—three years, four months.

The sentence of imprisonment for a second or subsequent felony offense involving the use of a ghost gun as provided in this subsection shall not be subject to the procedure for determining a minimum term of imprisonment prescribed under section 706-669; provided that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon expiration of the term of mandatory imprisonment fixed under paragraph (a), (b), (c), or (d).

(3) Any person convicted of a ghost gun felony offense as provided in subsection (1) who has previously been convicted of a felony offense involving the use of a firearm under section 706-660.1, shall in addition to the indeterminate term of imprisonment provided for the grade of offense be sentenced to a mandatory minimum term of imprisonment without possibility of parole or probation the length of which shall be as follows:

- (a) For murder in the second degree and attempted murder in the second degree—twenty years;
- (b) For a class A felony—thirteen years, four months;
- (c) For a class B felony—six years, eight months; and
- (d) For a class C felony—three years, four months.

The sentence of imprisonment as provided in this subsection shall not be subject to the procedure for determining a minimum term of imprisonment prescribed under section 706-669; provided that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon expiration of the term of mandatory imprisonment fixed under paragraph (a), (b), (c), or (d).

(4) In this section:

“Firearm” has the same meaning defined in section 134-1.

“Ghost gun” has the same meaning defined in section 134-1.”

SECTION 3. Section 134-8, Hawaii Revised Statutes, is amended to read as follows:

“§134-8 Ownership, etc., of automatic firearms, silencers, etc., prohibited; penalties. (a) The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any of the following [is] shall be prohibited: assault pistols, except as provided by section 134-4(e); automatic firearms; rifles with barrel lengths less than sixteen inches; ghost guns; shotguns with barrel lengths less than eighteen inches; cannons; mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms; hand grenades, dynamite, blasting caps, bombs, or bombshells, or other explosives; or any type of ammunition or any projectile component thereof coated with teflon or any other similar coating designed primarily to enhance its capability to penetrate metal or pierce protective armor; and any type of ammunition or any projectile component thereof designed or intended to explode or segment upon impact with its target.

ACT 19

(b) Any person who installs, removes, or alters a firearm part with the intent to convert the firearm to an automatic firearm shall be deemed to have manufactured an automatic firearm in violation of subsection (a).

(c) The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of detachable ammunition magazines with a capacity in excess of ten rounds [~~which~~] that are designed for or capable of use with a pistol [~~is~~] shall be prohibited. This subsection shall not apply to magazines originally designed to accept more than ten rounds of ammunition [~~which~~] that have been modified to accept no more than ten rounds and [~~which~~] that are not capable of being readily restored to a capacity of more than ten rounds.

(d) Any person violating subsection (a) or (b) shall be guilty of a class C felony and shall be imprisoned for a term of five years without probation. Any person violating subsection (c) shall be guilty of a misdemeanor except when a detachable magazine prohibited under this section is possessed while inserted into a pistol in which case the person shall be guilty of a class C felony.

(e) In any prosecution for the manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of a ghost gun, it shall be an affirmative defense that the person holds a current license to sell and manufacture firearms for sale under section 134-31, or that the person is a dealer licensed by the United States Department of Justice, or that the firearm is not required to have a serial number under the federal Gun Control Act of 1968."

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

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

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

(Approved April 10, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 19

S.B. NO. 1202

A Bill for an Act Relating to Campaign Finance.

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

SECTION 1. Section 11-381, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Campaign funds may be used by a candidate, treasurer, or candidate committee:

(1) For any purpose directly related:

- (A) In the case of the candidate, to the candidate's own campaign; or
- (B) In the case of a candidate committee or treasurer of a candidate committee, to the campaign of the candidate, question, or issue with which they are directly associated;
- (2) To purchase or lease consumer goods, vehicles, equipment, and services that provide a mixed benefit to the candidate~~[-The];~~ provided that the candidate[-,however,] shall reimburse the candidate's candidate committee for the candidate's personal use of these items unless the personal use is de minimis;
- (3) To make donations to any community service, educational, youth, recreational, charitable, scientific, or literary organization; provided that in any election period, the total amount of all donations shall be ~~[nø]~~ not more than twice the maximum amount that one person may contribute to that candidate pursuant to section 11-357; provided further that no donations shall be made from the date the candidate files nomination papers to the date of the general election unless the candidate is:
 - (A) Declared to be duly and legally elected to the office for which the person is a candidate pursuant to section 12-41;
 - (B) Deemed and declared to be duly and legally elected to the office for which the person is a candidate pursuant to section 12-42; or
 - (C) Unsuccessful in the primary or special primary election;
- (4) To make donations to any public school or public library; provided that in any election period, the total amount of all contributions shall be ~~[nø]~~ not more than twice the maximum amount that one person may contribute to that candidate pursuant to section 11-357; provided further that any donation under this paragraph shall not be aggregated with or imputed toward any limitation on donations pursuant to paragraph (3);
- (5) To award scholarships to full-time students attending an institution of higher education or a vocational education school in a program leading to a degree, certificate, or other recognized educational credential; provided that in any election period, the total amount of all scholarships awarded shall be ~~[nø]~~ not more than twice the maximum amount that one person may contribute to that candidate pursuant to section 11-357; provided further that no awards shall be made from the filing deadline for nomination papers to the date of the general election unless the candidate is:
 - (A) Declared to be duly and legally elected to the office for which the person is a candidate pursuant to section 12-41;
 - (B) Deemed and declared to be duly and legally elected to the office for which the person is a candidate pursuant to section 12-42; or
 - (C) Unsuccessful in the primary or special primary election;
- (6) To purchase not more than two tickets for each event held by another candidate or committee, regardless of whether the event constitutes a fundraiser as defined in section 11-342;
- (7) To make contributions to the candidate's party so long as the contributions are not earmarked for another candidate; ~~[øf]~~
- (8) To pay for ordinary and necessary expenses incurred in connection with the candidate's duties as a holder of an office, including expenses incurred for memberships in civic or community groups~~[-];~~ or

- (9) To pay for the candidate's child care or vital household dependent care costs; provided that:
- (A) The child care or vital household dependent care costs would not have been incurred but for the candidate's participation in the candidate's own campaign activity;
- (B) Qualifying child care or vital household dependent care costs shall be limited to costs for child care or vital household dependent care services from the date the candidate files nomination papers to the day after the date of the primary or general election in which the candidate appears on the ballot; and
- (C) The child care or vital household dependent care services shall not be provided by immediate family.

As used in this paragraph:

"Child" means a person under twelve years of age who is a biological, adopted, or foster child; a stepchild; or a legal ward of the candidate.

"Child care" means a situation where a person or organization has agreed to assume and has been entrusted with responsibility for the supervision, development, safety, and protection of the candidate's child.

"Vital household dependent" means a person, such as a family member, living in the candidate's household who is physically or mentally incapable of self-care.

"Vital household dependent care" means a situation where a person or organization has agreed to assume and has been entrusted with responsibility for the supervision, development, safety, and protection of the candidate's vital household dependent."

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 22, 2025.)

ACT 20

H.B. NO. 111

A Bill for an Act Relating to Sex Trafficking.

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

SECTION 1. The legislature finds that sex trafficking is a form of modern-day slavery. According to a 2018 report published by Arizona State University and the Hawaii state commission on the status of women, one out of every eleven adult male residents of Hawaii are online sex shoppers. The report also estimated that there were 74,362 potential sex buyers in Hawaii. Moreover, Imua Alliance, a victim service provider for survivors of sex trafficking and sexual violence, estimates that one hundred fifty establishments participate in the commercial sex trade in the State, increasing the high risk for sex trafficking. During the coronavirus disease 2019 pandemic, a service provider for sex trafficking victims in Hawaii reported seeing a three hundred per cent increase in demand for victim services.

The legislature additionally finds that Native Hawaiians and Pacific Islanders are disproportionately overrepresented in the State's sex trafficking sur-

vivor population. In a survey conducted by the Hawaii state commission on the status of women and Arizona State University, sixty-four per cent of individuals identified as victims of sex trafficking reported at least partial Native Hawaiian ancestry. According to the report, “[t]he overutilization of Native Hawaiians to meet sex buyer demand may be directly linked to structural economic coercion and vulnerabilities connected to land dispossession, exposure to sexual violence, hypersexualization, incarceration, cultural dislocation, intergenerational trauma, mental and emotional distress, racism, poverty, and ongoing inequities.”

Accordingly, the purpose of this Act is to support survivors of sex trafficking by:

- (1) Authorizing civil claims to be made against a person, business, business owner, or business operator that profits from sexual exploitation or sex trafficking; and
- (2) Extending the statute of limitations for civil claims related to sexual exploitation or sex trafficking to ten years.

SECTION 2. Chapter 663J, Hawaii Revised Statutes, is amended by amending its title to read as follows:

**~~“[H]CHAPTER 663J[”]~~
LIABILITY FOR COERCION INTO ~~[PROSTITUTION]~~ SEX
TRAFFICKING AND SEXUAL EXPLOITATION”**

SECTION 3. Section 663J-1, Hawaii Revised Statutes, is amended to read as follows:

“§663J-1 Title. This chapter may be cited as the Sex Trafficking and ~~[Prostitution]~~ Sexual Exploitation Coercion Liability Act.”

SECTION 4. Section 663J-2, Hawaii Revised Statutes, is amended to read as follows:

“§663J-2 Definitions. As used in this chapter:

“Business” includes a transient accommodation or any other commercial activity.

“Coerce” means to use or threaten to use any form of domination, restraint, or control for the purpose of causing an individual to engage in or remain in ~~[prostitution]~~ sexual exploitation or to relinquish earnings derived from ~~[prostitution.]~~ sexual exploitation. Coercion exists if the totality of the circumstances establish the existence of domination, restraint, or control that would have the reasonably foreseeable effect of causing an individual to engage in or remain in ~~[prostitution]~~ sexual exploitation or to relinquish earnings derived from ~~[prostitution.]~~ sexual exploitation.

~~“Promoting prostitution” means promoting prostitution as provided in section 712-1203.~~

~~“Prostitution” has the same meaning as provided in section 712-1200.]~~

~~“Sex trafficking” [has the same meaning as provided in] means any act included under section 712-1202[-] or 712-1203.~~

“Sexual exploitation” has the same meaning as “prostitution” as that offense is described in section 712-1200.”

SECTION 5. Section 663J-3, Hawaii Revised Statutes, is amended to read as follows:

“§663J-3 Cause of action for coercion into ~~[prostitution]~~ sexual exploitation or sex trafficking. An individual ~~[has]~~ shall have a cause of action against a person, business, business owner, or business operator who:

- (1) Coerced the individual into [~~prostitution~~] sexual exploitation or to remain in [~~prostitution~~] sexual exploitation, or subjected the individual to sex trafficking;
- (2) Used coercion to collect or receive any of the individual's earnings derived from [~~prostitution~~] sexual exploitation or from being the subject of sex trafficking; [~~or~~]
- (3) Hired, or attempted to hire, the individual to engage in [~~prostitution~~] sexual exploitation, when a reasonable person would believe that the individual was coerced into [~~prostitution~~] sexual exploitation by another person or was being subjected to sex trafficking[~~;~~]; or
- (4) Profited from coercing the individual into sexual exploitation or subjecting the individual to sex trafficking."

SECTION 6. Section 663J-4, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~§663J-4][~~]~~ Evidence. Acts that may serve as evidence in support of a claim under section 663J-3 include but are not limited to:

- (1) Physical force or threats of physical force;
- (2) Physical or mental torture;
- (3) Leading an individual to believe that the individual will be protected from violence or arrest;
- (4) Kidnapping;
- (5) Blackmail;
- (6) Extortion;
- (7) Threat of criminal prosecution for any violation of the law;
- (8) Threat of interference with parental rights;
- (9) Restriction or interference with speech or communication with others;
- (10) Isolation;
- (11) Exploitation of pornographic performance;
- (12) Interference with opportunities for education;
- (13) Destroying property of the individual;
- (14) Restriction of movement; [~~or~~]
- (15) In the case of a person coerced while a minor:
 - (A) Exploiting needs for food, shelter, safety, affection, or intimate relationship;
 - (B) Exploiting a condition of developmental disability, cognitive limitation, affective disorder, or substance dependency;
 - (C) Promise of legal benefit, such as posting bail, procuring an attorney, protecting from arrest, or promising unionization;
 - (D) Promise of financial rewards; or
 - (E) Defining the terms of an individual's employment or working conditions in a manner that is likely to lead to the individual's use in [~~prostitution~~] sexual exploitation; or
- (16) Disregarding notification or other indications that an individual is being coerced into sexual exploitation or subjected to sex trafficking on premises controlled by the person, business, business owner, or business operator."

SECTION 7. Section 663J-5, Hawaii Revised Statutes, is amended to read as follows:

"§663J-5 Damages. An individual entitled to bring an action under section 663J-3 may recover all of the following damages:

- (1) Economic damages proximately caused by coercion into [~~prostitution~~] sexual exploitation or being the subject of sex trafficking;
- (2) Noneconomic damages proximately caused by coercion into [~~prostitution~~] sexual exploitation or being the subject of sex trafficking;
- (3) Exemplary damages;
- (4) Reasonable attorney's fees; and
- (5) Costs of suit, including reasonable expenses for expert testimony."

SECTION 8. Section 663J-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In the discretion of the court, two or more individuals may join in one action under this chapter as plaintiffs if their respective actions involve a person, business, business owner, or business operator who [~~engages in promoting prostitution by coercion or subjecting~~] coerced the individuals into sexual exploitation, subjected the individuals to sex trafficking, or profited from coercing the individuals into sexual exploitation or subjecting the individuals to sex trafficking."

SECTION 9. Section 663J-7, Hawaii Revised Statutes, is amended to read as follows:

"**§663J-7 Statute of limitations.** (a) A claim under this chapter [~~may~~] shall not be brought against a person, business, business owner, or business operator more than [~~six~~] ten years after an act of [~~promoting prostitution by~~] coercion into sexual exploitation or an act of sex trafficking by that person.

- (b) The limitation period provided for in this chapter [~~is~~] shall be tolled:
 - (1) During the minority of the individual who engages in [~~prostitution~~] sexual exploitation; or
 - (2) Any time there is a criminal offense investigation being actively conducted against the defendant by a governmental agency or there is a criminal offense charge, information, or indictment pending against the defendant."

SECTION 10. Section 663J-8, Hawaii Revised Statutes, is amended to read as follows:

"**§663J-8 Stay of action.** On motion by a governmental agency involved in an investigation or prosecution for [~~promoting prostitution~~] sexual exploitation or sex trafficking, an action brought under this chapter shall be stayed until the completion of the criminal investigation or prosecution that gave rise to the motion for a stay of the action."

SECTION 11. Section 663J-9, Hawaii Revised Statutes, is amended to read as follows:

"**§663J-9 Other remedies preserved.** The remedies provided under this chapter [~~do~~] shall not restrict the right of any individual to bring an action under any other law, including common law, to recover damages arising out of the use of the individual in [~~prostitution~~] sexual exploitation, or subjecting the individual to sex trafficking, or the coercion incident to the individual being used in [~~prostitution~~] sexual exploitation or sex trafficking; nor [~~does~~] shall this chapter limit or restrict the liability of any person, business, business owner, or business operator under any other law."

SECTION 12. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

ACT 21

SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved April 22, 2025.)

ACT 21

S.B. NO. 1508

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 91-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as otherwise provided in this section, prior to the adoption of any rule authorized by law, or the amendment or repeal thereof, the adopting agency shall:

- (1) Give at least thirty days’ notice for a public hearing. The notice shall include:
 - (A) A statement of the topic of the proposed rule adoption, amendment, or repeal or a general description of the subjects involved; ~~and~~
 - (B) 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, 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;
 - (C) 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 in person; and
 - (D) The date, time, and place where the public hearing will be held and where interested persons may be heard on the proposed rule adoption, amendment, or repeal.

The notice shall be mailed to all persons who have made a timely written request of the agency for advance notice of its rule-making proceedings, given at least once statewide for state agencies and in the county for county agencies. Proposed state agency rules shall also be posted on the Internet as provided in section 91-2.6; and

- (2) Afford all interested persons opportunity to submit data, views, or arguments, orally or in writing. The agency shall fully consider all written and oral submissions respecting the proposed rule. The agency may make its decision at the public hearing or announce then the date when it intends to make its decision. Upon adoption, amendment, or repeal of a rule, the agency, if requested to do so by an interested person, shall issue a concise statement of the principal reasons for and against its determination.”

SECTION 2. Section 102-2, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) The bidding requirements and ~~[fifteen-year]~~ twenty-five-year limit in subsection (a) shall not apply to any disposition or grant of rights to anyone to place one or more names, in accordance with applicable county sign ordinances, on a state or county building.”

SECTION 3. Section 103D-412, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) For the purposes of this section:

“Agency” means a state agency, office, or department.

“Alternative fuel” shall have the same meaning as contained in title 10 Code of Federal Regulations part 490; provided that “alternative fuel” includes liquid or gaseous fuels produced from renewable feedstocks, such as organic wastes, or from water using electricity from renewable energy sources.

“Alternative fuel vehicle” shall have the same meaning as contained in title 10 Code of Federal Regulations part 490.

“Covered fleet” shall have the same meaning as contained in title 10 Code of Federal Regulations part 490, subpart C.

“Excluded vehicles” shall have the same meaning as contained in title 10 Code of Federal Regulations section 490.3.

“Fuel cell electric vehicle” shall have the same meaning as contained in title 10 Code of Federal Regulations section 490.501.

“Hybrid electric vehicle” shall have the same meaning as contained in title 40 Code of Federal Regulations section 86.1803-01.

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

“Plug-in hybrid electric vehicle” shall have the same meaning as contained in title 40 Code of Federal Regulations ~~[part]~~ section 86.1803-01.

“Zero-emission vehicle” shall have the same meaning as contained in title 40 Code of Federal Regulations section ~~[88.402-94.]~~ 88.1.”

SECTION 4. Section 196-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) With regard to motor vehicles and transportation fuel, each agency shall:

- (1) Comply with title 10 Code of Federal Regulations part 490, subpart C, “Mandatory State Fleet Program”, if applicable;
- (2) Comply with all applicable state laws regarding vehicle purchases;
- (3) Once federal and state vehicle purchase mandates have been satisfied, purchase the most fuel-efficient vehicles that meet the needs of their programs; provided that the life cycle cost-benefit analysis of vehicle purchases shall include projected fuel costs;
- (4) Purchase alternative fuels and ethanol blended gasoline when available;
- (5) Evaluate a purchase preference for biodiesel blends, as applicable to agencies with diesel fuel purchases;
- (6) Promote efficient operation of vehicles, including efficient planning of charging system locations and efficient utilization of renewable energy for charging electric vehicles;
- (7) Use the most appropriate minimum octane fuel; provided that vehicles shall use 87-octane fuel unless the owner’s manual for the vehicle states otherwise or the engine experiences knocking or pinging;

- (8) Beginning with fiscal year 2005-2006 as the baseline, collect and maintain, for the life of each vehicle acquired, the following data:
 - (A) Vehicle acquisition cost;
 - (B) United States Environmental Protection Agency rated fuel economy;
 - (C) Vehicle fuel configuration, such as gasoline, diesel, flex-fuel gasoline/E85, and dedicated propane;
 - (D) Actual in-use vehicle mileage;
 - (E) Actual in-use vehicle fuel consumption;
 - (F) Actual in-use annual average vehicle fuel economy; and
 - (G) Hourly charging data by electric vehicle and electric vehicle charging system;
 - (9) Beginning with fiscal year 2005-2006 as the baseline with respect to each agency that operates a fleet of thirty or more vehicles, collect and maintain, in addition to the data in paragraph (8), the following:
 - (A) Information on the vehicles in the fleet, including vehicle year, make, model, gross vehicle weight rating, and vehicle fuel configuration;
 - (B) Fleet fuel usage, by fuel;
 - (C) Fleet mileage;
 - (D) Overall annual average fleet fuel economy and average miles per gallon of gasoline and diesel; and
 - (E) Hourly charging data by electric vehicle and electric vehicle charging system;
 - (10) Adopt a preference for the rental of electric vehicles or hybrid vehicles; provided that:
 - (A) All agencies, when renting a vehicle on behalf of a state employee in the discharge of official government business, shall rent a vehicle of one of the following types, listed in order of preference:
 - (i) Electric vehicle; or
 - (ii) Hybrid vehicle;
 provided further that the vehicle is available and suitable for the specific travel requirements;
 - (B) The agency may rent a conventional vehicle only if:
 - (i) An electric vehicle or hybrid vehicle is not suitable; or
 - (ii) Neither an electric vehicle nor a hybrid vehicle is available;
 - (C) An agency shall exercise the policy preference for rental of an electric vehicle or hybrid vehicle notwithstanding the potential higher cost associated with renting an electric vehicle or hybrid vehicle; provided that the rental rate for the electric vehicle or hybrid vehicle is comparable to that of a conventional vehicle of similar class; provided further that the cost premium is consistent with any budgetary constraints and not contradicted by an existing state contract with the rental business entity from which the vehicle is rented; and
 - (D) To the extent practicable, all agencies shall rent a vehicle pursuant to subparagraph (A) from a rental contractor; and
- [(11)] Plan and coordinate vehicle acquisition to meet the following clean ground transportation goals:

- (A) One hundred per cent of light-duty motor vehicles that are passenger cars in the State's fleet shall be zero-emission vehicles by December 31, 2030; and
- (B) One hundred per cent of light-duty motor vehicles in the State's fleet shall be zero-emission vehicles by December 31, 2035.

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.

"Passenger car" 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.]~~ 88.1."

SECTION 5. Section 249-9.7, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

"(i) For the purposes of this section:

~~["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]~~ means a vehicle:

- (1) Powered by an electric motor via electricity:
 - (A) Stored in a high capacity battery; or
 - (B) Generated from an onboard fuel cell; and
- (2) That produces zero emissions.

"Special number plate" means a license plate that is not a uniform state number plate, unless a different meaning appears from the context."

SECTION 6. Section 271-27, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

"(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]~~ 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~~;~~ thereunder, may be assessed a civil penalty for an amount determined by the department subject to this section and 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."

SECTION 7. Section 286-236, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(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 the State]~~ Has Hawaii as the state of domicile as defined in title 49 Code of Federal Regulations~~[, part]~~ section 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; provided that the intrastate waiver requests shall be submitted to the director."

SECTION 8. Section 291C-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- "(b) The safe routes to school advisory committee shall:
- (1) Develop a comprehensive, statewide safe routes to school plan that shall include:
 - (A) Goals, strategies, and performance metrics that ensure accountability for improving safety, active transportation mode share, community investment in supportive programming, and infrastructure quality, pursuant to sections 286-7.5 and 264-142;
 - (B) Methods to ensure stability and consistency of the safe routes to school program special fund~~[, which]~~ that shall provide for infrastructure projects and continuity of existing programmatic (non-infrastructure) work;
 - (C) Recommendations to streamline and facilitate efforts by communities to apply for and implement projects pursuant to sections 286-7.5, 264-142, and 291C-3; and
 - (D) Identification of, and recommendations for, additional funding, planning, and programming that are inclusive and equitable pursuant to sections 286-7.5 and 264-142;
 - (2) Beginning July 1, 2024, ensure distribution of moneys accrued in the safe routes to school program special fund, prioritizing continuity of existing programming;
 - (3) Beginning July 1, 2024, review project proposals and select priority projects within one mile of any school or place of learning, pursuant to sections 286-7.5, 264-142, and 291C-3, to be funded through

- the safe routes to school program or otherwise be prioritized and implemented by the department;
- (4) Submit annual reports on the activities and recommendations of the safe routes to school program to the governor and legislature no later than December 31 of each year; and
 - (5) Meet no less than monthly.”

SECTION 9. Section 302A-1705, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) If public land ~~[set-aside]~~ set aside to a department or agency pursuant to section 171-11~~[.]~~ is required by the authority for purposes of this chapter, the authority shall submit a request to the governor to withdraw the set-aside land and to ~~[re-set-aside]~~ re-set aside the land to the authority pursuant to section 171-11.”

SECTION 10. Section 328G-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department shall adopt rules pursuant to chapter 91 that include but are not limited to:

- (1) Inspection and sampling requirements of crude extract and manufactured hemp products;
- (2) Establishing maximum allowable concentrations of cannabinoids in crude extract and manufactured hemp products;
- (3) Testing protocols, including certification by state laboratories or independent third-party laboratories, to determine cannabinoid concentration, including but not limited to tetrahydrocannabinol, and screening for contaminants of crude extract and manufactured hemp products;
- (4) ~~[Recording-keeping]~~ Recordkeeping requirements;
- ~~[(5)]~~ Assessment of fees for application, renewal application, inspecting, and sampling, and any other fees as deemed necessary;
- ~~[(6)]~~ Penalties for any violation;
- ~~[(7)]~~ At the discretion~~[.]~~ of and as specified by the department, the addition to the types of manufactured hemp products that may be sold pursuant to section 328G-3;
- ~~[(8)]~~ Good manufacturing practices for hemp processors; and
- ~~[(9)]~~ Any other rules and procedures necessary to carry out this chapter.”

SECTION 11. Section 342D-53, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) As used in this section, “certifying agency” has the same meaning as “certifying authority” as defined in title 40 Code of Federal Regulations section ~~[421.1(e)]~~ 121.1(b).”

SECTION 12. Section 346-435, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) The wellness and ~~[resiliency]~~ resilience advisory board shall advise on wellness and resilience through trauma-informed care in the State. Specifically, the advisory board shall:

- (1) Create, develop, and adopt a statewide framework for trauma-informed and responsive practice. The framework shall include:
 - (A) A clear definition of “trauma-informed and responsive practice”;

- (B) Principles of trauma-informed and responsive care that may apply to any school, health care provider, law enforcement agency, community organization, state agency, or other entity that has contact with children or youth;
 - (C) Clear examples of how individuals and institutions may implement trauma-informed and responsive practices across different domains, including organizational leadership, workforce development, policy and decision-making, and evaluation;
 - (D) Strategies for preventing and addressing secondary traumatic stress for all professionals and providers working with children and youth and their families who have experienced trauma;
 - (E) Recommendations to implement trauma-informed care professional development and strategy requirements in county and state contracts; and
 - (F) An implementation and sustainability plan, consisting of an evaluation plan with suggested metrics for assessing ongoing progress of the framework;
- (2) Identify best practices, including those from Native Hawaiian cultural practices, with respect to children and youth who have experienced or are at risk of experiencing trauma, and their families;
 - (3) Provide a trauma-informed care inventory and assessment of public and private agencies and departments;
 - (4) Identify various cultural practices that build wellness and resilience in communities;
 - (5) Convene trauma-informed care practitioners so that they may share research and strategies in helping communities build wellness and resilience;
 - (6) Seek ways in which federal funding may be used to better coordinate and improve the response to families impacted by coronavirus disease 2019 (COVID-19), substance use disorders, domestic violence, poverty, and other forms of trauma; and make recommendations, as necessary, for a government position to communicate with federal agencies to seek and leverage federal funding with county and state agencies and philanthropical organizations; and
 - (7) Coordinate data collection and funding streams to support the efforts of the board.
- (d) The nongovernmental members of the wellness and ~~[resiliency]~~ resilience advisory board shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.”

SECTION 13. Section 412:1-109, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “appropriate federal regulatory agency” to read:

““Appropriate federal regulatory agency” means, with respect to a financial institution or financial institution holding company, any one or more regulatory agencies of the federal government referred to in the following sentence ~~[which]~~ that either:

- (1) ~~[insures]~~ Insures the deposits of the financial institution or financial institution holding company~~[-]~~; or
- (2) ~~[has]~~ Has the power and duty to conduct periodic general examinations of the affairs of the financial institution or financial institution holding company by virtue of the legal characterization of the

financial institution or financial institution holding company under federal law, and not by virtue of the fact of affiliation of the financial institution or financial institution holding company with any other person or an alleged violation of a specific law.

Subject to the preceding sentence, an appropriate federal regulatory agency may include the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Reserve Board, the National Credit Union Administration, the Consumer Financial Protection Bureau, or any regulatory agency of the federal government [~~which~~] that shall succeed to the insurance or supervisory duties of one of the foregoing.”

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

““Control” means, unless the context clearly requires otherwise, directly or indirectly, solely or through another person or transaction, or in concert with another:

- (1) Owning or having the power to vote twenty-five per cent or more of any class of voting securities;
- (2) Owning or having the power to exercise twenty-five per cent or more of the votes of a mutual association, credit union, or other entity whose voting rights are not determined by voting securities;
- (3) Owning or having the power to vote ten per cent or more of any class of voting securities if:
 - (A) [~~the~~] The issuer of that class of securities has issued any class of securities under section 12 of the Securities Exchange Act of 1934, as amended; or
 - (B) [~~immediately~~] Immediately after the acquisition, no other person will own a greater percentage of that class of voting securities;
- (4) Having the power to elect by any means a majority of the directors; or
- (5) Having the power to exercise a dominant influence over management, if so determined by the commissioner after notice and a hearing.

No depository institution or trust company shall be deemed to own or control a company by virtue of its ownership or control of shares in a fiduciary capacity, unless that depository institution or trust company has sole voting power over a sufficient number of voting securities of the company to constitute control hereunder.”

3. By amending the definition of “director” to read:

““Director” means any member of the board of directors of a financial institution, whether or not receiving compensation. An advisory director is not considered a director if the advisory director:

- (1) [~~is~~] Is not elected by the shareholders of the financial institution[;];
- (2) [~~is~~] Is not authorized to vote on matters before the board of directors[;]; and
- (3) [~~provides~~] Provides solely general policy advice to the board of directors.”

4. By amending the definition of “financial institution subsidiary” to read:

““Financial institution subsidiary” means:

- (1) [~~a~~] A financial institution that is controlled by a financial institution holding company[;]; or
- (2) [~~a~~] A financial institution holding company that is controlled by another holding company.”

5. By amending the definition of “in concert with another” to read:
 ““In concert with another” means:

- (1) [~~knowing~~] Knowing participation in a joint activity or interdependent conscious parallel action towards a common goal whether or not pursuant to an express agreement; or
- (2) [~~a~~] A combination or pooling of voting or other interests in the securities of an issuer for a common purpose pursuant to any contract, understanding, relationship, agreement, or other arrangement, whether written or otherwise.”

6. By amending the definition of “related interest” to read:
 ““Related interest” means:

- (1) [~~a~~] A company that is controlled by a person; or
- (2) [~~a~~] A political or campaign committee that is controlled by a person or the funds or services of which will benefit a person.”

7. By amending the definition of “surplus” to read:

““Surplus” means an amount received by a financial institution for its capital stock, membership shares, or share accounts, as the case may be:

- (1) [~~in~~] In excess of the par value of any shares having par value; or
- (2) [~~in~~] In excess of the amount allocated to shares without par value, membership shares, or share accounts.

“Surplus” also means an amount transferred or allocated to the financial institution’s surplus from retained earnings, and[.] unless the context otherwise clearly requires, “surplus” includes retained earnings, whether or not transferred or allocated to surplus.”

SECTION 14. 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~~] provide 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~~] that 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)]~~ clauses (i) and [(2)-] (ii).

The standard disclosure forms used in ~~[paragraphs (1)]~~ clauses (i) and [(2)-] (ii). 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)-]~~ clause (iii). The disclosures and acknowledgement may be sent and received by electronic means.”

SECTION 15. Section 466M-1, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§466M-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]~~ 32687 et seq. The purpose of this chapter is to establish minimum requirements for the regulation of certain non-federally regulated appraisal management companies.”

SECTION 16. Section 657-1.8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding any law to the contrary, 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 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:
 - ~~[(A)]~~ Eight years after the eighteenth birthday of the victim; or~~[(B)]~~
 - (B) Three 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; 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."

SECTION 17. Section 711-1141, Hawaii Revised Statutes, is amended to read as follows:

"§711-1141¹ Designation as dangerous dog; basis. ~~[(a)]~~ (1) 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)]~~ (a) 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)]~~ (b) Actions of the dog witnessed by an officer; or
- ~~[(3)]~~ (c) Other substantial evidence admissible in court.
- ~~[(b)]~~ (2) The declaration in subsection ~~[(a)]~~ (1) 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)]~~ (a) Certified mail to the owner's last known address; or
- ~~[(2)]~~ (b) Personally.
- ~~[(e)]~~ (3) 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."

SECTION 18. Section 711-1142, Hawaii Revised Statutes, is amended to read as follows:

"§711-1142¹ Legal requirements of owner. ~~[(a)]~~ (1) The owner of a dog declared to be a dangerous dog shall:

- ~~[(1)]~~ (a) Provide the owner's name, address, and telephone number to the animal control authority;
- ~~[(2)]~~ (b) Provide the location ~~[at which]~~ where the dangerous dog is currently kept, if the location is not the owner's address, to the animal control authority;
- ~~[(3)]~~ (c) Promptly notify the animal control authority of:
 - ~~[(A)]~~ (i) 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]~~ where the dangerous dog is located;
 - ~~[(B)]~~ (ii) Any further instances of an attack by the dangerous dog upon a person or an animal;
 - ~~[(C)]~~ (iii) 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)]~~ (iv) The death of the dangerous dog;
- ~~[(4)]~~ (d) 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)] (e) 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)] (f) 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)] (g) Ensure that when the dangerous dog is outdoors on the owner's premises and attended, the dangerous dog is:
 - [(A)] (i) Kept on a fixed and secure leash no longer than four feet in length;
 - [(B)] (ii) Under the control of a person at least eighteen years of age; and
 - [(C)] (iii) Kept within a fenced or walled area ~~[from which]~~ where it cannot escape;
 - [(8)] (h) Ensure that when the dangerous dog is outdoors outside the owner's premises, the dangerous dog is:
 - [(A)] (i) Kept on a fixed and secure leash no longer than four feet in length;
 - [(B)] (ii) Under the control of a person who is at least eighteen years of age; and
 - [(C)] (iii) 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)] (i) 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)] (j) Neuter or spay the dangerous dog at the owner's expense, unless neutering or spaying the dangerous dog is medically contraindicated.
- [(b)] (2) 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."

SECTION 19. Section 711-1143, Hawaii Revised Statutes, is amended to read as follows:

"§711-1143¹ **Rescission of declaration.** [(a)] (1) 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:

- [(4)] (a) The owner and dangerous dog have had no subsequent violations of this part;
 - [(2)] (b) The owner has complied with all provisions of this part for a period of three years; and
 - [(3)] (c) 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)] (2) 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."

SECTION 20. Section 711-1144, Hawaii Revised Statutes, is amended to read as follows:

“§711-1144¹ Negligent failure to control a dangerous dog; penalties.

~~[(a)]~~ (1) The owner of a dangerous dog commits the offense of negligent failure to control a dangerous dog if:

- [(+)] (a) 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)] (b) 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)]~~ (i) The serious injury to any animal or maiming or death of another animal;
 - ~~[(B)]~~ (ii) Bodily injury to a person other than the owner; or
 - ~~[(C)]~~ (iii) Substantial bodily injury to, serious bodily injury to, or the death of, a person other than the owner.

~~[(b)]~~ (2) An offense under subsection ~~[(a)]~~(1), ~~(a)~~(2)~~(A)~~; (1)(a), (1)(b)(i), or ~~[(a)]~~(2)~~(B)~~ (1)(b)(ii) shall be a misdemeanor for which the owner of the dangerous dog shall be sentenced to:

- [(+)] (a) A fine of no less than \$1,000 but no more than \$2,000;
- [(2)] (b) A term of imprisonment of up to six months or a period of probation of no more than one year;
- [(3)] (c) 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
- [(+)] (d) 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.

~~[(e)]~~ (3) 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:

- [(+)] (a) Meet all conditions imposed on the owner of a dangerous dog pursuant to this part;
- [(2)] (b) 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)] (c) Follow any other condition that the court deems necessary to restrain or control the dangerous dog.

~~[(d)]~~ (4) An offense under subsection ~~[(a)]~~(2)~~(C)~~ (1)(b)(iii) shall be a class C felony for which the owner of a dangerous dog shall be sentenced to:

- [(+)] (a) A fine of no less than \$1,000 but no more than \$10,000;
- [(2)] (b) A term of imprisonment of no less than one year but no more than five years, pursuant to chapter 706; and
- [(3)] (c) The euthanasia of the dangerous dog;

provided that no sentence under this subsection shall be suspended.”

SECTION 21. Section 711-1145, Hawaii Revised Statutes, is amended to read as follows:

“§711-1145¹ Impoundment of a dangerous dog. ~~[(a)]~~ (1) 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 711-1142 or 711-1144, 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 beyond the scope of the officer's authority or the officer's negligence, gross negligence, or intentional misconduct.

~~[(b)]~~ (2) 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)]~~ (3) 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)]~~ (4) 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)]~~ (a) 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)]~~ (b) All expenses for the dangerous dog's boarding and care shall be borne by the dangerous dog's owner.

~~[(e)]~~ (5) If the owner of the dangerous dog does not arrange for private boarding placement, the following requirements shall apply:

~~[(1)]~~ (a) The owner of the dangerous dog shall pay the animal control authority within five days after the dangerous dog is impounded; and

~~[(2)]~~ (b) At the end of the time for which expenses are covered by an initial or any subsequent impoundment, care, and provision payment:

~~[(A)]~~ (i) 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)]~~ (ii) 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)]~~ (6) 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)]~~ (7) 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)]~~ (8) 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)]~~ (9) If a licensed veterinarian determines that an impounded dangerous dog is:

- ~~[(1)]~~ (a) Experiencing extreme pain or suffering;
- ~~[(2)]~~ (b) Severely injured past recovery;
- ~~[(3)]~~ (c) Severely disabled past recovery; or
- ~~[(4)]~~ (d) Severely diseased past recovery,

the dangerous dog may be euthanized by the animal control authority.

~~[(j)]~~ (10) 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)]~~ (11) 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.

~~[(4)]~~ (12) 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."

SECTION 22. Section 835-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) If the court is satisfied that the application is well-founded, the prospective witness may be compelled to appear in response thereto as follows:

- (1) The court may issue an order directing the prospective witness to appear therein at a designated time in order that a determination may be made whether the prospective witness should be adjudged a material witness and, upon personal service of the order or a copy thereof within the State, the prospective witness shall so appear; and
- (2) If in addition to the allegations specified in section 835-2(a), the application contains further allegations demonstrating to the satisfaction of the court reasonable cause to believe that:
 - (A) The witness would be unlikely to respond to ~~[such an]~~ the order; or
 - (B) After previously having been served with ~~[such an]~~ the order, the witness did not respond thereto,
 the court may issue a warrant addressed to a police officer, directing the officer to take the prospective witness into custody within the

State and to bring the prospective witness before the court forthwith in order that a proceeding may be conducted to determine whether the prospective witness is to be adjudged a material witness.”

SECTION 23. Act 234, Session Laws of Hawaii 2024, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect on July 1, 2024, and shall be repealed on June 30, 2029; provided that [any]:

- (1) Sections 89-9(f) and 89-11(b), Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective date of this Act; and
- (2) Any negotiations on repricing pursuant to this Act that started prior to June 30, 2029, may continue after this Act is repealed.”

SECTION 24. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 25. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 26. This Act shall take effect upon its approval; provided that:

- (1) The amendments made to section 431:10C-802(a), Hawaii Revised Statutes, by section 14 of this Act shall not be repealed when amendments to that section take effect on January 1, 2026, pursuant to sections 4 and 7 of Act 138, Session Laws of Hawaii 2024; and
- (2) Sections 17, 18, and 19 of this Act shall take effect when sections 711-1141, 711-1142, and 711-1143, Hawaii Revised Statutes, take effect pursuant to section 6 of Act 224, Session Laws of Hawaii 2024.

(Approved April 22, 2025.)

Note

1. Prior to amendment, brackets appeared around section number.

ACT 22

H.B. NO. 125

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 presence of unsecured or improperly stored firearms contributes to a heightened risk of accidental injury, accidental death, suicide by firearm, theft or loss of firearms, and increased lethality in domestic violence situations. The legislature also finds that regulations providing for the safe and secure storage of firearms can reduce these risks. Additionally, the legislature finds that there is a longstanding and well-established historical tradition of regulating firearm storage to protect public safety. In *United States v. Rahimi*, 144 S.Ct. 1889, 1897 (2024), the United States Supreme Court recognized that “[a]t the founding, the bearing of arms was subject to regulations” covering a range of subjects, including “rules about firearm storage”.

The purpose of this Act is to protect public safety by providing for the safe and secure storage of firearms.

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

“§134- Notice of responsibility to securely store firearm. (a) A person engaged in the retail sale or transfer of firearms shall, at the time of sale or transfer, provide to the purchaser of a firearm a written copy of section 134-10.5. (b) Any person who violates this section shall be deemed to have engaged in an unfair or deceptive act or practice within the meaning of section 480-2.”

SECTION 3. Section 134-10.5, Hawaii Revised Statutes, is amended to read as follows:

“§134-10.5 [Storage] Secure storage of [firearm; responsibility with respect to minors.] firearms. (a) No person shall store or ~~[keep]~~ leave any firearm on any premises under the person’s control ~~[if the person knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor;]~~ unless the person:

- (1) ~~[Keeps]~~ Secures the firearm in a ~~[securely]~~ locked box or other container ~~[or]~~, such as a gun safe, or by using a properly engaged tamper-resistant mechanical lock or other tamper-resistant safety device that renders the firearm inoperable by any person other than the owner or lawfully authorized user;
- (2) Stores the firearm in a location that a reasonable person would believe to be secure; or
- ~~[(2)]~~ (3) Carries the firearm on the person or within such close proximity [thereto] to the person that the person can readily retrieve and use [it] the firearm as if it were carried on the person.

~~[For purposes of this section, “minor” means any person under the age of eighteen years.]~~

(b) Any person who violates this section shall be guilty of a violation and fined no more than \$500; provided that a person who commits the offense of criminally negligent storage of a firearm under section 707-714.5 shall be guilty of a misdemeanor.

(c) Any person who violates this section shall be strictly liable for damages incurred if the firearm obtained as a result of the violation is used to injure a person or property within two years of the violation; provided that this subsection shall not apply if:

- (1) The injury results from a lawful act of self-defense or defense of another person; or
- (2) The unsecured firearm was obtained by a person as a result of a person entering or remaining on the premises unlawfully.

(d) This section shall not apply to a person in an exempt category identified in section 134-11(a).

(e) For purposes of this section, “premises” does not include a vehicle.”

SECTION 4. Section 707-714.5, Hawaii Revised Statutes, is amended to read as follows:

“§707-714.5 Criminally negligent storage of a firearm. (1) A person commits the offense of criminally negligent storage of a firearm if ~~[the]~~:

- (a) The person violates section 134-10.5 [and a];
- (b) The person knows or reasonably should know that a minor is likely

to gain access to the firearm without the permission of the parent or guardian of the minor; and

- (c) A minor obtains the firearm. [For purposes of this section, “minor” means any person under the age of eighteen years.]
- (2) This section shall not apply if the minor obtains the firearm as a result of an unlawful entry to any premises by any person.
- (3) Criminally negligent storage of a firearm [is] shall be a misdemeanor.
- (4) For purposes of this section, “minor” means any person under the age of eighteen years.”

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. 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.

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

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

(Approved April 22, 2025.)

Note

- 1. Edited pursuant to HRS §23G-16.5.

ACT 23

H.B. NO. 995

A Bill for an Act Relating to Firearms Reporting.

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

SECTION 1. Section 134-9.6, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§134-9.6~~ **Annual report on licenses to carry.** (a) ~~[No later than April 1, 2024, and April 1 of each year thereafter, the]~~ The department of the attorney general shall publish [a] an annual report on its publicly available website that includes, if available:

- (1) The number of licenses to carry applied for, issued, revoked, and denied, further categorized by the age, gender, race, and county of residence of each applicant or licensee;
- (2) The specific reasons for each revocation and denial;
- (3) Analysis of denials based on applicants’ failure to meet the standards of section 134-9(d), and recommendations to remedy any disparities in denial rates by age, gender, or race;
- (4) The number of appeals and appeals granted; and
- (5) The number of violations of section 134-9.1.

(b) No later than ~~[February 1]~~ March 31 of each year, the chief of police of each county shall ~~[supply]~~ provide to the department of the attorney general ~~[with]~~ the data for the prior calendar year that the department requires to complete the report under subsection (a).”

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 22, 2025.)

ACT 24

S.B. NO. 1470

A Bill for an Act Relating to Income Tax Withholding.

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

SECTION 1. Section 235-61, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) For each withholding period (whether weekly, biweekly, monthly, or otherwise) the amount of tax to be withheld under this section shall be at a rate that, for the taxable year, will yield the tax imposed by section 235-51 upon each employee’s annual wage, as estimated from the employee’s current wage in any withholding period~~[-, but for the purposes of this subsection of the rates provided by section 235-51 the maximum to be taken into consideration shall be eight per cent]~~. The tax for the taxable year shall be calculated upon the following assumptions:

- (1) That the employee’s annual wage, as estimated from the employee’s current wage in the withholding period, will be the employee’s sole income for the taxable year;
- (2) That there will be no deductions therefrom in determining adjusted gross income;
- (3) That in determining taxable income there shall be a standard deduction allowance, which shall be an amount equal to one exemption (or more ~~or less~~ than one exemption if so prescribed by the director) unless the taxpayer:
 - (A) Is married and the taxpayer’s spouse is an employee receiving wages subject to withholding; or
 - (B) Has withholding exemption certificates in effect with respect to more than one employer.

~~[For the purposes of this section, any standard deduction allowance under this paragraph shall be treated as if it were denominated a withholding exemption;]~~

- (4) That in determining taxable income there also will be deducted the amount of exemptions and withholding allowances granted to the employee in the computation of taxable income, as shown by a certificate to be filed with the employer as provided by subsection (f); and
- (5) If it appears from the certificate filed pursuant to subsection (f) that the employee, under section 235-93, is entitled to make a joint return, that the employee and the employee’s spouse will so elect.”

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

SECTION 3. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2024.

(Approved April 23, 2025.)

ACT 25

S.B. NO. 1466

A Bill for an Act Relating to the Earned Income Tax Credit.

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

SECTION 1. Section 235-55.75, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) to (c) to read as follows:

“(a) Each qualifying individual taxpayer may claim a refundable earned income tax credit. [The] Unless otherwise provided by law, the tax credit, for the appropriate taxable year, shall be forty per cent of the federal earned income tax credit allowed and properly claimed under section 32 of the Internal Revenue Code and reported as such on the individual’s federal income tax return.

(b) For a part-year resident~~[-]~~ or a nonresident, the tax credit shall equal the amount of the tax credit calculated in subsection (a) multiplied by the ratio of Hawaii adjusted gross income to federal adjusted gross income.

(c) For purposes of this section, “qualifying individual taxpayer” means a [taxpayer] resident or nonresident individual that:

- (1) Files a federal income tax return for the taxable year claiming the earned income tax credit under section 32 of the Internal Revenue Code; and
- (2) Files a Hawaii income tax return using the filing status used on the federal income tax return for the taxable year and claiming the same dependents claimed on the federal income tax return for the taxable year.”

2. By amending subsection (g) to read as follows:

“(g) If nonrefundable credits claimed under this section for any of the four consecutive taxable years beginning after December 31, 2017, exceed the taxpayer’s income tax liability for the original claim year, the excess of the tax credits over liability may be used as a credit against the taxpayer’s net income tax liability in subsequent years until exhausted; provided that no credit carried forward under this subsection shall be used as a credit for a taxable year beginning after December 31, 2024. No nonrefundable credits claimed for the taxable year beginning after December 31, 2021, and carried forward under this section, shall be used as a credit for a taxable year beginning after December 31, 2025.”

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

SECTION 3. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2024; provided that the amendments made to section 235-55.75(a), Hawaii Revised Statutes, by this Act shall not be repealed when section 235-55.75(a), Hawaii Revised Statutes, is reenacted on December 31, 2027, pursuant to section 5 of Act 163, Session Laws of Hawaii 2023.

(Approved April 23, 2025.)

A Bill for an Act Relating to the Hawaii National Guard.

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

SECTION 1. The legislature finds that section 121-12(a), Hawaii Revised Statutes, currently mandates that the Hawaii army national guard and air national guard each be headed by an assistant adjutant general, with the rank capped at brigadier general. While most states' national guard components are federally authorized to be headed by officers with a maximum rank of brigadier general, the Department of the Air Force has authorized the Hawaii air national guard to be led by an officer with the rank of major general, reflecting the organization's size and complexity. Additionally, the chief of staff position for the Hawaii air national guard is federally authorized at the grade of major general.

Accordingly, the purposes of this Act are to:

- (1) Allow the head of the Hawaii air national guard to hold the rank authorized by the Department of the Air Force, which is currently major general;
- (2) Provide the adjutant general with the flexibility to assign either the chief of staff or the assistant adjutant general to lead the Hawaii air national guard; and
- (3) Authorize the pay and allowances for the chief of staff of the Hawaii air national guard to be determined according to the pay tables of the regular air force of the United States.

SECTION 2. Section 121-12, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The headquarters staff of the national guard shall be composed of the army national guard component, which shall include a selective service section, and the air national guard component. The headquarters shall be staffed by ~~[such]~~ the officers, warrant officers, and enlisted personnel, in the grades and branches of service as may be authorized by the secretaries of the army and the air force. The army division ~~[and the air division]~~ shall ~~[each]~~ be headed by an assistant adjutant general~~[-who shall, while holding the office, have a grade no higher than brigadier general]~~. The air division shall be headed by a chief of staff or an assistant adjutant general, as determined by the adjutant general. The assistant adjutants general~~[-]~~ or chief of staff, when in the full-time employment of the department of defense, may receive the pay and allowance of their grade as fixed by the tables of the regular army or air force of the United States.”

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 23, 2025.)

ACT 27

S.B. NO. 602

A Bill for an Act Relating to the Hawaii Public Housing Authority.

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

SECTION 1. The legislature finds that parking areas and vacant land parcels under the jurisdiction of the Hawaii public housing authority are places where incidents of vandalism and other types of property damage often occurs. In addition, residents of public housing are often forced to cope with litter, trash, and excessive noise in the parking areas of public housing. These unsanitary circumstances and nuisances are often times caused by persons who do not actually reside at the public housing facility. The legislature further finds that closing certain problem areas to the public, coupled with appropriate signage and empowerment of law enforcement to police violators will better enable the Hawaii public housing authority to mitigate or eliminate these concerns.

The purpose of this Act is to expressly provide conditions under which all parcels under the jurisdiction of the Hawaii public housing authority and authority offices and facilities may be closed to the public so that trespassing violations may be prosecuted as criminal trespass in the second degree.

SECTION 2. Section 356D-6.7, Hawaii Revised Statutes, is amended to read as follows:

~~§356D-6.7~~ Closed to the public. (a) Any area within a housing project or on a parcel owned by the authority that is not a public street, road, highway, sidewalk, or county or state bus stop, shall be closed to the public where signs are displayed that read: “Closed to the Public – No Trespassing”, or a substantially similar message; provided that the signs:

- (1) Contain letters no less than two inches in height; and
- (2) Are placed at reasonable intervals no less than three signs to a mile along the boundary line of the areas that are closed to the public and at all entrances to the property, in a manner and position to be clearly noticeable from outside the boundary line.

(b) Any authority office or facility shall be closed to the public during non-business hours where signs are displayed that read: “Closed to the Public – No Trespassing” or a substantially similar message and include hours of operation.

~~[(b)]~~ (c) For the purposes of this section[:

~~“Housing project”]~~, “housing project” means a public housing project, elder or elderly housing, as defined in section 356D-1, or state low-income housing project, as defined in section 356D-51.”

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 23, 2025.)

A Bill for an Act Relating to Midwives.

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

SECTION 1. The legislature finds that the State first began regulating midwives in 1931 by establishing a registration requirement, which subsequently progressed to certification and finally, licensure. However, the regulation of midwives was repealed when, in 1998, nurse-midwives were placed under the purview of the board of nursing. Despite the lack of regulation, many individuals continued to practice midwifery and many families in the community sought out midwifery services.

The legislature also finds that, per the Hawaii Regulatory Licensing Reform Act, the State is required to regulate professions or vocations where the health, safety, or welfare of the consumer may be jeopardized by the nature of the service offered by the provider. In 1998 and 2017, the legislature requested the state auditor to conduct a sunrise analysis to determine if regulation of midwives was warranted. While the sunrise analysis conducted in 1998 through 1999 and reported in Auditor's Report No. 99-14 determined that it was premature to regulate midwives at that time, that report and the 2017 Auditor's Report No. 17-01 both determined that the nature of the maternity and prenatal services provided by a midwife may endanger the health and safety of women and newborns under the midwife's care and, therefore, the profession of midwifery should be subject to regulation. The Auditor's Report No. 17-01 in particular recommended the legislature consider establishing a mandatory licensing framework for all midwives. Recognizing the potential for harm to public health and safety posed by the unregulated practice of midwifery, the legislature passed Act 32, Session Laws of Hawaii 2019 (Act 32), and established a regulatory framework for the practice of midwifery that was subsequently codified at chapter 457J, Hawaii Revised Statutes (chapter 457J). Since the passage of Act 32, approximately forty-one individuals have been licensed under chapter 457J. These regulations are set to sunset on June 30, 2025, unless the legislature takes action to continue the regulation of midwives.

The legislature further finds that, as part of its sunset analysis, and reported in Auditor's Summary Report No. 25-03 (2025), the auditor found that the practice of midwifery posed a clear and significant potential harm to the health and safety of the public and that the State's policies regarding the regulation of certain types of professions support the continued regulation of the practice of midwifery in the form of full licensure.

The legislature affirms that the practice of midwifery under this Act does not include Native Hawaiian traditional and customary practices. The legislature also affirms that practicing midwifery according to this Act does not impede one's ability to incorporate or provide cultural practices.

Accordingly, the purpose of this Act is to:

- (1) Make regulatory laws for the practice of midwifery permanent;
- (2) Clarify the scope of practice of midwifery and establish licensure requirements for certified midwives and certified professional midwives, including continuing education requirements;
- (3) Grant global signature authority to midwives;
- (4) Grant prescriptive authority to certified midwives and amend the list of approved legend drugs that may be administered by licensed midwives;

- (5) Establish peer review and data submission requirements for midwives;
- (6) Affirm that the practice of midwifery does not include Native Hawaiian traditional and customary practices;
- (7) Clarify exemptions from licensure and grounds for refusal to grant, renew, reinstate, or restore licenses or for revocation, suspension, denial, or condition of a license; and
- (8) Clarify medical record availability and retention requirements for the purposes of medical torts.

SECTION 2. Chapter 457J, Hawaii Revised Statutes, is amended by adding eight new sections to be appropriately designated and to read as follows:

“§457J-A Scope of practice of midwifery. (a) The scope of practice of midwifery means the full practice of midwifery, regardless of compensation or personal profit, as determined by the director, rules adopted by the director, and midwifery standards established or recognized by the director pursuant to this chapter. The scope of practice of midwifery shall be based on and be consistent with a midwife’s education and national certification, including but not limited to:

- (1) Evaluating the physical and psychosocial health status of clients through a comprehensive health history intake, physical examination, and risk assessment based on observation, inspection, palpation, percussion, and auscultation, of the client or clients and using diagnostic instruments and procedures;
- (2) Formulating a diagnosis;
- (3) Observation, assessment, development, implementation, and evaluation of a plan of care;
- (4) Providing education and counseling related to the health promotion, disease prevention, and health care of midwife clients, with a particular focus on a healthy pregnancy and childbirth, the postpartum period, care of the newborn, and the family planning and gynecological needs of midwife clients;
- (5) Obtaining informed consent, as required by section 671-3, in accordance with the midwife’s professional requirements;
- (6) Supervision and teaching of other personnel;
- (7) Teaching of individuals, families, and groups;
- (8) Provision of midwifery services via telehealth;
- (9) Administration, evaluation, supervision, and coordination, including the delegation of administrative and technical clinical tasks, of midwifery practice;
- (10) Provision of health care to the client in collaboration with other members of the health care team as autonomous health care professionals providing the midwifery component of health care;
- (11) Serving as a consultant and resource of midwifery clinical knowledge and skills to those involved directly or indirectly in client care;
- (12) Operating within a health care system that provides for consultation, collaborative management, and referral with other health care professionals;
- (13) Referring clients who require care beyond the scope of practice of the midwife to an appropriate health care provider or health care facility, or both, equipped to address the client’s health care needs;
- (14) Initiating and maintaining accurate records;
- (15) Admitting and discharging clients for inpatient care at freestanding birthing facilities licensed in the State;

- (16) Participating in joint and periodic evaluation of services rendered such as peer review, including chart reviews, case reviews, client evaluations, and outcome of case statistics;
 - (17) Ordering, interpreting, and performing diagnostic, screening, and therapeutic examinations, tests, and procedures as authorized pursuant to this chapter and within the midwife's role, education, and certification, excluding the performance, supervision, and interpretation of procedures utilizing ionizing radiation; and
 - (18) Use of reasonable judgment in carrying out prescribed medical orders of a physician or osteopathic physician licensed pursuant to chapter 453 or an advanced practice registered nurse licensed pursuant to chapter 457, orders of a physician assistant licensed and practicing with physician supervision pursuant to chapter 453 and acting as the agent of the supervising physician, or orders of a midwife in accordance with this chapter.
- (b) The scope of practice of midwifery as a certified midwife includes but is not limited to:
- (1) Assessing and diagnosing clients and the prescription, selection, and administration of therapeutic measures, including over the counter drugs or legend drugs, or both, according to this chapter; the provision of expedited partner therapy pursuant to section 453-52; and controlled substances within the certified midwife's education, certification, and role and in accordance with this chapter;
 - (2) Complying with the Standards for the Practice of Midwifery, or successor document, of the American College of Nurse-Midwives and American Midwifery Certification Board, or successor organizations; provided that the American College of Nurse-Midwives and American Midwifery Certification Board shall have no legal authority over the director and shall have no legal authority or powers of oversight of the director in the exercise of the director's powers and duties authorized by law;
 - (3) Assisting in surgery; and
 - (4) Admitting and discharging clients for inpatient care at facilities licensed in the State as hospitals.
- (c) The scope of practice of midwifery as a certified professional midwife includes but is not limited to:
- (1) Assessing and diagnosing clients and the selection and administration of therapeutic measures according to the formulary authorized by section 457J-11 within the certified professional midwife's education, certification, and role; and
 - (2) Complying with the Essential Competencies for Midwifery Practice, or successor document, as defined by the International Confederation of Midwives, or successor organization; provided that the International Confederation of Midwives shall have no legal authority over the director and shall have no legal authority or powers of oversight of the director in the exercise of the director's powers and duties authorized by law.
- (d) A midwife shall comply with the requirements of this chapter; recognize limits of the midwife's training and experience and have transfer of care protocols for situations that exceed the scope of authorized practice; consult with or refer clients to other health care providers, as appropriate; and participate in data submission and peer review requirements adopted by the department; provided that peer review conducted outside of the department shall not

be used to replace investigations against a midwife licensed pursuant to this chapter by the regulated industries complaints office of the department.

§457J-B Care provided by midwives; requirements. (a) A midwife shall continually assess the appropriateness of the planned location of birth and shall refer to the American College of Nurse-Midwives Clinical Bulletin Number 61: Midwifery Provision of Home Birth Services (November 2015), or succeeding document, for guidance, taking into account the health and condition of the midwife's client; provided that the American College of Nurse-Midwives shall have no legal authority or powers of oversight over the director in the exercise of the director's powers and duties authorized by law.

(b) If the midwife determines that a condition of the midwife's client or clients is outside of the midwife's scope of practice, the midwife shall refer the client or clients to an appropriate health care provider or health care facility, or both, equipped to address the client's health care needs; provided that the midwife shall collaborate with the client or clients or the client's guardian to document what factors will necessitate a change in birth settings to an emergency setting in response to emerging conditions outside the scope of practice of the midwife.

(c) If the midwife is attending a birth at a location without a physician and an operating room and determines during the midwife's care that the client or clients face imminent morbidity or mortality, the midwife shall activate the 911 system and initiate transfer of care protocols.

(d) If the midwife transfers care of the midwife's client or clients during the intrapartum or immediate postpartum period, the midwife shall provide the receiving provider with, at minimum, the information regarding the midwife's client or clients listed on the transfer form adopted by the department. The transfer form may include reasons for the transfer, brief relevant clinical history, and planned mode of transport.

(e) If the midwife's client or the midwife's client's guardian declines assistance from appropriate licensed health care providers or the 911 system, the midwife shall continually urge the client or the client's guardian to transfer care to an appropriate licensed health care provider and may continue to provide care to save the life of the client or the newborn; provided that the midwife shall only perform actions within the midwife's scope of practice.

§457J-C License renewal continuing education requirement. (a) Beginning July 1, 2026, each midwife shall provide documentation of successful completion of thirty contact hours during the prior triennium of appropriate continuing education that is related to the practice of midwifery.

(b) Each licensee practicing as a certified midwife shall provide documentation of successful completion of continuing education that is from accredited colleges or universities or approved by an organization recognized by the Continuing Education Policy, or successor document, of the American Midwifery Certification Board, or successor organization; provided that a minimum of eight hours of continuing education shall be in pharmacology.

(c) Each licensee practicing as a certified professional midwife shall provide documentation of successful completion of continuing education that is from an accredited college or university or granted by an accrediting organization recognized by the North American Registry of Midwives, or successor organization; provided that six hours of continuing education shall include treatment of shock and intravenous therapy and suturing.

(d) This section shall not apply to a licensee who has graduated from a midwifery program approved by the director within the twelve months before the renewal date of the licensee's first license renewal period.

(e) The director may extend the deadline for compliance with the continuing education requirements established by this section on a case-by-case basis; provided that before the expiration of a license, the midwife seeking an extension shall submit a written request for the extension and any documentation required by the director to substantiate the reason for an extension of the deadline for compliance with the continuing education requirements established by this section.

(f) Each licensee shall maintain the licensee's continuing education records for no less than six years.

(g) The director may conduct random audits of licensees to determine compliance with the continuing education requirement. The director shall provide written notice of an audit to all licensees randomly selected for audit. Within sixty days of notification, the licensee shall provide the director with documentation verifying compliance with the continuing education requirement established by this section.

§457J-D Global signature authority. Midwives shall be authorized to sign, certify, or endorse all documents relating to health care provided for their clients within their scope of practice, including temporary disability insurance forms, verification and evaluation forms of the department of human services, and verification and authorization forms of the department of health; provided that nothing in this section shall be construed to expand the scope of practice of midwifery.

§457J-E Prescriptive authority. (a) Prescriptive authority shall be granted solely to midwives practicing as certified midwives and shall not be granted to midwives practicing as certified professional midwives. Midwives practicing as certified midwives shall only prescribe those drugs appropriate to midwifery care as recognized by the director and in accordance with the current exclusionary formulary defined by the board of nursing for advanced practice registered nurses.

(b) Only a midwife practicing as a certified midwife may communicate, represent, or imply in any manner, including through the use of a sign, card, or device, that the person is a midwife who is authorized to prescribe.

(c) A midwife practicing as a certified midwife shall comply with all applicable federal and state laws, regulations, and rules relating to the prescription, dispensing, and administration of drugs. A midwife practicing as a certified midwife shall only prescribe and administer over the counter drugs, legend drugs, and controlled substances pursuant to this chapter and chapter 329. A midwife practicing as a certified midwife may request, receive, and dispense a manufacturer's prepackaged samples of over the counter and non-controlled legend drugs to patients under the midwife's care; provided that the midwife practicing as a certified midwife shall not request, receive, or sign for samples of controlled substances. A midwife practicing as a certified midwife may prescribe, order, and dispense medical devices and equipment that are appropriate to the midwife's scope of practice and plan and initiate a therapeutic regimen that includes nutritional, diagnostic, and supportive services including home health care, hospice, and physical and occupational health.

(d) Prescriptions issued by a midwife practicing as a certified midwife shall be written in accordance with section 329-38.

(e) It shall be a violation of this chapter for a midwife practicing as a certified professional midwife to communicate, represent, or imply in any manner, including through the use of any sign, card, or device, that the person is a midwife with prescriptive authority.

§457J-F Reporting requirements. (a) Every midwife who does not possess professional liability insurance shall report in writing any settlement or arbitration award of a claim or action for damages for death or personal injury caused by negligence, error, or omission in practice, or the unauthorized rendering of professional services. The report shall be submitted to the director within thirty days after any written settlement agreement has been reduced to writing and signed by all the parties or within thirty days after service of the arbitration award on the parties.

(b) Failure to comply with this section shall be an offense punishable by a fine of no less than \$100 for the first offense, \$250 to \$500 for the second offense, and \$500 to \$1,000 for any subsequent offense.

§457J-G Peer review requirements; license renewal. (a) Beginning June 30, 2029, each midwife shall, as a condition of license renewal:

- (1) Participate in a Hawaii-based peer review during each triennium subject to the requirements of section 624-25.5;
- (2) Attest that the midwife has completed a peer review for a minimum of five of the midwife's clinical cases from the prior triennium, and if the intended place of birth of the clinical case presented was not a birth facility, the midwife shall complete that clinical case peer review with at least two midwives licensed in the State who were not involved in the clinical cases under review; and
- (3) Attest that the midwife has completed a peer review within ninety days of any case that includes conditions outside of the midwife's scope of practice; uterine rupture; or maternal or neonatal hospitalization for infection, blood transfusion, intensive care unit admission, infant failure to thrive, neonatal Apgar Score of less than seven at five minutes, emergent transfer of care, or mortality.

(b) If the midwife has served fewer than five clients in the prior triennium, the requirements of subsection (a)(2) may be waived upon a determination by the department; provided that if the requirements of subsection (a)(2) are waived, the midwife shall participate in the review of five cases of another midwife practicing in the State.

(c) The midwife shall receive written confirmation of participation in a Hawaii-based peer review process and shall maintain copies of the midwife's participation records.

§457J-H Data submission requirements; license renewal. (a) The department may require a midwife, as a condition of license renewal, to:

- (1) Submit data to an organization approved by the department for every gestational parent and newborn under the midwife's care when the intended place of birth at any point in care is not a birth facility. If a gestational parent declines to participate in the collection of data, the midwife shall follow the protocol established by the department; and
- (2) Attest that the midwife has submitted data annually during the prior triennium.

(b) The data submission requirements may be waived if the midwife attests that the midwife has not provided midwifery care to any clients during the prior triennium or that the intended place of birth for all clients of the midwife was a birth facility throughout the duration of care.

(c) The midwife shall receive written confirmation of participation in data submission from the department-approved organization and shall maintain copies of the midwife's participation records."

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, before its repeal date.

~~[(b) Chapter 457J (midwives) shall be repealed on June 30, 2025.]”~~

SECTION 4. Section 329-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:
““Licensed midwife practicing as a certified midwife” means a person licensed under chapter 457J who is registered under this chapter to administer or prescribe a controlled substance; provided that a licensed midwife practicing as a certified midwife shall not be authorized to request, receive, or sign for professional controlled substance samples.”

2. By amending the definition of “designated member of the health care team” to read:

““Designated member of the health care team” includes physician assistants, advanced practice registered nurses, licensed midwives practicing as certified midwives, and covering physicians who are authorized under state law to prescribe drugs.”

3. By amending the definition of “practitioner” to read:

““Practitioner” means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed and registered under section 329-32 to distribute, dispense, or conduct research with respect to a controlled substance in the course of professional practice or research in this State;

(2) An advanced practice registered nurse with prescriptive authority licensed and registered under section 329-32 to prescribe and administer controlled substances in the course of professional practice in this State; ~~and~~

(3) A licensed midwife practicing as a certified midwife registered under section 329-32 to prescribe and administer controlled substances in the course of professional practice in this State; and

~~[(3)]~~ (4) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this State.”

SECTION 5. Section 453-51, Hawaii Revised Statutes, is amended by amending the definition of “health professional” to read as follows:

““Health professional” means any of the following:

- (1) A person licensed or otherwise authorized by law to practice medicine or surgery under this chapter and whose scope of practice includes the diagnosis and treatment of sexually transmitted diseases;
- (2) An advanced practice registered nurse with prescriptive authority under chapter 457 and duly licensed in the State; [or]
- (3) A licensed midwife practicing as a certified midwife with prescriptive authority under chapter 457J and duly licensed in the State; or
- [(3)] (4) For the purpose of dispensing antibiotic therapy under this section, a pharmacist who is licensed or otherwise authorized to engage in the practice of pharmacy under chapter 461.”

SECTION 6. Section 457J-1, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§457J-1]]~~ **Findings and purpose.** The legislature finds that:

- (1) Midwives offer reproductive health care and maternity and newborn care [from the antepartum period through the intrapartum period to the postpartum period;] to clients seeking midwifery services;
- (2) The improper practice of midwifery poses a significant risk of harm to [the mother or newborn,] any client receiving midwifery services and may result in death; and
- (3) The regulation of the practice of midwifery is reasonably necessary to protect the health, safety, and welfare of [mothers] persons choosing midwifery services and their newborns.”

SECTION 7. Section 457J-2, Hawaii Revised Statutes, is amended as follows:

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

““American College of Nurse-Midwives” means the professional association that represents and sets the standards for practice through core competencies and scope of practice for certified nurse-midwives and certified midwives in the United States.

““Birth facility” means a hospital or a freestanding birthing facility licensed in the State.

““Peer review” means the candid review and evaluation, subject to section 624-25.5, of the practice of midwifery. “Peer review” includes but is not limited to reviewing the care provided by midwives, making recommendations for quality improvement, and identifying areas where additional education or skills training is needed.

““Practice of midwifery” means the independent provision of care, including initial and ongoing comprehensive assessment, diagnosis, and treatment during pregnancy, childbirth, the postpartum period, and for healthy newborns; sexual and reproductive health; gynecologic health; and family planning services, including preconception care according to the midwife’s scope of practice for all persons seeking midwifery care in all settings through the performance of professional services commensurate with the educational preparation and demonstrated competency of the individual having specialized training, and skill based on the principles of the biological, physical, behavioral, and sociological sciences and midwifery theory, whereby the individual shall be accountable and responsible to the client for the quality of midwifery care rendered. “Practice of midwifery” does not include Native Hawaiian traditional and customary practices as protected under article XII, section 7, of the Hawaii State Constitution.

““Telehealth” means the use of telecommunications as defined in section 269-1, to encompass four modalities—store and forward technologies, remote

monitoring, live consultation, and mobile health—and which shall include but not be limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit client medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purposes of: delivering enhanced health care services and information while a client is at an originating site and the midwife is at a distant site; establishing a midwife-client relationship; evaluating a client; or treating a client. Except as provided through an interactive telecommunications system, standard telephone contacts, facsimile transmissions, or e-mail text, in combination or alone, do not constitute telehealth services.”

2. By amending the definitions of “certified midwife” and “certified professional midwife” to read:

““Certified midwife” means a person who has graduated from a graduate-level accredited educational program in midwifery, accredited by the Accreditation Commission for Midwifery Education, or successor organization, and who holds a current and valid national certification as a certified midwife from the American Midwifery Certification Board, or any successor organization.

“Certified professional midwife” means a person who has graduated from an accredited educational program or pathway in midwifery, accredited by the Midwifery Education Accreditation Council, or successor organization, and who holds a current and valid national certification as a certified professional midwife from the North American Registry of Midwives, or any successor organization. A certified professional midwife who received their certification through a non-accredited educational pathway shall have obtained a midwifery bridge certificate from the North American Registry of Midwives, or any successor organization.”

3. By amending the definitions of “interconception” and “International Confederation of Midwives” to read:

““Interconception” means care provided to ~~[mothers]~~ birthing people between pregnancies to improve health outcomes for ~~[women,]~~ birthing people and newborns~~[, and children].~~

“International Confederation of Midwives” means the accredited non-governmental organization and representative of midwives and midwifery to organizations worldwide to achieve common goals in the care of ~~[mothers]~~ birthing people and newborns.”

4. By amending the definition of “postpartum” to read:

““Postpartum” means the period of time immediately after and up to ~~[eight]~~ six weeks following [the] birth [of the baby].”

5. By repealing the definition of “midwifery”:

~~[““Midwifery” means the provision of one or more of the following services:~~

- ~~(1) Assessment, monitoring, and care during pregnancy, labor, childbirth, postpartum and interconception periods, and for newborns, including ordering and interpreting screenings and diagnostic tests, and carrying out appropriate emergency measures when necessary;~~
- ~~(2) Supervising the conduct of labor and childbirth; and~~
- ~~(3) Provision of advice and information regarding the progress of childbirth and care for newborns and infants.”]~~

SECTION 8. Section 457J-6, Hawaii Revised Statutes, is amended to read as follows:

~~“[§457J-6]~~ **Exemptions.** (a) ~~[A person may practice midwifery without a license to practice midwifery if the]~~ This chapter shall not apply to a person who is:

- (1) A certified nurse-midwife holding a valid license under chapter 457;
- (2) Licensed and performing work within the scope of practice or duties of the person's profession that overlaps with the practice of midwifery; provided that the person does not use the title “midwife”, “licensed midwife”, or the abbreviation “L.M.”, or any other words, letters, abbreviations, or insignia indicating or implying that the person is a midwife;
- (3) A student ~~[midwife who is]~~ currently enrolled in a midwifery educational program and under the direct supervision of a qualified midwife preceptor; provided that the practice of midwifery is incidental to the program of study engaged by the student;
- ~~[(4) A person rendering aid in an emergency where no fee for the service is contemplated, charged, or received; or~~
- (5) A person acting as a birth attendant on or before July 1, 2023, who:
 - (A) ~~Does not use legend drugs or devices, the use of which requires a license under the laws of the State;~~
 - (B) ~~Does not advertise that the person is a licensed midwife;~~
 - (C) ~~Discloses to each client verbally and in writing on a form adopted by the department, which shall be received and executed by the person under the birth attendant's care at the time care is first initiated:~~
 - (i) ~~That the person does not possess a professional license issued by the State to provide health or maternity care to women or infants;~~
 - (ii) ~~That the person's education and qualifications have not been reviewed by the State;~~
 - (iii) ~~The person's education and training;~~
 - (iv) ~~That the person is not authorized to acquire, carry, administer, or direct others to administer legend drugs;~~
 - (v) ~~Any judgment, award, disciplinary sanction, order, or other determination that adjudges or finds that the person has committed misconduct or is criminally or civilly liable for conduct relating to midwifery by a licensing or regulatory authority, territory, state, or any other jurisdiction; and~~
 - (vi) ~~A plan for transporting the client to the nearest hospital if a problem arises during the client's care; and~~
 - (D) ~~Maintains a copy of the form required by subparagraph (C) for at least ten years and makes the form available for inspection upon request by the department.~~

~~(b) Nothing in this chapter shall prohibit healing practices by traditional Hawaiian healers engaged in traditional healing practices of prenatal, maternal, and child care as recognized by any council of kupuna convened by Papa Ola Lokahi. Nothing in this chapter shall limit, alter, or otherwise adversely impact the practice of traditional Native Hawaiian healing pursuant to the Constitution of the State of Hawaii.~~

- ~~(c) Nothing in this chapter shall prohibit a person from administering]~~
- (4) Practicing Native Hawaiian traditional and customary practices as protected under article XII, section 7, of the Hawaii State Constitution;

- (5) Providing services in the case of emergency or the domestic administration of family remedies; or
- (6) Administering care to [a] the person's spouse, domestic partner, parent, sibling, or child.
- (b) It shall not be a violation of this chapter for a person invited by a patient to be present at a birth occurring at a location other than a birth facility; provided that the person shall not use the title "midwife", "licensed midwife", or engage in the practice of midwifery, unless otherwise licensed under this chapter.
- (c) Nothing in this chapter shall be construed as establishing any criminal penalty."

SECTION 9. Section 457J-8, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~457J-8] Application for license as a midwife. (a) To obtain a license under this chapter, the applicant shall provide:

- (1) An application for licensure;
- (2) The required fees;
- ~~[(3) Proof of current, unencumbered certification as a:~~
 - ~~(A) Certified professional midwife; or~~
 - ~~(B) Certified midwife;~~
- (4) ~~For certified professional midwives, proof of a successful completion of a formal midwifery education and training program that is either:~~
 - ~~(A) An educational program or pathway accredited by the Midwifery Education Accreditation Council; or~~
 - ~~(B) A midwifery bridge certificate issued by the North American Registry of Midwives for certified professional midwife applicants who either obtained certification before January 1, 2020, through a non-accredited pathway, or who have maintained licensure in a state that does not require accredited education;]~~
- (3) A copy of current certification in adult and pediatric cardiopulmonary resuscitation by the American Heart Association, Red Cross, or American Safety and Health Institute Basic Life Support that includes a hands-on skill component; provided that the certification shall be current at the time of licensure and the licensee shall be responsible for maintaining current certification throughout the license period;
- (4) A copy of current certification in a neonatal resuscitation program of the American Academy of Pediatrics that includes a hands-on skills component; provided that the certification shall be current at the time of licensure and the licensee shall be responsible for maintaining current certification throughout the license period;
- (5) If applicable, evidence of any licenses held or once held in other jurisdictions indicating the status of the license and documenting any disciplinary proceedings pending or taken by any jurisdiction;
- (6) Information regarding any conviction of any crime [~~which~~] that has not been annulled or expunged; [~~and~~]
- (7) Any other information the department may require to investigate the applicant's qualifications for licensure[~~];~~];
- (8) Any additional requirements adopted by the director; and
- (9) Evidence of qualifications for licensure.
- (b) Evidence of qualifications for licensure as a certified midwife shall consist of the following:

- (1) Proof of current, unencumbered certification as a certified midwife by the American Midwifery Certification Board or a successor organization;
 - (2) Proof of successful completion of a graduate-level midwifery program accredited by the Accreditation Commission for Midwifery Education, or successor organization, leading to a master's degree or higher as a midwife; and
 - (3) Proof of successful completion of at least thirty contact hours, as part of a master's degree program or higher from a college or university accredited by the Accreditation Commission for Midwifery Education, or successor organization, of advanced pharmacology education, including advanced pharmacotherapeutics that is integrated into the curriculum, within three years immediately preceding the date of application. If the advanced pharmacology education in a master's degree program was completed before the three-year time period immediately preceding the date of application, then one of the following shall be completed within the three-year time period immediately preceding the date of application for initial prescriptive authority:
 - (A) At least thirty contact hours of advanced pharmacology, including advanced pharmacotherapeutics, from a college or university accredited by the Accreditation Commission for Midwifery Education, or successor organization; or
 - (B) At least thirty contact hours of continuing education in advanced pharmacology, including advanced pharmacotherapeutics, approved by the Continuing Education Policy, or successor document, of the American Midwifery Certification Board, or successor organization; provided that the continuing education pharmacology contact hours shall be related to the applicant's scope of midwifery practice.
- (c) Evidence of qualifications for licensure as a certified professional midwife shall consist of the following:
- (1) Proof of current and valid certification as a certified professional midwife by the North American Registry of Midwives or a successor organization; and
 - (2) Proof of successful completion of a formal midwifery education and training program as follows:
 - (A) A midwifery educational program or pathway accredited by the Midwifery Education Accreditation Council, or successor organization, or another nationally recognized accrediting agency approved by the United States Department of Education; or
 - (B) A midwifery bridge certificate issued by the North American Registry of Midwives, or successor organization."

SECTION 10. Section 457J-10, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~457J-10 Renewals. (a) Every license issued under this chapter shall be renewed triennially on or before June 30, with the first renewal deadline occurring on June 30, 2023. Failure to renew a license shall result in a forfeiture of the license. Licenses ~~[which]~~ that have been so forfeited may be restored within one year of the expiration date upon payment of renewal and penalty 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. Relicensure after termination

shall require the person to apply as a new applicant and again satisfy all licensing requirements in place at the time of the new application.

- (b) For each license renewal, the licensee shall:
 - (1) Pay all required nonrefundable fees;
 - (2) Submit a completed renewal application;
 - (3) Provide documentation of successful completion during the prior triennium of appropriate continuing education as required pursuant to section 457J-C;
 - (4) Provide a copy of current certification in adult and pediatric cardiopulmonary resuscitation by the American Heart Association, Red Cross, or American Safety and Health Institute Basic Life Support that includes a hands-on skill component; provided that the certification shall be current at the time of renewal and the licensee shall be responsible for maintaining current certification throughout the license period;
 - (5) Provide a copy of current certification in a neonatal resuscitation program of the American Academy of Pediatrics that includes a hands-on skills component; provided that the certification shall be current at the time of renewal and the licensee shall be responsible for maintaining current certification throughout the license period;
 - (6) By June 30, 2029, and every triennium thereafter, complete the peer review requirements under section 457J-G; and
 - (7) Submit data to an organization approved by the department as may be required under section 457J-H.”

SECTION 11. Section 457J-11, Hawaii Revised Statutes, is amended to read as follows:

“[§457J-11] Authority to purchase and administer certain legend drugs and devices. (a) A midwife licensed under this chapter may purchase and administer non-controlled legend drugs and devices that are used in pregnancy, birth, postpartum care, newborn care, or resuscitation, and that are deemed integral to providing care to the public by the department.

- (b) Legend drugs authorized under subsection (a) are limited for:
 - (1) Neonatal use to prophylactic ophthalmic medications, vitamin K, epinephrine for neonatal resuscitation per neonatal resuscitation guidelines, and oxygen; and
 - (2) Maternal use to antibiotics for Group B Streptococcal antibiotic prophylaxis per guidelines adopted by the Centers for Disease Control and Prevention[;]; postpartum antihemorrhagics[;]; Rho(D) immune globulin[;]; epinephrine for anaphylactic reaction to an administered medication[;]; intravenous fluids[;]; amino amide local anesthetic[;]; nitrous oxide for pain relief when used in a birth facility and in accordance with facility policies; non-hormonal contraceptives; hormonal implants pursuant to any manufacturer certification requirements, as prescribed by a licensed health care provider with prescriptive authority under this chapter, chapter 453, or section 457-8.6; and oxygen.

Legend drugs authorized under subsection (a) shall not be used to induce, stimulate, or augment labor during the first or second stages of labor or before labor.

- (c) Legend devices authorized under subsection (a) are limited to devices for:
 - (1) Injection of medications;
 - (2) The administration of intravenous fluids;

- (3) Adult and infant resuscitation;
 - (4) Rupturing amniotic membranes;
 - (5) Repairing vaginal tears; ~~[and]~~
 - (6) Postpartum hemorrhage~~[-]; and~~
 - (7) Mechanical, non-pharmacologic cervical dilation when used at or after thirty-nine weeks gestation in pregnancy.
- (d) A pharmacist who dispenses drugs and devices to a midwife as authorized by this section and in conformity with chapter 461 is not liable for any adverse reactions caused by the midwife's administration of legend drugs and devices.
- (e) Nothing in this section shall preclude a midwife practicing as a certified professional midwife from carrying out the prescribed medical orders of a physician or osteopathic physician licensed pursuant to chapter 453 or advanced practice registered nurse licensed pursuant to chapter 457; orders of a physician assistant licensed and practicing with physician supervision pursuant to chapter 453, and acting as the agent of the supervising physician; or orders of a recognized midwife practicing as a certified midwife in accordance with this chapter."

SECTION 12. Section 457J-12, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§457J-12~~ Grounds for refusal to grant, renew, reinstate, or restore licenses and for revocation, suspension, denial, or condition of licenses. In addition to any other acts or conditions provided by law, the director may refuse to grant, renew, reinstate, or restore, or may deny, revoke, suspend, or condition in any manner, any license for any one or more of the following acts or conditions on the part of the licensee or the applicant thereof:

- (1) Failing to meet or maintain the conditions and requirements necessary to qualify for the granting of a license;
- (2) Failing to notify the department in writing that the licensee's certification as a certified professional midwife or as a certified midwife is no longer current or unencumbered within thirty days of the change in status;
- (3) Engaging in false, fraudulent, or deceptive advertising, or making untruthful or improbable statements;
- (4) Being addicted to, dependent on, or a habitual user of ~~[a narcotic, barbiturate, amphetamine, hallucinogen, opium, or cocaine, or other drugs or derivatives of a similar nature;]~~ illicit substances, or abusing controlled substances, or both;
- (5) Practicing as a ~~[licensed]~~ midwife while impaired by, at minimum, alcohol, drugs, non-accommodated physical disability, or mental instability;
- (6) Procuring a license through fraud, misrepresentation, or deceit;
- (7) Aiding and abetting an unlicensed person to directly or indirectly perform activities requiring a license~~[-]~~, notwithstanding the delegation of administrative and technical clinical tasks of midwifery practice;
- (8) Engaging in professional misconduct as defined by the program in accordance with its own rules, incompetence, gross negligence, or manifest incapacity in the practice of midwifery;
- (9) Failing to maintain a record or history of competency, trustworthiness, fair dealing, and financial integrity;
- (10) Engaging in conduct or practice contrary to recognized standards of ethics for the practice of midwifery;

- (11) Violating any condition or limitation upon which a conditional license was issued;
- (12) Engaging in business under a past or present license issued pursuant to this chapter, in a manner causing injury to one or more members of the public;
- (13) Failing to comply, observe, or adhere to any law in a manner such that the director deems the applicant or licensee to be an unfit or improper person to hold a license;
- (14) Having a revocation, suspension, or other disciplinary action by a territory, or by another state or federal agency against a licensee or applicant for any reason provided by the licensing laws or this section;
- (15) Having a criminal conviction, whether by nolo contendere or otherwise, of a penal crime directly related to the qualifications, functions, or duties of a ~~licensed~~ midwife;
- (16) Failing to report in writing to the director any disciplinary decision issued against the licensee or the applicant in another jurisdiction within thirty days of the disciplinary decision;
- (17) Employing, utilizing, or attempting to employ or utilize at any time any person not licensed under this chapter where licensure is required;
- (18) Violating this chapter, any other applicable licensing laws, or any rule or order of the director; ~~or~~
- (19) Using or removing without authorization controlled substances or drugs, including diverting or attempting to divert drugs or controlled substances for unauthorized use~~[-];~~
- (20) Failing to maintain current and valid certification in adult and pediatric cardiopulmonary resuscitation of by the American Heart Association, Red Cross, or American Safety and Health Institute Basic Life Support that includes a hands-on skill component; or
- (21) Failing to maintain current and valid certification in a neonatal resuscitation program of the American Academy of Pediatrics that includes a hands-on skills component.”

SECTION 13. Section 671-1, Hawaii Revised Statutes, is amended by amending the definition of “health care provider” to read as follows:

““Health care provider” means a physician, osteopathic physician, surgeon, or physician assistant licensed under chapter 453~~[-a]~~; podiatrist licensed under chapter 463E~~[-a]~~; health care facility as defined in section 323D-2~~[-]; midwife licensed under chapter 457J~~; and the employees of any of them. Health care provider shall not mean any nursing institution or nursing service conducted by and for those who rely upon treatment by spiritual means through prayer alone, or employees of the institution or service.”

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

SECTION 17. This Act shall take effect upon its approval.

(Became law on May 2, 2025, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 29

H.B. NO. 1026

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. 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. There is appropriated from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sum or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining units (2), (3), (4), (8), (9), (10), (13), and (14) and their excluded counterparts. These amounts are in addition to the amounts provided in Act 49, Session Laws of Hawaii 2024:

	<u>FY 2024-2025</u>
General funds	\$79,197,312

SECTION 3. Funds appropriated by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

Part III

SECTION 4. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF102) the following sums or so much there of 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. These are for separate arbitration awards for the department of education, the University of Hawaii, and other state departments:

	<u>FY 2024-2025</u>
General funds	\$14,000,000
Special funds	\$19,831,113
Federal Funds	\$12,833,567
Other federal funds	\$590,263
Trust Funds	\$68,778
Interdepartmental transfers	\$160,190
Revolving funds	\$593,939

SECTION 5. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 6. There is appropriated from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sum or so much thereof as may be necessary to fund for fiscal year 2023-2025 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining units (1) and (10) who are assigned to the Hawaii health systems corporation:

	<u>FY 2024-2025</u>
General funds	\$11,540,875

SECTION 7. 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 8. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2023-2025 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (11) and their excluded counterparts:

	<u>FY 2024-2025</u>
General funds	\$960,600
Special Funds	\$5,140,600

SECTION 9. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART VI

SECTION 10. 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, provided that if the respective funds are unable to support such payments, appropriations from other means of financing may be used with the approval of the Governor.

SECTION 11. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2026, shall lapse as of that date.

SECTION 12. 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 at the beginning of the regular session of 2025, the general fund expenditure ceiling for fiscal year 2024-2025 was exceeded by \$8,551,795 or one per cent. The appropriations contained in Act 1, Session Laws of Hawaii 2025 caused the general fund expenditure ceiling for fiscal year 2024-2025 to be further exceeded by an additional \$30,334,159. Therefore, the general fund expenditure ceiling for fiscal year 2024-2025 has already been exceeded by \$38,885,954 or 1 per cent.

The appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2024-2025 to be further exceeded by \$105,698,787, or 2 per cent. This declaration takes into account the additional general fund appropriations authorized for fiscal year 2024-2025 in this Act only. 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 addressed by this Act.

SECTION 13. This Act shall take effect upon its approval.

(Approved May 12, 2025.)

ACT 30

H.B. NO. 1027

A Bill for an Act Relating to Public Employment Cost Items.

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

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining units (1) and (10):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$12,932,847	\$28,525,268
Special funds	\$2,722,472	\$6,007,929
Federal funds	\$1,653,577	\$3,650,401
Other federal funds	\$101,822	\$225,082
Interdepartmental transfers	\$26,380	\$58,343
Revolving funds	\$68,611	\$151,745

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

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$2,618,782	\$5,776,819
Special funds	\$301	\$664
Federal funds	\$1,304,170	\$2,878,023
Other federal funds	\$722	\$1,597

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated from the source of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining units (1) and (10):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$322,740	\$713,206

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

PART III

SECTION 5. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining units (1) and (10):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$840,588	\$1,852,647
Special funds	\$14,761	\$32,645
Federal funds	\$7,149	\$15,811
Other federal funds	\$1,604	\$3,548
Revolving funds	\$2,414	\$5,339

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

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$507,162	\$1,118,404
Special funds	\$318	\$703

SECTION 6. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There are appropriated from the source of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, by the chief justice for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining units (1) and (10):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$2,060	\$4,557

SECTION 8. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. There are authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining units (1) and (10) who is assigned to the Hawaii health systems corporation:

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
Special funds	\$2,707,925	\$5,983,018

SECTION 10. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VI

SECTION 11. There are authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining, assigned to the Hawaii health systems corporation, and belong to the same compensation plans as those officers and employees within bargaining units (1) and (10):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
Special funds	\$74,957	\$165,782

SECTION 12. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VII

SECTION 13. There are appropriated from the source of funding indicated below health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representatives of collective bargaining units (1) and (10):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$4,920,474	\$10,302,319

SECTION 14. 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 VIII

SECTION 15. There are appropriated from the source of funding indicated below health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within collective bargaining units (1) and (10):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$23,352	\$49,275

SECTION 16. 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 IX

SECTION 17. 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 18. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2026, and June 30, 2027, of the respective fiscal years, shall lapse as of those dates.

SECTION 19. This Act shall take effect on July 1, 2025.

(Approved May 12, 2025.)

ACT 31

H.B. NO. 1028

A Bill for an Act Relating to Public Employment Cost Items.

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

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (2):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$1,069,797	\$2,350,494
Special funds	\$341,845	\$751,349
Federal funds	\$15,363	\$33,789
Other funds	\$24,683	\$54,590

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

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$563,460	\$1,237,258
Special funds	\$34	\$75
Federal funds	\$1,316	\$2,894

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (2):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$2,501	\$5,532

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

PART III

SECTION 5. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (2):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$3,640	\$8,051
Revolving funds	\$3,953	\$8,744

SECTION 6. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There are authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (2) who is assigned to the Hawaii health systems corporation:

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
Special funds	\$49,748	\$109,875

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

PART V

SECTION 9. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (2):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$319,294	\$690,671

SECTION 10. 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 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. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2026, and June 30, 2027, of the respective fiscal years, shall lapse as of those dates.

SECTION 13. This Act shall take effect on July 1, 2025.
(Approved May 12, 2025.)

ACT 32

H.B. NO. 1029

A Bill for an Act Relating to Public Employment Cost Items.
Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (3):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$13,794,339	\$31,117,883
Special funds	\$1,372,439	\$3,123,377
Federal funds	\$1,034,374	\$2,353,676
Other federal funds	\$108,330	\$248,959
Trust funds	\$58,072	\$130,663

Interdepartmental transfers	\$45,384	\$103,401
Revolving funds	\$201,311	\$458,134
Other funds	\$32,948	\$74,458
American rescue plan funds	\$4,384	\$10,440
Special fund CIP	\$13,800	\$31,131

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

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$6,553,371	\$14,727,230
Special funds	\$7,015	\$15,892
Federal funds	\$96,168	\$217,493
Other federal funds	\$8,499	\$19,270
Trust funds	\$9,795	\$21,798
Interdepartmental transfers	\$518	\$1,180
Revolving funds	\$18,974	\$43,109

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (3):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$1,153,068	\$2,615,366
Special funds	\$38,540	\$86,760

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

PART III

SECTION 5. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (3):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$1,818,433	\$4,122,157
Special funds	\$229,463	\$522,294
Federal funds	\$72,973	\$166,169
Other federal funds	\$6,222	\$14,295
Trust funds	\$8,121	\$18,805

Interdepartmental transfers	\$10,853	\$24,854
Revolving funds	\$15,765	\$36,446
Other funds	\$13,995	\$31,498

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

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$709,171	\$1,602,354
Special funds	\$13	\$29
Federal funds	\$8,734	\$20,060
Other federal funds	\$1,998	\$4,592
Trust funds	\$604	\$1,359

SECTION 6. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There are appropriated from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, by the chief justice for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (3):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$97,725	\$221,863

SECTION 8. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. There are authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (3) who is assigned to the Hawaii health systems corporation:

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
Special funds	\$893,530	\$2,026,297

SECTION 10. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VI

SECTION 11. There are authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210)

the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining, assigned to the Hawaii health systems corporation, and belong to the same compensation plans as those officers and employees within bargaining unit (3):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
Special funds	\$49,704	\$112,491

SECTION 12. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VII

SECTION 13. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (3):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$5,018,288	\$10,620,297

SECTION 14. 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 VIII

SECTION 15. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (3):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$392,700	\$791,575

SECTION 16. 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 IX

SECTION 17. 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 18. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2026, and June 30, 2027, of the respective fiscal years, shall lapse as of those dates.

SECTION 19. This Act shall take effect on July 1, 2025.

(Approved May 12, 2025.)

ACT 33

H.B. NO. 1030

A Bill for an Act Relating to Public Employment Cost Items.

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

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (4):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$1,299,798	\$2,853,828
Special funds	\$232,582	\$509,390
Federal funds	\$111,650	\$245,249
Trust funds	\$4,523	\$10,002
Revolving funds	\$18,094	\$39,875
Other funds	\$2,249	\$4,973

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

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$574,318	\$1,260,476
Special funds	\$135	\$296
Federal funds	\$991	\$2,177
Revolving funds	\$3,795	\$8,381

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (4):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$118,256	\$259,364
Special funds	\$5,854	\$12,946

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

PART III

SECTION 5. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (4):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$18,912	\$41,690
Special funds	\$14,953	\$32,482
Revolving funds	\$3,179	\$7,032

SECTION 6. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There are authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (4) who is assigned to the Hawaii health systems corporation:

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
Special funds	\$52,553	\$116,000

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

PART V

SECTION 9. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (4):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$386,149	\$828,587

SECTION 10. 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 VI

SECTION 11. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (4):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$7,469	\$16,768

SECTION 12. 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 VII

SECTION 13. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 14. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2026, and June 30, 2027, of the respective fiscal years, shall lapse as of those dates.

SECTION 15. This Act shall take effect on July 1, 2025.
(Approved May 12, 2025.)

ACT 34

H.B. NO. 1031

A Bill for an Act Relating to Public Employment Cost Items.
Be It Enacted by the Legislature of the State of Hawaii:

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 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (5):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$7,779,584	\$18,100,306

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.

SECTION 3. Funds appropriated by this Act that are not expended or encumbered by June 30, 2026, and June 30, 2027, of the respective fiscal years, shall lapse as of those dates.

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved May 12, 2025.)

ACT 35

H.B. NO. 1032

A Bill for an Act Relating to Public Employment Cost Items.

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

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (6):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$6,618,392	\$13,542,850
Federal funds	\$155,504	\$338,322
Trust funds	\$38,695	\$55,989
Revolving funds	\$48,200	\$103,997

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (6):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$882,679	\$1,905,632
Federal funds	\$11,111	\$24,172
Revolving funds	\$10,380	\$22,267

SECTION 4. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (6):

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	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$744,411	\$1,805,395

SECTION 6. Funds appropriated by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

Part IV

SECTION 7. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (6):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$142,421	\$322,263

SECTION 8. 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 V

SECTION 9. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 10. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2026, and June 30, 2027, of the respective fiscal years, shall lapse as of those dates.

SECTION 11. This Act shall take effect on July 1, 2025.
(Approved May 13, 2025.)

ACT 36 H.B. NO. 1033

A Bill for an Act Relating to Public Employment Cost Items.
Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (7):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$13,898,996	\$31,090,119
Special funds	816,788	1,733,792
Federal funds	362,877	769,827
Trust funds	76,666	162,591
Revolving funds	261,985	556,593
American Rescue Plan funds	2,869	6,084

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (7):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$2,200,199	\$4,738,762
Special funds	344,432	731,751
Federal funds	11,406	24,189
Revolving funds	8,934	19,239

SECTION 4. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (7):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$2,310,085	\$5,177,217

SECTION 6. Funds appropriated by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collec-

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tive bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (7):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$202,455	\$436,801

SECTION 8. 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 V

SECTION 9. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 10. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2026, and June 30, 2027, of the respective fiscal years, shall lapse as of those dates.

SECTION 11. This Act shall take effect on July 1, 2025.
(Approved May 13, 2025.)

ACT 37

H.B. NO. 1034

A Bill for an Act Relating to Public Employment Cost Items.
Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (8):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$5,870,656	\$12,875,892
Special funds	\$434,639	\$952,767
Federal funds	\$21,797	\$48,190
Revolving funds	\$107,174	\$236,908

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium

2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (8):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$404,270	\$889,599
Special funds	\$10,686	\$23,422

SECTION 4. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART III

SECTION 5. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (8):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$1,741,477	\$3,681,631

SECTION 6. Funds appropriated by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (8):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$606,113	\$1,274,451

SECTION 8. 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 V

SECTION 9. Salary increases and cost adjustments provided in this Act for any officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 10. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2026, and June 30, 2027, of the respective fiscal years, shall lapse as of those dates.

SECTION 11. This Act shall take effect on July 1, 2025.

(Approved May 13, 2025.)

ACT 38

H.B. NO. 1035

A Bill for an Act Relating to Public Employment Cost Items.

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

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (9):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$3,164,617	\$7,182,261
Special funds	\$13,258	\$29,810
Federal funds	\$62,249	\$124,410
Other federal funds	\$70,301	\$151,351
Revolving funds	\$30,185	\$67,863

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

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$24,466	\$67,573

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated from the source of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (9):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$16,186	\$43,292

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 source of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (9):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$76,568	\$162,270

SECTION 6. Funds appropriated by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There are appropriated from the source of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, by the chief justice for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (9):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$6,873	\$16,099

SECTION 8. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. There are authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (9) who is assigned to the Hawaii health systems corporation:

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
Special funds	\$4,558,759	\$10,071,372

SECTION 10. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VI

SECTION 11. There are authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal

biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining, assigned to the Hawaii health systems corporation, and belong to the same compensation plans as those officers and employees within bargaining unit (9):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
Special funds	\$167,168	\$329,126

SECTION 12. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VII

SECTION 13. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (9):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$1,185,360	\$2,495,997

SECTION 14. 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 VIII

SECTION 15. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (9):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$8,050	\$15,513

SECTION 16. 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 IX

SECTION 17. 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 18. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2026, and June 30, 2027, of the respective fiscal years, shall lapse as of those dates.

SECTION 19. This Act shall take effect on July 1, 2025.

(Approved May 13, 2025.)

ACT 39

H.B. NO. 1038

A Bill for an Act Relating to Public Employment Cost Items.

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

PART I

SECTION 1. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (13):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$14,473,973	\$29,195,058
Special funds	\$3,309,351	\$6,179,248
Federal funds	\$2,267,406	\$4,443,643
Other federal funds	\$716,877	\$1,127,360
Trust funds	\$154,637	\$330,168
Interdepartmental transfers	\$57,412	\$108,858
Revolving funds	\$478,483	\$794,913
Other funds	\$167,137	\$385,955
American rescue plan funds	\$20,445	\$24,691
Special fund CIP	\$69,995	\$116,641

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

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$3,003,288	\$6,473,114
Special funds	\$24,109	\$58,421
Federal funds	\$78,212	\$171,564
Other federal funds	\$2,105	\$8,540
Trust funds	\$8,791	\$24,100
Revolving funds	\$5,991	\$21,821

SECTION 2. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART II

SECTION 3. There are appropriated or authorized from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all

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collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (13):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$1,394,126	\$3,013,192
Special funds	\$19,570	\$35,496

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

PART III

SECTION 5. There are appropriated or authorized from the sources of funding indicated below to collective bargaining statewide (BUF 102) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (13):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$6,272,954	\$9,847,518
Special funds	\$1,315,459	\$2,005,134
Federal funds	\$340,792	\$553,363
Other federal funds	\$55,390	\$99,218
Trust funds	\$51,722	\$77,144
Interdepartmental transfers	\$383,072	\$525,219
Revolving funds	\$82,417	\$123,817
Other funds	\$86,386	\$142,948
American rescue plan funds	\$6,860	\$10,870

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

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$365,350	\$618,392
Federal funds	\$30,215	\$46,739
Other federal funds	\$412	\$793

SECTION 6. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IV

SECTION 7. There are appropriated from the sources of funding indicated below to administration (JUD 601) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, by the chief justice for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (13):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$501,436	\$1,011,312

SECTION 8. Funds appropriated by this part shall be expended by the chief justice in the respective fiscal year for the purposes of this part.

PART V

SECTION 9. There are authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (13) who is assigned to the Hawaii health systems corporation:

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
Special funds	\$1,136,063	\$2,159,069

SECTION 10. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VI

SECTION 11. There are authorized from the source of funding indicated below to Hawaii health systems corporation - corporate office (HTH 210) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining, assigned to the Hawaii health systems corporation, and belong to the same compensation plans as those officers and employees within bargaining unit (13):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
Special funds	\$290,065	\$495,720

SECTION 12. Funds authorized by this part shall be allotted by the director of finance to the Hawaii health systems corporation for expenditure in the respective fiscal year for the purposes of this part.

PART VII

SECTION 13. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 all collective bargaining cost items in the agreement negotiated with the exclusive representative of collective bargaining unit (13):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$4,352,224	\$9,222,603

SECTION 14. 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 VIII

SECTION 15. There are appropriated from the source of funding indicated below to health premium payments (BUF 761) the following sums or so much thereof as may be necessary to fund for fiscal biennium 2025-2027 the salary increases and other cost adjustments authorized by chapter 89C, Hawaii Revised Statutes, for state officers and employees who are excluded from collective bargaining and belong to the same compensation plans as those officers and employees within bargaining unit (13):

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
General funds	\$1,761,454	\$3,672,613

SECTION 16. 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 IX

SECTION 17. 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 18. Funds appropriated or authorized by this Act that are not expended or encumbered by June 30, 2026, and June 30, 2027, of the respective fiscal years, shall lapse as of those dates.

SECTION 19. This Act shall take effect on July 1, 2025.

(Approved May 13, 2025.)

ACT 40

H.B. NO. 1045

A Bill for an Act Making Emergency Appropriations for Law Enforcement Personnel Costs.

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 section 3 of Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, appropriated general funds to the department of accounting and general services in fiscal year 2024-2025 for an interdepartmental transfer to the department of law enforcement for payroll costs of sheriffs. Similarly, section 3 of Act 70, Session Laws of Hawaii 2023, as amended by Act 233, Session Laws of Hawaii 2024, appropriated general funds in fiscal year 2024-2025 to the judiciary for an interdepartmental transfer to the department of law enforcement for payroll costs of sheriffs.

While appropriations for payroll costs out of the general fund exclude fringe benefit costs, fringe benefits must be included if an appropriation for an interdepartmental transfer is used to fund positions. Because these aforementioned appropriation amounts did not include fringe benefits, a critical funding shortage exists, and additional funds must be appropriated to cover fringe benefit costs for affected law enforcement personnel of the department of law enforcement.

The purpose of this Act is to make emergency appropriations to the department of accounting and general services and the judiciary to provide funds to cover payroll and fringe benefits of affected law enforcement personnel.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,480,509 or so much thereof as may be necessary in fiscal year 2024-2025 for an interdepartmental transfer from the department of accounting and general services to the department of law enforcement for personnel costs, including payroll and fringe benefits.

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

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$4,673,616 or so much thereof as may be necessary in fiscal year 2024-2025 for an interdepartmental transfer from the judiciary to the department of law enforcement for personnel costs, including payroll and fringe benefits.

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

SECTION 5. There is appropriated out of interdepartmental transfer funds the sum of \$7,154,125 or so much thereof as may be necessary for fiscal year 2024-2025 for personnel costs, including payroll and fringe benefits.

The sum appropriated shall be expended by the department of law enforcement.

SECTION 6. 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 at the beginning of the regular session of 2025, the general fund expenditure ceiling for fiscal year 2024-2025 was exceeded by \$8,551,795, or one per cent. The appropriations contained in Act 1, Session Laws of Hawaii 2025, caused the general fund expenditure ceiling for fiscal year 2024-2025 to be further exceeded by an additional \$30,334,159. Therefore, the general fund expenditure ceiling for fiscal year 2024-2025 has already been exceeded by \$38,885,954, or one per cent.

The appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2024-2025 to be further exceeded by \$7,154,125, or one per cent. This declaration takes into account the additional general fund appropriations authorized for fiscal year 2024-2025 in this Act only. 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 addressed by this Act.

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

(Approved May 14, 2025.)

ACT 41

H.B. NO. 1055

A Bill for an Act Making an Emergency Appropriation to the Public Utilities Commission.

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 the devastating Maui wildfires on August 8, 2023, was one of the worst natural disasters in the State's history.

The legislature further finds that in response to the growing threat of wildfires and other natural hazards, the public utilities commission plays a critical role in the State's efforts to strengthen critical infrastructure, mitigate risks, protect utility customers, and ensure robust recovery following extreme weather events.

To effectively address these challenges, it is urgently imperative for the public utilities commission to strengthen the resilience and reliability of electric utility services in the State. These initiatives will require consultants with specialized expertise to provide technical assessments, evaluations, and recommendations for mitigating storm-related power outages, restoring the grid, rebuilding Maui infrastructure, and preparing for direct impacts of other natural disasters to the State.

Accordingly, the purpose of this Act is to make an emergency appropriation out of the public utilities commission special fund for the public utilities commission to procure the services of specialized consultants to assist with the efforts to strengthen the resilience and reliability of electric utility services in the State, including helping review wildfire mitigation plans of regulated public utilities.

SECTION 3. There is appropriated out of the public utilities commission special fund established by section 269-33, Hawaii Revised Statutes, the sum of \$700,000 or so much thereof as may be necessary for fiscal year 2024-2025 to contract consultant services for utility dockets to assist with the efforts to strengthen the resilience and reliability of electric utility services in the State, including helping review wildfire mitigation plans of regulated public utilities.

The sum appropriated shall be expended by the public utilities commission for the purposes of this Act.

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

(Approved May 14, 2025.)

ACT 42

H.B. NO. 1153

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

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

PART I

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

SECTION 2. In prior years, the respective budget acts contained budget special provisions similar to sections 50, 51, 72, and 81 of Act 88, Session Laws of Hawaii 2021, the General Appropriations Act of 2021, which permitted departments to transfer funds between their projects; permitted departments to transfer funds between their programs, provided that the legislature was informed of the transfers; and established a protocol fund as a separate account to be expended at the discretion of the executive head of departments or agencies. However, Act 164, Session Laws of Hawaii 2023, the General Appropriations Act of 2023, (Act 164), as amended by Act 230, Session Laws of Hawaii 2024, the Supplemental Appropriations Act of 2024, does not include the special provisions. Consequently, although funds were appropriated to various state departments for their capital improvement program projects for fiscal biennium 2023-2025, the omission of the special provisions has caused operational limitations by limiting the ability of departments to supplement allotments and transfer funds between projects to address changing conditions.

PART II

SECTION 3. The purpose of this part is to address the omission of the special provisions that authorize supplemental allotments and transfer of unrequired balances for capital improvement program projects and that also establish a protocol fund as a separate account to be expended at the discretion of the executive head of departments in Act 164.

SECTION 4. Part VII of Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by adding a new section to read as follows:

“SECTION 15.2. If the authorized appropriations specified for capital improvement projects listed in this Act are insufficient and where the source of funding is designated as special funds, general obligation bond fund with debt service cost to be paid from special funds, revenue bond funds, or revolving funds, the governor may make supplemental allotments from the special fund or revolving fund responsible for cash or debt service payments for the projects or transfer unrequired balances from other unlapsed projects in this Act or prior appropriation acts that authorized the use of special funds, general obligation bond fund with debt service costs to be paid from special funds, revenue bond funds, or revolving funds; provided that the supplemental allotments shall not be used to increase the scope of the project; provided further that the supplemental allotments shall not impair the ability of the fund to meet the purposes for which it was established.”

SECTION 5. Part VII of Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by adding a new section to read as follows:

“SECTION 15.3. If the authorized appropriations specified for capital improvement projects listed in this Act are insufficient and where the source of funding is designated as airport passenger facility charge funds, the governor may make supplemental allotments from the airport revenue fund or airport revenue bond funds, or transfer unrequired balances from other unexpired projects in this Act or prior appropriation acts that authorized the use of airport passenger facility charge funds; provided that the supplemental allotments shall not be used to increase the scope of the project; provided further that the supplemental allotments shall not impair the ability of the fund to meet the purposes for which it was established; provided further that the governor, at the governor’s discretion, may increase the passenger facility charge fund authorization ceiling for the program to accommodate the expenditure of the funds.”

SECTION 6. Part VII of Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by adding a new section to read as follows:

“SECTION 15.4. Of the respective operating appropriation authorized in part II of this Act for each principal state department as defined by section 26-4, Hawaii Revised Statutes, the sum of \$7,000 in fiscal year 2024-2025 shall be made available in each department to be established as a separate account for a protocol fund to be expended at the discretion of the executive head of the department (i.e., director, chairperson, comptroller, adjutant general, superintendent, president, or attorney general).”

PART III

SECTION 7. The purpose of this part is to address the omission of the transfer proviso by appropriating additional general funds as emergency appropriations for fiscal year 2024-2025 for operating shortfalls in fourth quarter funding for existing programs and to adjust funding for various programs to be commensurate with their anticipated levels of activity. The emergency appropriations and the funding adjustments made in this part are budget neutral.

SECTION 8. Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by amending section 3, item I.4 to read as follows:

“4. PSD405 - HAWAII COMMUNITY CORRECTIONAL CENTER			
		193.00*	193.00*
OPERATING	PSD	14,730,758A	[15,820,198A] 16,620,198A”

SECTION 9. Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by amending section 3, item I.5 to read as follows:

“5. PSD406 - MAUI COMMUNITY CORRECTIONAL CENTER			
		205.00*	205.00*
OPERATING	PSD	14,872,239A	[16,616,875A] 15,816,875A
		3.00#	3.00# ¹
	PSD	209,721S	[0S] 209,721S”

SECTION 10. Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by amending section 3, item I.6 to read as follows:

“6. PSD407 - OAHU COMMUNITY CORRECTIONAL CENTER			
		501.00*	500.00*
OPERATING	PSD	40,621,493A	[42,708,191A]
			<u>44,958,191A”</u>

SECTION 11. Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by amending section 3, item I.8 to read as follows:

“8. PSD409 - WOMEN’S COMMUNITY CORRECTIONAL CENTER			
		270.00*	269.00*
OPERATING	PSD	15,860,044A	[21,010,058A]
			<u>18,760,058A”</u>

PART IV

SECTION 12. Part VIII of Act 164, Session Laws of Hawaii 2023, as amended by Act 230, Session Laws of Hawaii 2024, is amended by adding two new sections to read as follows:

“SECTION 22.1. Notwithstanding any other provision of law, if unanticipated federal funding cutbacks diminish or curtail essential, federally funded state programs, the governor may utilize savings as may be determined to be available from other state programs for the purpose of maintaining those programs until the next legislative session.

SECTION 22.2. Notwithstanding any other provision of law, if unanticipated federal funding cutbacks diminish or curtail essential, federally funded state programs, the governor may utilize available funds from any other means of financing for the purpose of covering payroll and fringe benefit expenses of federally funded state employees.”

PART V

SECTION 13. The legislature determines that there is \$8,104,977.33 in excess of the requirements of the state educational facilities improvement special fund. The director of finance is authorized to transfer \$8,104,977.33 or so much thereof as may be necessary for fiscal year 2024-2025 to the general fund.

PART VI

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

SECTION 15. This Act shall take effect on or upon its approval; provided that part V shall take effect on June 29, 2025.

(Approved May 14, 2025.)

Notes

1. Prior to amendment, “0.00#” appeared here. “3.00#” should be underscored.

A Bill for an Act Making an Emergency Appropriation to the Department of Human 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 section 9 of article VII of the Constitution of the State of Hawaii.

SECTION 2. The legislature finds that the department of human services administers the supplemental nutrition assistance program for eligible households that meet income and other program requirements. The legislature further finds that during the coronavirus disease 2019 pandemic (COVID-19), the department of human services requested and received approval from the federal government to waive numerous requirements related to the processing of supplemental nutrition assistance program benefits. These waivers allowed the department to quickly respond to an increased demand for benefits while maintaining a safe working environment for staff and the public.

Following the end of the COVID-19 pandemic, the United States Department of Agriculture Food and Nutrition Service required states to end waivers and resume normal benefits processing requirements. From approximately October 2021 through September 2023, Hawaii and other states experienced increased payment error rates in processing supplemental nutrition assistance benefits. The increased error rates were related to the changes in requirements during and following the COVID-19 pandemic, as well as the high vacancy and turnover rates for eligibility worker staff.

In June 2024, the United States Department of Agriculture Food and Nutrition Service assessed the department of human services a penalty of \$10,934,327 for having a supplemental nutrition assistance program payment error rate above the national average for two consecutive federal fiscal years. However, in lieu of paying the total penalty, the United States Department of Agriculture Food and Nutrition Service provided the option to the State to reinvest fifty per cent of the penalty amount in program improvements that would reduce the payment error rate.

The legislature further finds that the State is pursuing the reinvestment option to resolve the penalty. The department of human services plans to reinvest fifty per cent of the assessed penalty to complete the development of a new eligibility system, which is anticipated to be completed in late 2025. Notably, under the terms of the reinvestment option, if the reinvestment results in the payment error rate falling under and remaining below the national average, which is currently 11.68 per cent, the State will not be required to pay the remaining fifty per cent of the penalty.

Failure to reinvest fifty per cent of the penalty amount will result in the total penalty amount needing to be paid. Additionally, failure to improve error rates may result in increased financial penalties for the State.

Funding for this reinvestment option is required in fiscal year 2024-2025 to make necessary modifications to the ongoing development of the department of human services' new eligibility system to specifically support automation of eligibility worker tasks that will increase efficiency and reduce worker errors. Reinvestment funding is also required this fiscal year to avoid project delays and ensure that the new system includes the technical capabilities required to reduce the payment error rate.

The purpose of this Act is to make an emergency appropriation of \$5,467,164 for fiscal year 2024-2025, which is fifty per cent of the payment error penalty assessed by the United States Department of Agriculture Food and Nutrition Service, to the department of human services to support the necessary modifications to the ongoing development of a new eligibility system.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$5,467,164 or so much thereof as may be necessary for fiscal year 2024-2025 to be used to reinvest in the ongoing development of a new eligibility system that will result in reduced payment error rates.

The sum appropriated shall be expended by the department of human services for the purpose of this Act.

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 at the beginning of the regular session of 2025, the general fund expenditure ceiling for fiscal year 2024-2025 was exceeded by \$8,551,795, or one per cent. The appropriations contained in Act 1, Session Laws of Hawaii 2025, caused the general fund expenditure ceiling for fiscal year 2024-2025 to be further exceeded by an additional \$30,334,159. Therefore, the general fund expenditure ceiling for fiscal year 2024-2025 has already been exceeded by \$38,885,954, or one per cent.

The appropriation contained in this Act will cause the general fund expenditure ceiling for fiscal year 2024-2025 to be further exceeded by \$5,467,164, or one per cent. This declaration takes into account the additional general fund appropriation authorized for fiscal year 2024-2025 in this Act only. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs addressed by this Act.

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

(Approved May 14, 2025.)

ACT 44

S.B. NO. 1448

A Bill for an Act Making an Emergency Appropriation to the Department of Health for Construction Defect Remediation at the Hawaii State Hospital.

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. In January 2018, the State awarded a \$140,000,000 contract for a design-build delivery construction for the Hale Ho'ola Building project located at Hawaii state hospital. After the project's acceptance, and a warranty period of two years, the State encountered various issues, many stemming from latent defects due to poor design and construction. Investigations into the root causes are still ongoing. The department of accounting and general services has been holding the contractor accountable for these issues, but with limited success.

A major concern is the occurrence of water leaks in both the building's exterior and plumbing systems and mold growth. Immediate action is necessary to address these issues to enable Hawaii state hospital to deliver quality care to patients who live in the building year around.

Additionally, the department of health has received grievances from staff regarding violations of article 21 of their contract, covering safety and health, and the public employees' collective bargaining agreement, citing an unsafe working environment.

Due to insufficient funds to fix these issues, the department of health is requesting an emergency appropriation to address mold growth and leaks in the Hale Ho'ola Building.

Accordingly, the purpose of this Act is to make an emergency appropriation to the department of health for construction defect remediation at the Hawaii state hospital.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$10,660,000 or so much thereof as may be necessary for fiscal year 2024-2025 to fund construction defect remediation, including the payment of legal fees and costs of special deputy attorneys general, at the Hawaii state hospital; provided that any civil fines accrued from litigious suits, damages, and settlements awarded shall be deposited into the general fund.

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

SECTION 4. The appropriation made for the construction defect remediation authorized by this Act shall not lapse at the end of the fiscal biennium for which the appropriation is made; provided that all moneys from the appropriation unencumbered as of June 30, 2026, shall lapse as of that date.

SECTION 5. 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 at the beginning of the regular session of 2025, the general fund expenditure ceiling for fiscal year 2024-2025 was exceeded by \$8,551,795, or one per cent. The appropriations contained in Act 1, Session Laws of Hawaii 2025, caused the general fund expenditure ceiling for fiscal year 2024-2025 to be further exceeded by an additional \$30,334,159. Therefore, the general fund expenditure ceiling for fiscal year 2024-2025 has already been exceeded by \$38,885,954, or one per cent.

The appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2024-2025 to be further exceeded by \$10,660,000, or one per cent. This declaration takes into account the additional general fund appropriation authorized for fiscal year 2024-2025 in this Act only. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the needs addressed by this Act.

SECTION 6. With the approval of the governor, the department of health may delegate to other state agencies the implementation of projects related to this Act if it is determined to be advantageous to do so by both the department of health and the agency to which expending authority is to be delegated.

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

(Approved May 14, 2025.)

ACT 45

H.B. NO. 1477

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 United States Social Security Administration issues one monthly payment to eligible recipients receiving care, or their representative payee, that includes supplemental security income and the state supplemental payment. The legislature further finds that the state supplemental payment includes the personal needs allowance for the individual receiving care and a domiciliary care rate for the provider.

Accordingly, the purpose of this Act is to increase the domiciliary care rates for certain providers and clarify that the needs allowance and domiciliary care rates are included in the state supplemental payment ceiling amounts.

SECTION 2. 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 supplemental security income or public assistance, or both. The director shall provide for level of care payment and needs allowance as follows:

- (1) 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, which includes the care rate and needs allowance, shall not exceed [~~\$784;~~] \$829; and
- (2) For adult residential care homes classified as facility type II, the state supplemental payment, which includes the care rate and needs allowance, shall not exceed [~~\$892;~~] \$937.

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 3. Section 346D-4.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The State’s supplemental payment, as authorized by section 346-53(c)(1) and (2), for a needs allowance under subsection (a) shall be increased by an amount necessary to bring the allowance up to \$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.”

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

SECTION 5. This Act shall take effect on October 1, 2025.

(Approved May 14, 2025.)

ACT 46

S.B. NO. 1429

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 existing state law recognizes the beneficial use of cannabis in treating certain debilitating medical conditions, their symptoms, and certain side effects of treatment of these conditions, including severe pain, nausea, muscle spasms, and seizures. Act 241, Session Laws of Hawaii 2015 (Act 241), provided patient access to medical cannabis beyond the access that existed before the creation of the dispensary system authorized by Act 241. However, the intent of the legislature as expressed in Act 241 was, and continues to be, to expand qualifying patients' access to cannabis rather than to replace existing access routes. According to the rapid survey of Hawaii medical cannabis patients and providers conducted by the department of health in 2022, fifty-five per cent of patients indicated that they obtained their cannabis exclusively from a licensed medical cannabis dispensary. This means that up to forty-five per cent of patients obtain their cannabis for medical use from other sources, including cultivation. Part of the justification for establishing the medical cannabis dispensary system was that some patients may not be able to grow their own supply of medical cannabis due to certain limitations, such as disability or lack of space. These patients should continue to have multiple options for obtaining medical cannabis, including having a primary caregiver grow an adequate supply of cannabis for medical use on their behalf.

Accordingly, the purpose of this Act is to maintain and clarify the multiple options currently available for qualifying patients to access a safe and legal supply of medical cannabis.

SECTION 2. Chapter 329, Hawaii Revised Statutes, is amended by adding a new section to part IX to be appropriately designated and to read as follows:

“§329- Violations; penalties. (a) In addition to any other penalties allowed by law, any person who violates this part or rules adopted pursuant to this part shall be fined not more than \$5,000 for each separate violation. Each day on which a violation occurs or continues shall constitute a separate offense.

(b) The department of health may impose an administrative penalty on a person pursuant to subsection (a) or rules adopted pursuant to this part. The department of health shall serve the person with written notice of the administrative penalty and the basis for the administrative penalty. Any notice of an administrative penalty may be accompanied by a cease and desist order or order for corrective action, or both. The administrative penalty, cease and desist order, and order for corrective action shall become final twenty calendar days after the date of the written notice, unless a contested case hearing is requested pursuant to subsection (c). The violation of the cease and desist order or order for corrective action shall constitute a further violation of this part.

(c) Any person aggrieved by the imposition of an administrative penalty, cease and desist order, or order for corrective action 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 department of health within twenty calendar days of the date of the written notice. Appeal to the circuit court under section 91-14 or any other applicable statute shall only be taken from the department of health's final order pursuant to a contested case.

(d) Any action taken to recover, collect, or enforce the penalty provided for in this section shall be considered a civil action. For any judicial proceeding to recover or collect an administrative penalty imposed pursuant to subsection (a) or to enforce a cease and desist order or order for corrective action issued pursuant to subsection (b), the department of health may petition any court of appropriate jurisdiction and need only show that:

- (1) Notice was served upon the person;
- (2) A hearing was held, or the time granted for requesting a hearing has expired without such a request;
- (3) The administrative penalty, cease and desist order, or order for corrective action was imposed on the person; and
- (4) The penalty remains unpaid, or the order was not complied with."

SECTION 3. Section 329-123, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Primary caregivers shall register with the department of health. ~~[Every]~~ Each primary caregiver shall be responsible for the care of ~~[only one]~~ not more than five qualifying ~~[patient]~~ patients at any given time~~[-unless the primary caregiver is the parent, guardian, or person having legal custody of more than one minor qualifying patient, in which case the primary caregiver may be responsible for the care of more than one minor qualifying patient at any given time; provided that the primary caregiver is the parent, guardian, or person having legal custody of all of the primary caregiver's qualifying patients].~~ The department of health may permit registration of up to two primary caregivers for a minor qualifying patient; provided that both primary caregivers are the parent, guardian, or person having legal custody of the minor qualifying patient."

SECTION 4. Section 329-130, Hawaii Revised Statutes, is amended to read as follows:

"§329-130 Authorized sources of medical cannabis. (a) ~~[After December 31, 2024, a]~~ A qualifying patient shall obtain medical cannabis or manufactured cannabis products only:

- (1) From a dispensary licensed pursuant to chapter 329D; provided that the cannabis shall be purchased and paid for at the time of purchase; ~~[or]~~
- (2) By cultivating cannabis in an amount that does not exceed an adequate supply for the qualifying patient~~[-]~~ pursuant to section 329-122; provided that each location used to cultivate cannabis shall be used ~~[by no]~~ to cultivate cannabis for not more than five qualifying patients[-]; or
- (3) From the qualifying patient's primary caregiver who cultivates cannabis in an amount that does not exceed an adequate supply for the qualifying patient pursuant to section 329-122; provided that each location used to cultivate cannabis shall be used to cultivate cannabis for not more than five qualifying patients.

~~[After December 31, 2024, no primary caregiver shall be authorized to cultivate cannabis for any qualifying patient.~~

~~(b) This section shall not apply to:~~

- ~~(1) A qualifying patient who is a minor or an adult lacking legal capacity and the primary caregiver is the parent, guardian, or person having legal custody of a qualifying patient described in the¹ paragraph; or~~
- ~~(2) A qualifying patient on any island on which there is no medical cannabis dispensary licensed pursuant to chapter 329D.~~

(e) ~~(b)~~ A qualifying out-of-state patient and a caregiver of a qualifying out-of-state patient shall be authorized to obtain cannabis for medical use only from retail dispensing locations of dispensaries licensed pursuant to chapter 329D.”

SECTION 5. Section 329D-27, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) No later than January 4, 2016, the department shall adopt interim rules, which shall be exempt from chapter 91 and chapter 201M, to effectuate the purposes of this chapter; provided that the interim rules shall remain in effect until July 1, ~~[2025;]~~ 2027, or until rules are adopted pursuant to subsection (a), whichever occurs sooner.

(c) The department may amend the interim rules, and the amendments shall be exempt from chapters 91 and 201M, to effectuate the purposes of this chapter; provided that any amended interim rules shall remain in effect until July 1, ~~[2025;]~~ 2027, or until rules are adopted pursuant to subsection (a), whichever occurs sooner.”

SECTION 6. Act 241, Session Laws of Hawaii 2015, section 14, as amended by Act 41, Session Laws of Hawaii 2017, section 11, as amended by Act 159, Session Laws of Hawaii 2018, section 4, is amended to read as follows:

“SECTION 14. For the purposes of effectuating this Act, the personnel hired and the contracts entered into by the department of health, pursuant to this Act, shall be exempt from chapter 76, Hawaii Revised Statutes, for a period beginning on July 1, 2015, and ending on June 30, ~~[2025;]~~ 2029; provided that:

- (1) All personnel actions taken pursuant to this Act by the department of health after June 30, ~~[2025;]~~ 2029, shall be subject to chapter 76, Hawaii Revised Statutes, as appropriate; and
- (2) Any employee hired by the department of health to effectuate this Act, who occupies a position exempt from civil service on July 1, ~~[2025;]~~ 2029, shall:
 - (A) Be appointed to a civil service position; and
 - (B) Not suffer any loss of prior service credit, vacation or sick leave credits previously earned, or other employee benefits or privileges;

provided that the employee possesses the minimum qualifications and public employment requirements for the class or position to which appointed; provided further that subsequent changes in status shall be made pursuant to applicable civil service and compensation laws.”

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 8. This Act shall take effect upon its approval; provided that sections 3 and 4 shall take effect retroactive to January 1, 2025.

(Approved May 14, 2025.)

Notes

1. Prior to amendment, "this" appeared here.
2. Edited pursuant to HRS §23G-16.5.

ACT 47

S.B. NO. 1318

A Bill for an Act Relating to Water Pollution.

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

SECTION 1. Section 200-14, Hawaii Revised Statutes, is amended to read as follows:

"§200-14 Violation of chapter or rules; penalty. (a) 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.]~~ in chapter 291D. A person found to have committed 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) Notwithstanding the provisions of subsection (a), 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, 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 any vessel that violates the rules of the department shall be fined not more than \$10,000 for each day of violation.]~~

(d)] (c) 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)] (d) 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 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved May 14, 2025.)

ACT 48

H.B. NO. 1017

A Bill for an Act Relating to the Greenhouse Gas Sequestration Task Force.

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

SECTION 1. Section 201-12.8, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Subject to legislative appropriation, moneys from the fund may be expended by the Hawaii state energy office for the following purposes and used for no other purposes, except for those set forth in this section:

- (1) To support the Hawaii clean energy initiative program and projects that promote and advance dependable and affordable energy, renewable energy, energy efficiency, energy self-sufficiency, and greater energy security and resiliency for the State and public facilities;
- (2) To fund, to the extent possible, the climate change mitigation and adaptation commission [~~and the greenhouse gas sequestration task force~~];
- (3) To support achieving the zero emissions clean economy target set forth in section 225P-5;
- (4) To fund projects and incentives to promote the adoption of clean transportation technologies, develop clean vehicle charging infrastructure, and upgrade infrastructure to support the development of clean vehicle charging infrastructure; and
- (5) To fund, to the extent possible, the duties of the state building code council in section 107-24, as they relate to the development of energy conservation codes.”

SECTION 2. Section 225P-4, Hawaii Revised Statutes, is repealed.

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

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

(Approved May 14, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 49

S.B. NO. 1467

A Bill for an Act Relating to Tax Appeals.

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

SECTION 1. Section 232-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Any protesting taxpayer who would incur a total tax liability, not including penalties and interest, of less than \$1,000, by reason of the protested assessment or payment in question, may elect to employ the procedure established by this section upon:

- (1) Payment per taxpayer of a nonrefundable filing fee set pursuant to rules adopted by the supreme court, which shall not exceed \$25; and
- (2) Filing with the tax appeal court a written statement of the facts in the case, together with a waiver of the right to further appeal.

The tax appeal court shall cause a notice of the appeal and a copy of the statement to be served on the director of taxation and in the case of an appeal involving the department of taxation, or on the real property assessment division of the county involved in the case of an appeal [from a decision] involving [a] the county [as a party, the real property assessment division of the county involved], or upon both the director of taxation and the real property assessment division of the county involved in the case of an appeal involving both the department of taxation and the county.”

SECTION 2. Section 232-16, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A taxpayer or county may appeal directly to the tax appeal court without appealing to the state taxation board of review or any equivalent administrative body established by county ordinance; provided that a taxpayer appealing a real property tax assessment shall first obtain a decision from an administrative body established by county ordinance, before appealing to the tax appeal court, if county ordinance requires a taxpayer to do so. An appeal permitted by law to the tax appeal court is properly commenced by filing, on or before the date fixed by law for the taking of the appeal, a written notice of appeal in the office of the tax appeal court and by service of the notice of appeal on the director of taxation [and,] in the case of an appeal involving the department of taxation, or on the real property assessment division of the county involved in the case of an appeal [from a decision] involving the county [as a party, the real property assessment division of the county involved], or upon both the director of taxation and the real property assessment division of the county involved in the case of an appeal involving both the department of taxation and the county. An appealing taxpayer shall also pay the costs in the amount fixed by section 232-22.”

SECTION 3. Section 232-17, Hawaii Revised Statutes, is amended to read as follows:

“**§232-17 Appeals from taxation board of review to tax appeal court.** An appeal shall lie to the tax appeal court from the decision of the state taxation board of review, or equivalent administrative body established by county ordinance. An appeal to the tax appeal court shall be properly commenced by the filing, by the taxpayer, county, or director of taxation, of a written notice of appeal in the office of the tax appeal court within thirty days after the filing of the decision of the state taxation board of review or an equivalent county ad-

ministrative body, and, in the case of any appealing taxpayer, the payment of the costs of court in the amount fixed by section 232-22, and service of the notice of appeal on the director of taxation ~~[and,] in the case of an appeal involving the department of taxation, or on the real property assessment division of the county involved~~ in the case of an appeal ~~[from a decision]~~ involving the county ~~[as a party, the real property assessment division of the county involved,], or upon both the director of taxation and the real property assessment division of the county involved in the case of an appeal involving both the department of taxation and the county.~~ A notice of appeal shall be sufficient if it states that the taxpayer, county, or director of taxation appeals from the decision of the state taxation board of review, or an equivalent county administrative body, to the tax appeal court and may be amended at any time. The appeal shall bring up for determination all questions of fact and all questions of law, including constitutional questions involved in the appeal.

In case of an appeal by the county or director of taxation, a copy of the notice of appeal shall be forthwith delivered or mailed to the taxpayer concerned or to the clerk of the county concerned in the manner provided in section 232-7 for giving notice of decisions.

An appeal shall be deemed to have been taken in time, and properly commenced, if the notice thereof and costs, if any, and the copy or copies of the notice ~~[shall]~~ have been deposited in the mail, postage prepaid, properly addressed to the tax appeal court, ~~[director of taxation,]~~ taxpayer or taxpayers, and~~[-]~~ director of taxation or, if relevant, the real property assessment division of the county involved, respectively, within the time period provided by this section.”

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

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

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

(Approved May 14, 2025.)

ACT 50

S.B. NO. 1443

A Bill for an Act Relating to the Department of Health.

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

SECTION 1. Chapter 334, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

“§334- Psychiatric facility; procurement of and payment of expenses for medical care and long-term care. (a) Rates of payments for medical care for patients of the Hawaii state hospital and for patients under the custody of the director at a psychiatric facility other than the Hawaii state hospital shall be limited to the Hawaii medicaid fee schedule or the provider’s billed amount, whichever is less.

(b) The department may establish rates of payment for long-term care services provided for patients who are discharged to a long-term care facility

from the Hawaii state hospital or from a psychiatric facility other than the Hawaii state hospital where they were under the custody of the director.

(c) The department shall be exempt from chapter 103F for the procurement of medical care for patients of the Hawaii state hospital and for patients of a psychiatric facility other than the Hawaii state hospital who are under the custody of the director, and for the procurement of long-term care for patients discharged to a long-term care facility from the Hawaii state hospital or from a psychiatric facility other than the Hawaii state hospital where they were under the custody of the director.

(d) For the purposes of this section:

“Long-term care” means care provided by a long-term care facility.

“Long-term care facility” has the same meaning as defined in section 349-21.

“Medical care” means examination, diagnosis, or treatment for medical and dental conditions, including outpatient and hospital-based services as well as appliances and supplies deemed clinically necessary by the department. “Medical care” does not include long-term care.”

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

SECTION 3. New statutory material is underscored.¹

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

(Approved May 14, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 51

S.B. NO. 1438

A Bill for an Act Relating to Home Care Agencies.

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

SECTION 1. Section 321-14.8, Hawaii Revised Statutes, is amended to read as follows:

“§321-14.8 Home care agencies; licensing. (a) Beginning July 1, 2010, each home care agency shall be licensed by the department of health to ensure the health, safety, and welfare of clients.

(b) The department of health shall adopt ~~interim rules, which shall be exempt from chapters 91 and 201M, to effectuate the licensure of home care agencies; provided that the interim rules shall remain in effect until the sooner of October 1, 2018, or the adoption of~~ rules pursuant to chapters 91 and 201M to:

(1) Protect the health, safety, and civil rights of clients of home care agencies; and

(2) Provide for the licensure of home care agencies.

(c) A service provider agency shall be exempt from the licensing requirement of this section when services are provided:

- (1) Under contract for services with the city and county of Honolulu, elderly affairs division[;] of the department of community services;
or
- (2) Exclusively to participants in the medicaid home and community based services waiver, pursuant to section 1915(c) of the Social Security Act, by an agency approved by the department of human services med-QUEST division.

(d) A home care agency shall only provide home care services or related tasks, functions, and activities in accordance with its license, and shall not provide services authorized by chapter 457 unless those services are provided by a registered nurse, a licensed practical nurse, or an advanced practice registered nurse.

(e) Violations of this section shall be subject to the penalties and remedies provided in this chapter and rules adopted by the department of health.

~~[(d)]~~ (f) For the purposes of this section:

“Home care agency” means a public or proprietary agency, a private, nonprofit organization, or a subdivision of an agency or organization, engaged in providing home care services to clients in the client’s residence. ~~[The term “home care agency”]~~ “Home care agency” does not apply to an individual, including an individual who is incorporated as a business, or is an unpaid or stipended volunteer.

“Home care services” may include ~~[but are not limited to]:~~

- (1) Personal care, including assistance with dressing, feeding, and personal hygiene to facilitate self-care;
- (2) Homemaker assistance, including housekeeping, shopping, and meal planning and preparation; and
- (3) Respite care and assistance and support provided to the family.”

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 15, 2025.)

ACT 52

S.B. NO. 1360

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

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

SECTION 1. The purpose of this Act is to maintain the employees’ retirement system of the State of Hawaii’s (the “system”) federal tax qualification requirements by conforming chapter 88, Hawaii Revised Statutes, to the updated requirements of the Internal Revenue Code of 1986, as amended, regarding automatic disbursements, including required minimum distributions, by the SECURE 2.0 Act of 2022.

SECTION 2. Section 88-74.7, Hawaii Revised Statutes, is amended to read as follows:

“§88-74.7 Commencement of benefits on required beginning date. (a) The purpose of this section is to provide for distribution of benefits in accordance with a reasonable and good faith interpretation of section 401(a)(9) of the Internal Revenue Code. Section 401(a)(9) of the Internal Revenue Code re-

quires that the “entire interest” of a member be distributed or that distribution of the member’s benefits begin no later than the member’s “required beginning date”~~[-], as defined in section 401(a)(9) of the Internal Revenue Code of 1986, as amended.~~

~~[(b)]~~ For the purposes of this section, “required beginning date” means April 1 of the calendar year following the calendar year in which a member terminates service or attains age seventy and one-half, whichever is later.

~~(e)]~~ (b) A member or former member’s accumulated contributions or hypothetical account balance, as defined in section 88-311, shall be paid to the member or former member, or payment of the benefits payable under part II, VII, or VIII of this chapter shall commence, no later than the member’s or former member’s required beginning date. The payment or payments shall be made on, or beginning no later than, the member’s or former member’s required beginning date even if the member or former member does not apply for payment or file a retirement application.

~~[(d)]~~ (c) If, by a member’s or former member’s required beginning date:

- (1) The member or former member’s accumulated contributions or hypothetical account balance, as defined in section 88-311, are not paid to the member or former member; or
- (2) Payment of the benefits payable under part II, VII, or VIII of this chapter do not commence,

the system shall pay the service retirement benefits for which the member or former member is eligible pursuant to part II, VII, or VIII of this chapter, as applicable, retroactive to the member’s or former member’s required beginning date with regular interest.

~~[(e)]~~ (d) If the system does not receive a written election from the member or former member under section 88-83, 88-283, or 88-333, as applicable, prior to the later of the member’s or former member’s required beginning date or sixty days following the receipt by the member or former member of notice from the system that the member or former member is required to make an election, the following election shall be deemed to have been made as of the member or former member’s required beginning date:

- (1) If the member or former member is unmarried or has no reciprocal beneficiary, the member or former member shall be deemed to have elected the maximum retirement allowance; or
- (2) If the member or former member is married or has a reciprocal beneficiary, the member or former member shall be deemed to have elected option 3 under section 88-83, or option A under section 88-283, as applicable, and to have designated the member’s or former member’s spouse or reciprocal beneficiary as the member’s or former member’s beneficiary;

provided that if the system receives the written election after the member’s or former member’s required beginning date, but within sixty days following receipt by the member or former member of notice from the system that the member or former member is required to make the election, the written election shall apply, and the member’s or former member’s retirement benefit shall be recomputed, based on the written election, retroactive to the member or former member’s required beginning date. The amount of any underpayment resulting from recomputing the benefit shall bear regular interest. If recomputing the benefit results in an overpayment, payments shall be adjusted so that the actuarial equivalent of the benefit to which the member or former member was correctly entitled shall be paid.

~~[(f)]~~ (e) If the system does not have current information about the member's or former member's marital or reciprocal beneficiary status at the time of a deemed election, the following presumptions shall apply:

- (1) If the member or former member was married or had a reciprocal beneficiary at the time the member or former member last provided information to the system about the member's or former member's marital or reciprocal beneficiary status, it shall be presumed that the member or former member is still married to the same spouse or is in the same reciprocal beneficiary relationship. If the system does not have information as to the age of the spouse or reciprocal beneficiary, the spouse or reciprocal beneficiary shall be presumed to be forty years younger than the member or former member for purposes of computing the member's or former member's benefit; and
- (2) If the member or former member was unmarried and did not have a reciprocal beneficiary at the time the member or former member last provided information to the system about the member or former member's marital status, it shall be presumed that the member or former member is married and that the spouse of the member or former member is forty years younger than the member or former member.

~~[(g)]~~ (f) The presumptions in subsection ~~[(f)]~~ (e) shall cease to apply when the member or former member provides the system with current information as to the member's or former member's marital or reciprocal beneficiary status and the age of the member or former member's spouse or reciprocal beneficiary, if any, on the member's or former member's required beginning date. The information shall be provided in a form satisfactory to the system. At that time, the member's or former member's retirement allowance shall be recomputed, retroactive to the member's or former member's required beginning date, based on the updated information; provided that, except as provided in subsection ~~[(e)]~~, (d), the member or former member shall not be permitted to change the member's or former member's retirement allowance option election or beneficiary; provided further that the benefit being paid to any member or former member who, on the member's or former member's required beginning date, was unmarried and did not have a reciprocal beneficiary, but who was deemed to elect option 3 or option A with an assumed spouse or reciprocal beneficiary, shall be converted to the maximum retirement allowance retroactive to the member's or former member's required beginning date. The amount of any underpayment resulting from recomputing the benefit shall bear regular interest. If recomputing the benefit results in an overpayment, payments shall be adjusted so that the actuarial equivalent of the benefit to which the member or former member was correctly entitled shall be paid.

~~[(h)]~~ (g) If the system cannot locate the member or former member, the member's or former member's benefit shall be payable only until the end of the member's or former member's life expectancy, as determined at the member's or former member's required beginning date. If the member or former member has not by that time made a claim for benefits, the member or former member shall be deemed to be deceased at that time. Interest under subsection ~~[(d)]~~ (c) shall cease on benefits presumed to be abandoned property, pursuant to part I of chapter 523A, upon payment of the property to the administrator under part I of chapter 523A.

[~~(4)~~] (h) Rules necessary for the purposes of this section shall be adopted as provided in section 88-22.5.”

SECTION 3. Section 88-321, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Notwithstanding any other law to the contrary:

- (1) A class C member who returns to service after June 30, 2006, and who does not return to service as a class A or class B member shall become a class H member upon return to service; provided that, if the member is a former class A or class B member who received a refund of contributions picked up and paid by the member’s employer pursuant to section 88-46(b), the member may not become a class H member and shall return to service as a class C member, unless the refund was made pursuant to section 88-96 or 88-271(b);
- (2) A class A or a class B member, who returns to service after June 30, 2006, but does not have vested benefit status as provided in section 88-96(b) and who does not return to service as a class A or class B member, shall become a class H member upon return to service and the member’s credited service as a class A or B member shall be converted to class C credited service. The system shall return to the member the member’s accumulated contributions if the member’s accumulated contributions are \$1,000 or less at the time of distribution. If the member’s accumulated contributions for the class A or B credited service that was converted to class C credited service are greater than \$1,000 and the member does not make written application, contemporaneously with the member’s return to service, for return of such contributions, the member, except as provided by section 88-341, may not withdraw the member’s accumulated contributions for the class A or B credited service that was converted to class C credited service until the member retires or ~~[attains age sixty-two;]~~ pursuant to sections 88-22.5 and 88-74.7;
- (3) A class A member who returns to service after June 30, 2008, with vested benefit status and who does not return to service as a class B member shall return to service as a class A member; and
- (4) A class B member who returns to service after June 30, 2008, with vested benefit status and who does not return to service as a class B member shall return to service as a class A member.”

SECTION 4. Section 88-341, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any class H member who ceases to be an employee and who became a member before July 1, 2012, and has fewer than five years of credited service, excluding unused sick leave, or who becomes a member after June 30, 2012, and has fewer than ten years of credited service, excluding unused sick leave, shall, upon application to the board, be paid all of the former employee’s accumulated contributions, and the former employee’s membership shall thereupon terminate and all credited service shall be forfeited; provided that an individual shall not be paid the individual’s accumulated contributions if either:

- (1) The individual becomes an employee again within fifteen calendar days from the date the individual ceased to be an employee; or
- (2) At the time the application for return of accumulated contributions is received by the board, the individual has become an employee again.

Regular interest shall be credited to the former employee's account until the former employee's accumulated contributions are withdrawn; provided that the former employee's membership shall not continue after the fourth full year following the calendar year in which the individual's employment terminates. If the former employee does not become an employee again and has not withdrawn the former employee's accumulated contributions, the system shall return the former employee's accumulated contributions to the former employee ~~[as soon as possible after the later of: (A) the former employee attaining age sixty-two; or (B) the termination of the former employee's membership.] pursuant to sections 88-22.5 and 88-74.7."~~

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 May 15, 2025.)

ACT 53

S.B. NO. 869

A Bill for an Act Relating to Community Outreach Boards.

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

SECTION 1. The legislature finds that county neighborhood and advisory boards provide local communities with opportunities to participate in government. Likewise, boards created for the purpose of community outreach, such as the Hawaii county community development plan action committees, serve as an intermediary between residents and government leaders to understand local concerns, gather and disseminate information, and create solutions in a collaborative environment. However, because such boards are not specific to one neighborhood, it is not clear that they are "neighborhood boards" and thus entitled to use the special provisions set out for neighborhood boards in part VII of chapter 92, Hawaii Revised Statutes. As community outreach boards serve as a grassroots tool, ensuring open access to board activities is essential to thriving communities statewide.

Therefore, the purpose of this Act is to:

- (1) Define "community outreach board";
- (2) Include community outreach boards in existing provisions of the sunshine law that relate to neighborhood boards; and
- (3) Authorize neighborhood board and community outreach board members to attend meetings or presentations related to official board business statewide.

SECTION 2. Chapter 92, Hawaii Revised Statutes, is amended by adding a new section to part VII to be appropriately designated and to read as follows:

"§92- Definition. As used in this part, "community outreach board" means a board established to serve in a community advisory capacity under a county commission or a county department."

SECTION 3. Chapter 92, Hawaii Revised Statutes, is amended by amending the title of part VII to read as follows:

**“~~[[[PART VII.]]] NEIGHBORHOOD BOARD;~~
COMMUNITY OUTREACH BOARD”**

SECTION 4. Section 92-81, Hawaii Revised Statutes, is amended as follows:

1. By amending its title and subsections (a) and (b) to read:

“~~[[[§92-81]]] Neighborhood board; community outreach board; notice and agenda; public input; quorum.~~ (a) ~~[Any contrary provision in this chapter notwithstanding,]~~ Notwithstanding any provision in this chapter to the contrary, the provisions of this part shall apply to neighborhood boards and community outreach boards overseen by a neighborhood commission of the city and county of Honolulu, and ~~[such]~~ other neighborhood boards and community outreach boards as may be created in other counties and overseen by a county-based commission~~[-]~~ or county-based department.

(b) The agenda required to be included in written public notice of a ~~[neighborhood]~~ board meeting may include an opportunity for the board to receive public input on issues not specifically noticed for consideration at the forthcoming meeting.”

2. By amending subsection (d) to read:

“(d) A quorum for a meeting of a neighborhood board or community outreach board shall be required for:

- (1) Conducting official board business;
- (2) Discussions ~~[prior to]~~ before and related to voting; and
- (3) Voting required to validate an act of the board as part of official board business.

A neighborhood board or community outreach board may receive information or testimony on a matter of official board business without a quorum; provided that the board shall not make a decision on the issue. The board members, at the next meeting of the ~~[neighborhood]~~ board, shall report the matters presented as information or testimony.”

SECTION 5. Section 92-82, Hawaii Revised Statutes, is amended to read as follows:

“§92-82 Permitted interactions of neighborhood board and community outreach board members. (a) Neighborhood board and community outreach board members may attend meetings or presentations ~~[located on Oahu]~~ on matters relating to official board business; provided that the meeting or presentation is open to the public, does not charge a fee or require registration, and is not specifically and exclusively organized for or directed toward members of the board; ~~[and]~~ provided further that no member ~~[makes]~~ shall make a commitment to vote on any of the issues discussed.

(b) Neighborhood board and community outreach board members who attend meetings or presentations allowed by subsection (a) may ask questions relating to official board business of persons other than fellow board members.”

SECTION 6. Section 92-83, Hawaii Revised Statutes, is amended to read as follows:

“~~§§92-83~~ Neighborhood board meeting; community outreach board meeting; unanticipated events; public interest. An unanticipated event that occurs after public notice of a neighborhood board or community outreach board meeting has been issued, but before the scheduled meeting, may be the subject of discussion at the scheduled meeting if timely action on the matter is necessary for public health, welfare, and safety. At a duly noticed meeting, a board may take action on an unanticipated event in the public interest that is not on the agenda in the same manner as if the board had held an emergency meeting to take action on the issue, pursuant to section 92-8.”

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

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

(Approved May 15, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 54

S.B. NO. 1359

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

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

SECTION 1. Section 87A-33, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The base composite monthly contribution shall be adjusted annually, beginning January 1, ~~[2015. The]~~ 2026, by increasing the base composite monthly contribution in effect on January 1, 2025, by 5.2 per cent. Thereafter, the adjusted base composite monthly contribution for each new plan year (January 1 until December 31) shall be calculated by increasing or decreasing the base composite monthly contribution in effect through the end of the previous plan year by the percentage increase or decrease in the medicare part B premium rate for [those years,] the previous plan year, which percentage shall be calculated by dividing the medicare part B premium rate in effect at the beginning of the [new] previous plan year by the rate in effect at the beginning of the year prior to the previous plan year.

As used in this subsection, “medicare part B premium rate” means the rate published in the Federal Register each year on November 1 or on the business day closest to November 1 of each year after the medicare part B premium rate has been established by the United States Secretary of Health and Human Services and approved by the United States Congress.”

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 15, 2025.)

ACT 55

S.B. NO. 1361

A Bill for an Act Relating to the Employees' Retirement System's Employer Reporting Review.

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

SECTION 1. The purpose of this Act is to extend the deadline for the pre-payment and reporting of employer contributions by departments or agencies of the State or counties that failed to provide the information required by the employees' retirement system in the required format.

SECTION 2. Section 88-103.7, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:

“(c) If a department or agency of the State or county fails to furnish the system with the information required pursuant to this section in the format required by the system, the State or county shall pay to the system, on the first day of the fiscal year ~~[following]~~ that is one year after the end of the fiscal year in which the failure to furnish the required information occurred, an amount equal to the employer contributions payable by the State or county, relative to the department or agency that is not in compliance with this section, during the fiscal year in which the failure to furnish the required information occurred. This amount shall be applied to contributions required under section 88-124 for the State and section 88-126 for the counties.”

2. By amending subsection (f) to read:

“(f) The system shall annually submit to the department of budget and finance and the legislature, not later than twenty days prior to the convening of each regular session, a report that details the following for the ~~[current]~~ previous fiscal year:

- (1) Any department or agency of the state or counties that failed to comply with this section; and
- (2) Any amounts required to be paid under subsection (c), including the anticipated amounts payable in the upcoming fiscal year, and identification of any state budget programs that may be affected.”

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 15, 2025.)

A Bill for an Act Relating to the Early Childhood Educator Special Fund.

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

SECTION 1. Section 302L-9, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) [~~Stipend~~] Beginning on July 1, 2023, stipend funds repaid by a stipend recipient pursuant to subsection (d) shall be deposited into [~~Hawaii early childhood educator~~] the early learning special fund established pursuant to section [~~302L-10.~~] 302L-5.”

SECTION 2. Section 302L-10, Hawaii Revised Statutes, is repealed.

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

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

(Approved May 15, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

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 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 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 or bicultural school-home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work study assistants, alternative school 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~~] 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 corrections and rehabilitation, with the approval of the governor; two administrative 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] 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 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] 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 or project development director, policy director, special assistant to the director, and limited English proficiency project 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;
 - (36) In the social services division of the department of human services, the business technology analyst;
 - (37) The executive director and staff of the 911 board;
 - ~~[(38)]~~ ~~Senior]~~ The software developer supervisor and senior software developers in the department of taxation;
 - ~~[(39)]~~ In the department of law enforcement, five Commission on Accreditation for Law Enforcement Agencies, Inc., coordinator positions;
 - ~~[(40)]~~ The state fire marshal; ~~and~~
 - ~~[(41)]~~ The administrator for the law enforcement standards board[.]; and
 - (42) In the office of the director of taxation, the data privacy officer and tax business analysts.

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 May 15, 2025.)

ACT 58

H.B. NO. 1146

A Bill for an Act Relating to Pass-Through Entity Taxation.

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

SECTION 1. Section 235-51.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(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 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. Any qualified member claiming a credit shall add to the qualified member’s taxable income the qualified member’s share of taxes paid by an electing pass-through entity under this section.”

SECTION 2. New statutory material is underscored.

SECTION 3. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2024.

(Approved May 15, 2025.)

ACT 59

S.B. NO. 1411

A Bill for an Act Relating to Medicaid Third Party Liability.

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

SECTION 1. The legislature finds that section 202 of division P of the Consolidated Appropriations Act, 2022, amended section 1902(a)(25)(I) of the Social Security Act to require state medicaid programs to have state laws in place that bar responsible third-party payers, other than medicare plans, from refusing payment for an item or service solely on the basis that the item or service did not receive prior authorization under the third-party payer's rules. The amendments also modified the requirement for a third-party payer to respond to a state inquiry regarding a health claim that is submitted no later than three years after the provision of the item or service to specify that the third party must respond within sixty days of receiving the inquiry.

Accordingly, the purpose of this Act is to amend state law to comply with the federal requirements amended pursuant to section 202 of division P of the Consolidated Appropriations Act, 2022.

SECTION 2. Section 431L-2.5, Hawaii Revised Statutes, is amended to read as follows:

“§431L-2.5 Insurer requirements. Any health insurer as identified in section 431L-1 shall:

- (1) Provide upon the request of the State, information for all of its members to determine during what period the individual or ~~the~~ individual's spouse or dependents may be or may have been covered by a health insurer and the nature of the coverage that is or was provided by the health insurer, including the name, address, and identifying number of the plan in a manner prescribed by the State;
- (2) Beginning in 2014, provide to an independent, third party entity, no more than quarterly, a report listing its members. The third party entity shall match this report with one provided by the department of human services and provide the department of human services with third party liability information for medical assistance recipients. The department of human services shall determine the minimum data required to ensure the validity of matches, which may include name, date of birth, and social security number, as available. The information provided by the health insurers to the third party entity shall not be used for any purpose other than that specified in this chapter. The department of human services shall provide for representation by private health insurers in evaluating the qualifications of potential third party entities and determining the minimum data fields for matching;

- (3) Accept the State's right of recovery and the assignment to the State of any right of an individual or other entity to payment from the party for a health care item or service for which payment has been made for medical assistance under title 42 United States Code section 1396a (section 1902 of the Social Security Act);
- (4) Respond to any inquiry by the State within sixty calendar days regarding a payment of a claim for ~~payment for~~ any health care item or service that is submitted ~~[not]~~ no later than three years after the date of the provision of the health care item or service; ~~and~~
- (5) Agree not to deny a claim submitted by the State solely on the basis of the date of submission of the claim~~[-]~~; the type or format of the claim form~~[-, -or]~~; a failure to present proper documentation at the point-of-sale that is the basis of the claim~~[-]~~; or, in the case of a responsible third party, a failure to obtain a prior authorization for the item or service for which the claim is being submitted if:
 - (A) The claim is submitted by the State within the three-year period beginning on the date on which the health care item or service was furnished; and
 - (B) Any action by the State to enforce its rights with respect to the claim is commenced within six years of the State's submission of the claim~~[-]~~; and
- (6) Agree, when a responsible third party requires prior authorization for an item or a service furnished to an individual eligible to receive medical assistance under the state medical assistance program, to accept authorization provided by the state medical assistance program that the item or service is covered under the state medical assistance program for that individual, as if the authorization were the prior authorization made by the third party for the item or service."

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 15, 2025.)

ACT 60

S.B. NO. 946

A Bill for an Act Relating to Wastewater Management.

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

SECTION 1. Section 342D-50.5, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~§342D-50.5]~~—Treated~~ Wastewater or raw sewage; prohibition. (a) Notwithstanding any other law to the contrary, no person~~[-, including any public body,] or treatment plant~~ shall discharge any ~~[treated] wastewater~~ or raw sewage into state waters after December 31, 2026; provided that this section shall not apply to a ~~[sewage] person or treatment plant~~ that:

- (1) ~~Utilizes sewage to produce clean energy pursuant to section 196-10.5; and~~
- (2) ~~Is~~ is in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director.

- (b) Nothing in this section shall be construed to:
- (1) Prohibit the use of reclaimed or recycled water for a beneficial purpose as provided by law; or
- (2) Allow the discharge of ~~[treated]~~ wastewater or raw sewage into state waters in violation of any federal statute, rule, or regulation.”

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

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

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

(Approved May 16, 2025.)

ACT 61

S.B. NO. 1369

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 432:1-407, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) Each domestic mutual benefit society shall prepare and submit for review by the commissioner on or before the forty-fifth day ~~[of]~~ after each [quarter] of the first three calendar quarters, and for the fourth calendar quarter ending December 31, on or before the next March 1, a copy of its quarterly net solvency report verified by at least two principal officers. The commissioner may prescribe the forms on which the reports are to be prepared. Each domestic mutual benefit society shall maintain a copy of its current net solvency report on the premises of its primary place of business. The commissioner may order an examination, subject to article 2 of chapter 431, to determine whether a domestic mutual benefit society is in compliance with this section. Any domestic mutual benefit society that fails or refuses to prepare or ~~[produce]~~ submit for review the quarterly net solvency report as required by this subsection shall be liable for a penalty in an amount ~~[not]~~ no less than \$100 and ~~[not]~~ no more than \$500 per day.”

SECTION 2. Section 432D-8, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) Each health maintenance organization shall prepare and submit for review by the commissioner on or before the forty-fifth day ~~[of]~~ after each [quarter] of the first three calendar quarters, and for the fourth calendar quarter ending December 31, on or before the next March 1, a copy of its quarterly net solvency report verified by at least two principal officers. The commissioner may prescribe the forms on which the reports are to be prepared. Every health maintenance organization shall maintain a copy of its current net solvency report on the premises of its primary place of business. The commissioner may order an examination, subject to article 2 of chapter 431, to determine whether a health maintenance organization is in compliance with this section. Any health maintenance organization that fails or refuses to prepare or ~~[produce]~~ submit for review

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the quarterly net solvency report as required by this subsection shall be liable for a penalty in an amount ~~[not]~~ no less than \$100 and ~~[not]~~ no more than \$500 per day.”

SECTION 3. Section 432G-6, Hawaii Revised Statutes, is amended by amending subsections (g) and (h) to read as follows:

“(g) Each dental insurer shall prepare and submit for review by the commissioner on or before the forty-fifth day ~~[of]~~ after each ~~[quarter,] of the first three calendar quarters, and for the fourth calendar quarter ending December 31, on or before the next March 1,~~ a copy of its quarterly net solvency report verified by at least two principal officers. The commissioner may prescribe the forms on which the reports are to be prepared. Every dental insurer shall maintain a copy of its current net solvency report on the premises of its primary place of business.

(h) The commissioner may order an examination, subject to article 2 of chapter 431, to determine whether a dental insurer is in compliance with this section. Any dental insurer that fails or refuses to prepare or ~~[produce]~~ submit for review the quarterly net solvency report or any of the documents as required by this section shall be liable for a penalty pursuant to section 432G-4(c).”

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

SECTION 5. This Act shall take effect on October 1, 2025.

(Approved May 16, 2025.)

ACT 62

S.B. NO. 1441

A Bill for an Act Relating to the Transition of the Oahu Regional Health Care System from the Hawaii Health Systems Corporation into the Department of Health.

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

PART I

SECTION 1. The legislature finds that Act 212, Session Laws of Hawaii 2021, required the transfer of the Oahu regional health care system (Oahu region) from the Hawaii health systems corporation to the department of health due to the logistical complexities of the Oahu region facilities and the limited but crucial nature of the services these facilities, Leahi Hospital and Maluhia, currently provide. The legislature further finds that it is more appropriate for the department of health and Oahu region to form a partnership to assist with the needs of patients from the Hawaii state hospital.

Accordingly, the purpose of this Act is to:

- (1) Repeal the requirement to transfer the Oahu region from the Hawaii health systems corporation to the department of health;
- (2) Repeal certain changes to the Hawaii Revised Statutes that were made by Act 212, Session Laws of Hawaii 2021;
- (3) Require the Oahu region and the department of health to enter into a formal memorandum of agreement regarding the care of certain psychiatrically stable patients transferred or discharged from the

- Hawaii state hospital to an appropriate Oahu region facility, subject to certain conditions; and
- (4) Require the Oahu region to submit a report to the legislature.

PART II

SECTION 2. Act 212, Session Laws of Hawaii 2021, as amended by section 2 of Act 150, Session Laws of Hawaii 2022, is amended as follows:

1. By amending sections 2 and 3 to read:

~~“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 four regional systems, as follows:~~

- ~~(1) The Kauai regional health care system;~~
- ~~(2) The Maui regional health care system;~~
- ~~(3) The east Hawaii regional health care system, comprising the Puna district, north Hilo district, south Hilo district, Hamakua district, and Kau district; and~~
- ~~(4) 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, and IV, respectively.”]~~
Repealed.

SECTION 3. ~~[Section 323F-3, Hawaii Revised Statutes, is amended to read as follows:~~

~~“§323F-3—Corporation board. (a) The corporation shall be governed by a fifteen-member board of directors that shall carry out the duties and responsibilities of the corporation other than those duties and responsibilities relating to the establishment of any captive insurance company pursuant to section 323F-7(c)(20) and the operation thereof.~~

~~(b) The members of the corporation board shall be appointed as follows:~~

- ~~(1) The director of health as an ex officio, voting member;~~
- ~~(2) The four regional chief executive officers as ex officio, nonvoting members;~~
- ~~(3) Three members who reside in the county of Maui, two of whom shall be appointed by the Maui regional system board and one of whom shall be appointed by the governor, all of whom shall serve as voting members;~~
- ~~(4) Two members who reside in the eastern section of the county of Hawaii, one of whom shall be appointed by the East Hawaii regional system board and one of whom shall be appointed by the governor, both of whom shall serve as voting members;~~
- ~~(5) Two members who reside in the western section of the county of Hawaii, one of whom shall be appointed by the West Hawaii regional system board and one of whom shall be appointed by the governor, both of whom shall serve as voting members;~~
- ~~(6) Two members who reside on the island of Kauai, one of whom shall be appointed by the Kauai regional system board and one of whom shall be appointed by the governor, both of whom shall serve as voting members;~~
- ~~(7) One member who shall be appointed by the governor and serve as an at-large voting member.~~

The appointed board members who reside in the county of Maui, eastern section of the county of Hawaii, western section of the county of Hawaii, and on the island of Kauai shall each serve for a term of four years; provided that the terms of the initial appointments of the members who are appointed by their respective regional system boards shall be as follows: one of the initial members from the county of Maui shall be appointed to serve a term of two years and the other member shall be appointed to serve a term of four years; the initial member from East Hawaii shall be appointed to serve a term of two years; the initial member from West Hawaii shall be appointed to serve a term of four years; and the initial member from the island of Kauai shall be appointed to serve a term of two years; and provided further that the terms of the initial appointments of the members who are appointed by the governor shall be four years. The at-large member appointed by the governor shall serve a term of two years.

Any vacancy shall be filled in the same manner provided for the original appointments. The corporation board shall elect its own chair from among its members. Appointments to the corporation board shall be as representative as possible of the system's stakeholders as outlined in this subsection. The board member appointments shall strive to create a board that includes expertise in the fields of medicine, finance, health care administration, government affairs, human resources, and law.

(c) The selection, appointment, and confirmation of any nominee shall be based on ensuring that board members have diverse and beneficial perspectives and experiences and that they include, to the extent possible, representatives of the medical, business, management, law, finance, and health sectors, and patients or consumers. Members of the board shall serve without compensation but may be reimbursed for actual expenses, including travel expenses, incurred in the performance of their duties.

(d) Any member of the board may be removed for cause by vote of a two-thirds majority of the board's members then in office. For purposes of this section, cause shall include without limitation:

- (1) Malfeasance in office;
- (2) Failure to attend regularly called meetings;
- (3) Sentencing for conviction of a felony, to the extent allowed by section 831-2; or
- (4) Any other cause that may render a member incapable or unfit to discharge the duties required under this chapter.

Filing nomination papers for elective office or appointment to elective office, or conviction of a felony consistent with section 831-3.1, shall automatically and immediately disqualify a board member from office.

(e) Upon completion of the transition of the Oahu regional health care system into the department of health, the corporation board shall have no legal relationship with the Oahu regional health care system or its facilities.^{2]}
Repealed."

2. By amending sections 6 to 10 to read:

"SECTION 6. [(a) The budget of the Oahu regional health care system shall be transferred from the Hawaii health systems corporation to the department of health; provided that:

- (1) The Oahu regional health care system's budget codes and all related allocated funds of the Oahu region shall be reflected in the state budget and all other related tables;
- (2) The organizational structure of the Oahu regional health care system shall remain unchanged, unless modified and approved by the working group established pursuant to section 9 of this Act, and as

approved by the conditions established in this part or as required by law; and

- (3) ~~During the transition period, all]~~ All requests for operational funds necessary for the Oahu regional health care system to maintain its operations at Leahi hospital and Maluhia shall be made by the Oahu regional health care system and shall be submitted with budget requests made by the Hawaii health systems corporation; provided further that, when appropriated, funding for the Oahu regional health care system shall be designated under HTH 215, the program ID assigned to the Oahu regional health care system.

~~[(b) The transfer of positions and respective class specifications of the Oahu region from the Hawaii health systems corporation's personnel system to the department of health, as set forth in the transition documents submitted by the working group established pursuant to section 9 of this Act no later than twenty days prior to the convening of the regular sessions of 2022 and 2025, shall be completed no later than December 31, 2025; provided that:~~

- (1) All employees of the Oahu region who are employed as of December 31, 2025, shall be transferred to the department of health before the transition of the Oahu regional health care system into the department of health is complete;
- (2) All employees of the Oahu region who occupy civil service positions shall be transferred to the department of health by this Act and retain their civil service status, whether permanent or temporary, and shall maintain their respective functions as reflected in their current position descriptions during the transition period; provided that any changes determined necessary by the working group established pursuant to section 9 of this Act shall follow standard union consultation process prior to implementation;
- (3) Employees shall be transferred without loss of salary; seniority, except as prescribed by applicable collective bargaining agreements; retention points; prior service credit; any vacation and sick leave credits previously earned; and other rights, benefits, and privileges, in accordance with state employment laws;
- (4) The personnel structure of the Oahu regional health care system shall remain unchanged, unless modified and approved by the working group and as approved by the conditions established pursuant to this Act;
- (5) Any employee who, prior to this Act, is exempt from civil service or collective bargaining and is transferred as a consequence of this Act shall be transferred without loss of salary and shall not suffer any loss of prior service credit, contractual rights, vacation or sick leave credits previously earned, or other employee benefits or privileges, and, except in the instance of discipline, shall be entitled to remain employed in the employee's current position for a period of no less than one year after the transition of the Oahu regional health care system into the department of health is complete;
- (6) The wages, hours, and other conditions of employment shall be negotiated or consulted, as applicable, with the respective exclusive representative of the affected employees, in accordance with chapter 89, Hawaii Revised Statutes; and
- (7) The rights, benefits, and privileges currently enjoyed by employees, including those rights, benefits, and privileges under chapters 76, 78, 87A, 88, and 89, Hawaii Revised Statutes, shall not be impaired or diminished as a result of these employees being transitioned to

the department of health pursuant to this Act. The transition to the department of health shall not result in any break in service for the affected employees. The rights, benefits, and privileges currently enjoyed by employees shall be maintained under their existing collective bargaining or other agreements and any successor agreement.]

SECTION 7. ~~[(a) The Oahu regional board shall, through the Oahu regional board chair, facilitate the transition of the Oahu region into the department of health as part of the working group established pursuant to section 9 of this Act and effectuate the assignment of all contracts and agreements in which the Oahu region is a party to the department of health.~~

~~(b) Notwithstanding any law to the contrary, the terms of the following members of the board of directors of the Hawaii health systems corporation shall expire on December 31, 2025:~~

- ~~(1) The regional chief executive officer of the Oahu regional health care system; and~~
- ~~(2) The two board members residing on the island of Oahu appointed pursuant to section 323F-3(b)(7), Hawaii Revised Statutes.]~~
Repealed.

SECTION 8. ~~[(a) During the transition planning period commencing on July 1, 2021, to and including the completion of the transition of the Oahu regional health care system into the department of health no later than December 31, 2025, the Oahu regional system board may:~~

- ~~(1) Develop and implement its own policies, procedures, and rules necessary or appropriate to plan, operate, manage, and control its facilities without regard to chapter 91, Hawaii Revised Statutes;~~
- ~~(2) Enter into and perform any contract, lease, cooperative agreement, partnership, or other transaction whatsoever that may be necessary or appropriate in the performance of its purposes and responsibilities, and on any terms the regional system board may deem appropriate with either:~~
 - ~~(A) Any agency or instrumentality of the United States, or with any state, territory, possession, or subdivision thereof; or~~
 - ~~(B) Any person, firm, association, partnership, or corporation, whether operated on a for-profit or not-for-profit basis; provided that the transaction furthers the public interest;~~
- ~~(3) Conduct activities and enter into business relationships the regional system board deems necessary or appropriate, including but not limited to:~~
 - ~~(A) Creating nonprofit corporations, including but not limited to charitable fundraising foundations, to be controlled wholly by the regional system board or jointly with others;~~
 - ~~(B) Establishing, subscribing to, and owning stock in business corporations individually or jointly with others; and~~
 - ~~(C) Entering into partnerships and other joint venture arrangements, or participating in alliances, purchasing consortia, health insurance pools, or other cooperative agreements, with any public or private entity; provided that any corporation, venture, or relationship entered into under this subsection shall further the public interest;~~
- ~~(4) Execute, in accordance with all applicable bylaws, rules, and laws, all instruments necessary or appropriate in the exercise of any powers of the regional system board;~~

- (5) Make and alter regional system board bylaws and rules for its organization and management without regard to chapter 91, Hawaii Revised Statutes;
- (6) Enter into any contract or agreement whatsoever, not inconsistent with the laws of the State, execute all instruments, and do all things necessary or appropriate in the exercise of the powers granted under chapter 323F, Hawaii Revised Statutes, including securing the payment of bonds; provided that contracts or agreements executed by the regional system board shall only encumber the regional subaccounts of the regional system board;
- (7) Own, purchase, lease, exchange, or otherwise acquire property, whether real, personal, or mixed, tangible or intangible, and any interest therein, in the name of the regional system board; provided that the regional system board shall be subject to the requirements of section 323F-3.5, Hawaii Revised Statutes;
- (8) Contract for and accept any gifts, grants, and loans of funds or property, or any other aid in any form from the federal government, the State, any state agency, or any other source, or any combination thereof, in compliance, subject to chapter 323F, Hawaii Revised Statutes, with the terms and conditions thereof; provided that the regional system board shall be responsible for contracting for and accepting any gifts, grants, loans, property, or other aid if intended to exclusively benefit the Oahu region public health facilities and operations;
- (9) Provide health and medical services to the public directly or by agreement or lease with any person, firm, or private or public corporation, partnership, or association through or in the health facilities of the regional system board or otherwise; provided that the regional system board shall be responsible for conducting the activities under this paragraph solely within the Oahu regional system;
- (10) Approve medical staff bylaws, rules, and medical staff appointments and reappointments for all public health facilities of the regional system board, including but not limited to determining the conditions under which a health professional may be extended the privilege of practicing within a health facility, as determined by the regional system board, and adopting and implementing reasonable rules, without regard to chapter 91, Hawaii Revised Statutes, for the credentialing and peer review of all persons and health professionals within the facility; provided that the regional system board shall be the governing body responsible for all medical staff organization, peer review, and credentialing activities to the extent allowed by law;
- (11) Enter into any agreement with the State, including but not limited to contracts for the provision of goods, services, and facilities for the support of the regional system board's programs, and contracting for the provision of services to or on behalf of the State;
- (12) Develop internal policies and procedures for the procurement of goods and services, consistent with the goals of public accountability and public procurement practices, and subject to management and financial legislative audits; provided that the regional system board shall enjoy the exemptions under section 103-53(e) and chapter 103D, Hawaii Revised Statutes;
- (13) Authorize, establish, and abolish positions; and

- (14) ~~Employ or retain any attorney, by contract or otherwise, for the purpose of representing the regional system board in any litigation, rendering legal counsel, or drafting legal documents for the regional system board.~~

(b) ~~During the transition period commencing on July 1, 2021, to and including the completion of the transition of the Oahu regional health care system into the department of health no later than December 31, 2025, the Oahu regional system board shall continue to enjoy the same sovereign immunity available to the State.~~

(c) ~~During the transition period commencing on July 1, 2021, to and including the completion of the transition of the Oahu regional health care system into the department of health no later than December 31, 2025, the Oahu regional system board shall be exempt from chapters 36, 37, 38, 40, 41D, 103D, 103F, part I of chapter 92, and section 102-2, Hawaii Revised Statutes.] Repealed.~~

SECTION 9. ~~[(a) There is established a working group of the Oahu regional health care system and department of health to develop, evaluate, and implement any additional steps necessary to complete the transition of the Oahu regional health care system into the department of health:~~

~~(b) The working group shall consist of the following members:~~

- ~~(1) The director of health or the director's designee, who shall serve as co-chair and who, along with the chair of the Oahu regional system board or the chair's designee, shall have final authority over transfer activities to be implemented by the working group;~~
- ~~(2) The chair of the Oahu regional system board or the chair's designee, who shall serve as co-chair and who, along with the director of health or the director's designee, shall have final authority over transfer activities to be implemented by the working group;~~
- ~~(3) The chief executive officer of the Oahu regional health care system or the chief executive officer's designee;~~
- ~~(4) One or more department of health staff members as deemed necessary by the director of health or the director's designee; and~~
- ~~(5) One or more Oahu regional health care system staff members as deemed necessary by the chief executive officer of the Oahu regional health care system or the chief executive officer's designee.~~

~~(c) In addition, the working group shall include the following members who shall serve in a consultative capacity:~~

- ~~(1) One representative from the behavioral health administration of the department of health;~~
- ~~(2) One representative from the department of human resources development;~~
- ~~(3) One representative from the department of accounting and general services;~~
- ~~(4) One representative from the department of the attorney general;~~
- ~~(5) One representative from the department of budget and finance;~~
- ~~(6) One representative from the office of planning;~~
- ~~(7) The chair of the Hawaii health systems corporation board or the chair's designee;~~
- ~~(8) One representative from the Hawaii health systems corporation human resources department;~~
- ~~(9) One representative from the Hawaii health systems corporation finance department;~~

- (10) One representative from the state procurement office;
 - (11) One representative from the Hawaii Government Employees Association, who shall be invited to participate;
 - (12) One representative from the United Public Workers, who shall be invited to participate;
 - (13) Community representatives as recommended and invited by the co-chairs; and
 - (14) Others as recommended and invited by the co-chairs.
- (d) In carrying out its purpose, the working group shall develop a comprehensive business plan and transfer framework to govern and manage the additional steps necessary to complete the transfer of the Oahu region into the department of health. The comprehensive business plan and transfer framework shall include but not be limited to the following:
- (1) Preparation of a five-year pro forma operating plan and budget for the continuing operations of Leahi hospital and Maluhia;
 - (2) Preparation of a ten-year pro forma capital improvement plan and budget for the continuing operations of Leahi hospital and Maluhia;
 - (3) Identification and preparation of proposed legislation to address any matters not covered by this Act that may be necessary to complete the transfer of the Oahu regional health care system into the department of health;
 - (4) Identification of all real property, appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other property made, used, acquired, or held by the Oahu regional health care system to effectuate the transfer of the same to the department of health;
 - (5) Identification of all debts and other liabilities that will remain with the Hawaii health systems corporation and the remaining debts and liabilities to be transferred to the department of health;
 - (6) Identification of all contractual arrangements and obligations of the Oahu regional health care system, including but not limited to those related to personal service contracts, vendor contracts, and capital improvement projects;
 - (7) Development and implementation of any and all policies and procedures necessary to ensure that the facilities within the Oahu regional health care system remain compliant with all federal, state, and local laws and regulations; and
 - (8) Development and implementation of procedures to extricate the Oahu regional health care system from system-wide services secured or provided by the Hawaii health systems corporation or enable the Oahu region to continue to utilize those services on a temporary or permanent basis through interagency agreement.
- (e) Members of the working group shall serve without compensation but shall be reimbursed for reasonable expenses necessary for the performance of their duties, including travel expenses. No member of the working group shall be subject to chapter 84, Hawaii Revised Statutes, solely because of the member's participation in the working group.
- (f) The working group shall submit reports to the legislature no later than twenty days prior to the convening of the regular sessions of 2022 and 2025 that shall include the five-year pro forma operating and budget plan, ten-year pro forma capital improvement plan, proposed legislation to address any matters not covered by this Act that may be necessary to complete the transfer of the

Oahu regional health care system into the department of health, and a timeline of major milestones necessary to effectuate the transfer of personnel, assets, liabilities, and contracts needed to complete the transfer pursuant to this Act. The reports shall also document the completion of the transfer and dissolution of the Oahu regional health care system.

(g) ~~The working group shall be dissolved on December 31, 2025, or upon completion of the transition of the Oahu regional health care system into the department of health, whichever is first.~~

(h) ~~The working group may hold executive sessions in compliance with the procedures set out in section 92-4, Hawaii Revised Statutes, to discuss individually identifiable information that could affect patient privacy or information that could identify prospective bidders.] Repealed.~~

SECTION 10. ~~[All transition actions shall be subject to the following conditions:~~

- ~~(1) The attorney general shall approve the legality and form of any material transition actions created by the working group prior to implementation; the director of finance shall evaluate and approve any expenditure of public funds determined to be in accordance with the budget laws and controls in force; the director of human resources development and comptroller shall approve the transition of employee positions and payroll in accordance with all applicable laws, rules, policies and procedures; and the director of accounting and general services shall approve transition actions in accordance with all applicable laws, rules, policies, and procedures; and~~
- ~~(2) Liabilities of the Oahu regional health care system that were transferred to the Hawaii health systems corporation upon its creation by Act 262, Session Laws of Hawaii 1996, or to the Oahu regional health care system upon its establishment by Act 290, Session Laws of Hawaii 2007, and all other contractual liabilities of the Oahu regional health care system, including those related to collective bargaining contracts negotiated by the State in existence at the time they are transferred to the department of health, shall become the responsibility of the State.] Repealed.~~

3. ~~By amending section 14 to read:~~

~~“SECTION 14. This Act shall take effect on July 1, 2021[; provided that part II of this Act shall take effect on December 31, 2025].”~~

PART III

SECTION 3. Section 323F-7.6, Hawaii Revised Statutes, is amended to read as follows:

“§323F-7.6 Transition of Hawaii health systems regional system or health facility to a new entity. (a) Notwithstanding any other law to the contrary, including but not limited to section 27-1 and chapter 171, any of the regional systems or individual facilities of the Hawaii health systems corporation is hereby authorized to transition into a new legal entity in any form recognized under the laws of the State, including but not limited to:

- (1) A nonprofit corporation;
- (2) A for-profit corporation;
- (3) A municipal facility;
- (4) A public benefit corporation; or

- ~~[(5) A division or branch under a state executive department; or~~
~~(6)] (5) Any two or more of the entities in paragraphs (1) through [(5)-~~
~~(4)].~~

A transition shall occur through the sale, lease, or transfer of all or substantially all of the assets of the facility or regional system, except for real property, which shall only be transferred by lease; ~~provided that under a transfer that is effectuated pursuant to paragraph (5), real property shall transfer in its then-existing state, whether in lease, fee, or otherwise, to the department of land and natural resources].~~ Any transition shall comply with chapter 323D.

(b) A transition shall only occur upon approval of the appropriate regional system board in the case of a regional system or individual facility transition, or upon approval of the regional system boards and the corporation in the case of the transition of the entire corporation. Any transition shall be subject to legal review by the attorney general, who shall approve the transition if satisfied that the transition conforms to all applicable laws, subject to the review of the director of the department of budget and finance, who shall approve the transition if it conforms to all applicable financing procedures, and subject to the governor's approval. In addition, the transition shall be subject to the following terms and conditions:

- (1) All proceeds from the sale, lease, or transfer of assets shall be used for health care services in the respective regional system or facility, except that real property shall only be transferred by lease; ~~provided that under a transfer that is effectuated pursuant to subsection (a)(5), real property shall transfer in its then-existing state, whether in lease, fee, or otherwise, to the department of land and natural resources;]~~
- (2) Any and all liabilities of a regional system or facility transitioning into a new entity that were transferred to the Hawaii health systems corporation upon its creation by Act 262, Session Laws of Hawaii 1996, and all liabilities of the regional system or facility related to collective bargaining contracts negotiated by the State, shall become the responsibility of the State; and
- (3) During the period of transition:
 - (A) The State shall continue to fund the provision of health care services provided for by the regional system or individual facility; and
 - (B) All applicable provisions of this chapter shall continue to apply.

Upon the completion of the transition of all the facilities in a regional system to a new entity, the regional system board for that regional system shall terminate; provided that if not all of a regional system's facilities are transitioned to a new entity, the existing regional system board shall not terminate but shall continue to retain jurisdiction over those facilities remaining in the regional system."

SECTION 4. Chapter 321, part XLVI, Hawaii Revised Statutes, is repealed.

PART IV

SECTION 5. (a) No later than November 30, 2025, the Oahu regional health care system and the department of health shall enter into a formal memorandum of agreement by which the Oahu regional health care system shall accept psychiatrically stable patients who are transferred or discharged from the Hawaii

state hospital and who meet institutional level of care. The formal memorandum of agreement shall include the following:

- (1) Oahu regional health care system staff shall clinically assess all patients referred for admission by the Hawaii state hospital; and
- (2) Hawaii state hospital staff shall support Oahu regional health care system staff as medically necessary for patients admitted to Leahi hospital from the Hawaii state hospital, by providing on-call access to psychiatric and related services and on-site psychiatric consultations on a twenty-four-hour, seven-day-a-week basis.
- (b) The Oahu regional health care system shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2027. The report shall cover the period of December 1, 2025, through November 30, 2026, and shall include:
 - (1) The total number of patients referred to the Oahu regional health care system from the Hawaii state hospital;
 - (2) The number of referred patients who were admitted to Leahi hospital;
 - (3) For each referred patient who was not admitted:
 - (A) The date the referral was made;
 - (B) The date the Oahu regional health care system staff conducted a clinical assessment of the referred patient;
 - (C) The date the Oahu regional health care system notified the Hawaii state hospital that the patient was not accepted for admission;
 - (D) Leahi hospital nursing facility patient census on the date the Hawaii state hospital was notified the patient was not accepted for admission; and
 - (E) A deidentified summary explaining why the patient was not accepted;
 - (4) The minimum and maximum Leahi hospital nursing patient census for each month; and
 - (5) Recommendations on how the Oahu regional health care system will be able to admit more patients referred from the Hawaii state hospital.

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 May 16, 2025.)

A Bill for an Act Relating to Lobbying.

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

SECTION 1. The legislature finds that transparent disclosure of lobbying activities is in the public interest. Under the state lobbying law, chapter 97, Hawaii Revised Statutes, “lobbying” an administrative agency only regards formal rulemaking or other actions governed by section 91-3, Hawaii Revised Statutes. Including procurement discussions in the list of actions subject to influence within the statutory definition of “lobbying” promotes government

transparency by providing the public with additional information regarding lobbying at the administrative agency level and promoting a level playing field for all businesses.

Accordingly, the purpose of this Act is to enhance government transparency by:

- (1) Establishing certain presumptions regarding lobbying on behalf of private clients;
- (2) Making certain contracts voidable when entered into in violation of the state lobbying law; and
- (3) Expanding the definition of “lobbying” under the state lobbying law to include certain communications with high-level government officials regarding procurement decisions.

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

“§97- Presumption of lobbying on behalf of private clients. Any individual with a substantial ownership interest in or a paid employee, officer, or director of an organization, who actively participates in lobbying activities that directly benefit that organization, shall be presumed to be receiving compensation from the organization for their lobbying efforts. This presumption shall not include communications made solely for informational purposes, ceremonial interactions, or routine relationship building that do not involve advocacy for or against specific outcomes.

§97- Contracts voidable. In addition to any other penalty provided by law, any contract or other action entered into by the State in violation of this chapter shall be voidable on behalf of the State; provided that in any action to void a contract pursuant to this section, the interests of third parties who may be damaged thereby shall be taken into account; provided further that the action to void the contract shall be initiated no later than sixty days after the determination of a violation under this chapter. The attorney general, in consultation with the head of the purchasing agency impacted, shall have the authority to enforce this section.”

SECTION 3. Section 97-1, Hawaii Revised Statutes, is amended by amending the definition of “lobbying” to read as follows:

““Lobbying” means communicating directly or through an agent, or soliciting others to communicate, with any official in the legislative or executive branch, for the purpose of attempting to influence legislative or administrative action or a ballot issue. “Lobbying” includes communicating with any person identified in section 84-17(d) concerning the solicitation or award of a contract by or proposal before an administrative agency or a potential future vendor relationship with an administrative agency if any of the communications are not governed by chapter 103D or 103F.

“Lobbying” ~~shall~~ does not include [the]:

- (1) Communications about a request for proposals, contract, or vendor relationship if the communications are initiated by a legislator or state employee; or
- (2) The preparation and submission of a grant application pursuant to chapter 42F by a representative of a nonprofit organization.”

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.

ACT 64

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

SECTION 7. This Act shall take effect on January 1, 2027.

(Approved May 16, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 64

H.B. NO. 413

A Bill for an Act Relating to Lobbyist Contributions.

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

SECTION 1. This Act clarifies administrative oversight of statutory restrictions relating to prohibited lobbyist contributions enacted in Act 128, Session Laws of Hawaii 2023 (Act 128). Act 128 left concurrent administrative oversight to the campaign spending and state ethics commissions.

For the purpose of administrative efficiency and streamlining of function, this Act clarifies that with respect to the statutory provisions created and amended by Act 128, the campaign spending commission shall have oversight of elected officials, candidates, candidate committees, and others required to file an organizational report with the campaign spending commission, and the ethics board or commission having jurisdiction over the lobbyist shall have oversight of lobbyists.

This Act further clarifies that the regular or special sessions in which lobbyist contributions are prohibited are periods during which both houses of the legislature are in session.

SECTION 2. Section 11-365, Hawaii Revised Statutes, is amended to read as follows:

“[H]§11-365[H] Contributions and expenditures by lobbyists prohibited during legislative session. (a) During any regular session or special session of the [state] legislature, including any extension of any regular session or special session and any legislative recess days, holidays, and weekends, and for five calendar days before and after a session, no lobbyist shall make, or promise to make at a later time, any contributions or expenditures to or on behalf of an elected official, candidate, candidate committee, or any other individual required to file an organizational report pursuant to section 11-321. No elected official, candidate, candidate committee, or other individual required to file an organizational report pursuant to section 11-321 shall accept, or agree to accept at a later time,

any contribution from a lobbyist during the specified period under this subsection. Any contribution prohibited by this subsection shall escheat to the Hawaii election campaign fund. An elected official, candidate, candidate committee, or any other individual required to file an organizational report pursuant to section 11-321, alleged to have received a prohibited contribution in violation of this section, shall be administratively referred by the state ethics commission executive director to the campaign spending commission.

(b) For the purposes of this section:

“Elected official” has the same meaning as in section 11-342.

“Lobbyist” means any person actively registered as a lobbyist with a state or county ethics board or commission.

“Session” means a period in which both legislative houses are in session.”

SECTION 3. Section 97-5, Hawaii Revised Statutes, is amended to read as follows:

“§97-5 Restricted activities. (a) No lobbyist shall accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action. During any regular session or special session of the [state] legislature, including any extension of any regular session or special session and any legislative recess days, holidays, and weekends, and for five calendar days before and after a session, no lobbyist shall make, or promise to make at a later time, any contributions or expenditures to or on behalf of an elected official, candidate, candidate committee, or any other individual required to file an organizational report pursuant to section 11-321.

(b) A state lobbyist alleged to have made a prohibited contribution to an elected official, candidate, candidate committee, or any other individual required to file an organizational report pursuant to section 11-321 in violation of this section shall be administratively referred by the executive director of the campaign spending commission to the state ethics commission.

(c) Any contribution prohibited by this section shall escheat, as directed by the campaign spending commission, to the Hawaii election campaign fund.

~~(b)~~ (d) For the purposes of this section[, “elected”]:

“Elected official” has the same meaning as in section 11-342.

“Session” has the same meaning as in section 11-365.”

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

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

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

(Approved May 16, 2025.)

A Bill for an Act Relating to Prescription Drugs.

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

SECTION 1. The legislature finds that appropriate, timely pain management is an integral part of ensuring high quality, patient-centered health care. As the rising danger of opiates became clear, the legislature acted to put guardrails in place to protect patients from the harmful effects of overprescribing, long-term use, and addiction. However, the legislature recognizes the need to balance these protections with the need for timely patient access to appropriate pain management. Therefore, there is a need to remove barriers to short-term opiate prescriptions while maintaining protections against overprescribing and patient misuse.

Accordingly, the purpose of this Act is to allow a patient who has been seen in person by a health care provider to be prescribed a three-day supply of opiates via telehealth by a physician within the same medical group.

SECTION 2. Section 453-1.3, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Treatment recommendations made via telehealth, including issuing a prescription via electronic means, shall be held to the same standards of appropriate practice as those in traditional physician-patient settings that do not include ~~[[an]]~~ in-person visit but in which prescribing is appropriate, including on-call telephone encounters and encounters for which a follow-up visit is arranged. Issuing a prescription based solely on an online questionnaire is not treatment for the purposes of this section and does not constitute an acceptable standard of care. For the purposes of prescribing opiates or certifying a patient for the medical use of cannabis, a physician-patient relationship shall only be established after an in-person consultation between the prescribing physician and the patient~~[-];~~ provided that a patient who has been seen in person by a health care provider in the same medical group as the prescribing provider authorized pursuant to section 329-33, may be prescribed an opiate prescription for a three-day supply or less via telehealth.”

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 453-1.3(c), Hawaii Revised Statutes, by section 2 of this Act shall not be repealed when that section is reenacted on December 31, 2025, pursuant to section 8 of Act 107, Session Laws of Hawaii 2023.

(Approved May 16, 2025.)

A Bill for an Act Relating to Motorcycle Instruction Permits.

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

SECTION 1. The purpose of this Act is to require that applicants for a motorcycle instruction permit successfully complete a basic motorcycle rider

course approved by the department of transportation before becoming eligible for the permit.

SECTION 2. Section 286-110, Hawaii Revised Statutes, is amended to read as follows:

“§286-110 Instruction permits. (a) Any person aged fifteen years and six months or more who, except for the person’s lack of instruction in operating a motor vehicle, would be qualified to obtain a driver’s license issued under this part may apply for a temporary instruction permit or a limited purpose instruction permit at the office of the examiner of drivers in the county in which the applicant resides; provided that the applicant complies with section 286-102.5.

(b) No person shall be issued a motorcycle instruction permit unless the person successfully completes a basic motorcycle rider course approved by the department of transportation.

~~[(b)]~~ (c) The examiner of drivers shall examine every applicant for an instruction permit. The examination shall include tests of the applicant’s:

- (1) Eyesight and other physical or mental capabilities to determine if the applicant is capable of operating a motor vehicle;
- (2) Understanding of highway signs regulating, warning, and directing traffic; and
- (3) Knowledge of the traffic laws, ordinances, or regulations of the State and the county where the applicant resides or intends to operate a motor vehicle.

~~[(c)]~~ (d) If the examiner of drivers is satisfied that the applicant is qualified to receive an instruction permit, the examiner of drivers shall issue the permit entitling the applicant, while having the permit in the applicant’s immediate possession, to drive a motor vehicle upon the highways for a period of one year; provided that:

- (1) An applicant who is registered in a driver training course shall be issued a temporary instruction permit for the duration of the course and the termination date of the course shall be entered on the permit; and
- (2) If the applicant is a legal immigrant, the permit shall expire no later than the applicant’s authorized period of stay in the United States.

A person who is not licensed to operate the category of motor vehicles to which the driving training course applies shall not operate a motor vehicle in connection with the driving training course without a valid temporary instruction permit~~[-]~~ unless it is a motorcycle that is being used for training purposes on an enclosed state certified training range as provided under administrative rules.

~~[(d)]~~ (e) Except when operating a motor scooter or motorcycle, the holder of an instruction permit shall be accompanied by a person who is twenty-one years of age or older and licensed to operate the category of motor vehicles in which the motor vehicle that is being operated belongs. The licensed person shall occupy a passenger seat beside the permit holder while the motor vehicle is being operated; provided that if the holder of the instruction permit is under the age of eighteen years and is driving between the hours of 11:00 p.m. and 5:00 a.m.:

- (1) A licensed driver who is the permit holder’s parent or guardian shall occupy a passenger seat beside the driver while the motor vehicle is operated, unless the permit holder is an emancipated minor;
- (2) The licensed driver shall be licensed to operate the same category of motor vehicles as the motor vehicle being operated by the holder of the instruction permit; and

- (3) All occupants of the motor vehicle shall be restrained by a seat belt assembly or a child passenger safety restraint system as required under sections 291-11.5 and 291-11.6, notwithstanding any other law to the contrary.

~~[(e)]~~ (f) No holder of a temporary instruction permit shall operate a motorcycle or a motor scooter during hours of darkness or carry any passengers.

~~[(f)]~~ (g) No holder of a category 1 or 2 temporary instruction permit shall have the permit renewed, nor shall the holder be issued another temporary instruction permit for the same purpose, unless the holder has taken the examination for a category 1 or 2 license at least once ~~[prior to]~~ before the expiration of the temporary instruction permit. If the holder of a temporary instruction permit fails to meet the requirements of this section, the holder shall not be permitted to apply for another category 1 or 2 temporary instruction permit for a period of three months. Nothing in this subsection shall affect the right and privilege of any holder of a category 1 or 2 temporary instruction permit to obtain a temporary instruction permit or driver's license for the operation of any other type of motor vehicle.

~~[(g)]~~ (h) The examiner of drivers may accept an application for renewal of an instruction permit no more than thirty days ~~[prior to]~~ before or ninety days after the expiration date of the instruction permit, whereupon the applicant for renewal of an instruction permit shall be exempt from subsection ~~[(b)(2) and (3)]~~ (c)(2) and (3). If an application for renewal of an instruction permit is not made within ninety days after the expiration date of the permit, the applicant shall be treated as applying for a new instruction permit and examined in accordance with subsection ~~[(b)]~~ (c).

~~[(h)]~~ (i) Notwithstanding any other law to the contrary, the examiner of drivers may issue an instruction permit to an applicant with a disability who has completed a medical review with this State, and as a condition to licensure is required to pass a road test, but has failed the road test on the applicant's first attempt. The instruction permit issued under this subsection may be renewed no more than thirty days ~~[prior to]~~ before or ninety days after the expiration date of the instruction permit upon receiving an updated medical report. ~~[Subsections (b)(2) and (3)]~~ Subsection (c)(2) and (3) shall not apply to the issuance or renewal of an instruction permit issued under this subsection.

For the purposes of this subsection, "applicant with a disability" means an applicant who the examiner of drivers has reasonable cause to believe may have a mental or physical infirmity or disability that would make it unsafe to operate a motor vehicle pursuant to section 286-119(a)(1) and has been medically evaluated by the medical advisory board established pursuant to section 286-4.1."

SECTION 3. This Act shall not apply to applicants who submit applications for a motorcycle instruction permit 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 May 19, 2025.)

ACT 67

H.B. NO. 622

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 the department of education is responsible for submitting an annual computer science legislative report by June 30 every year. However, the department of education has recommended the inclusion of academic quarter four computer science data from the schools in the report, and the existing June 30 due date prohibits the inclusion of that data. Thus, the department of education prefers to delay the due date for the report to provide a more robust computer science report.

Therefore, the purpose of this Act is to change the due date of the department of education's annual computer science legislative report from June 30 to October 31.

SECTION 2. Section 302A-323, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) By ~~[June 30, 2022,]~~ October 31, 2025, and by each ~~[June 30]~~ October 31 thereafter, the superintendent shall submit to the board and legislature a report of the computer science courses and computer science content offered during the previous school year at the schools in each complex area. The report shall include:

- (1) The names and course codes of the computer science courses offered at each school;
- (2) The number and percentage of students enrolled in each computer science course and computer science content, disaggregated by:
 - (A) Gender;
 - (B) Race and ethnicity;
 - (C) Special education status, including students eligible for special education under the federal Individuals with Disabilities Education Act, as amended, or section 504 of the federal Rehabilitation Act of 1973, as amended;
 - (D) English language learner status;
 - (E) Eligibility for the free and reduced price lunch program; and
 - (F) Grade level;
 provided that if a category contains one to five students, or contains an amount that would allow the amount of another category that contains one to five students to be determined, the number of students shall be replaced with a symbol indicating that one to five students fulfilled that particular category;
- (3) The names and course codes of the courses containing computer science content and a description of the computer science standards and content that are covered by those courses; and
- (4) The number of computer science instructors at each school, disaggregated by:
 - (A) Any applicable certification;
 - (B) Gender;
 - (C) Race and ethnicity; and
 - (D) Highest academic degree earned.”

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 19, 2025.)

ACT 68

H.B. NO. 1173

A Bill for an Act Relating to Tax Liens.

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

SECTION 1. The legislature finds that Act 166, Session Laws of Hawaii 2009, enacted a fifteen-year statute of limitations on certain collection actions of tax assessments, comparable to the ten-year statute of limitations that applies to federal taxes.

The purpose of this Act is to adopt procedures comparable to those in the federal system to ensure that taxpayers are not harmed by previously recorded tax liens for which the underlying liability has been satisfied or been rendered unenforceable by the expiration of the fifteen-year period.

SECTION 2. Section 231-33, Hawaii Revised Statutes, is amended by amending subsections (f) and (g) to read as follows:

“(f) The department may record in the bureau of conveyances at Honolulu, or in respect of a lien on a motor vehicle, file with the county director of finance, a certificate setting forth the amount of taxes due and unpaid, which have been returned, assessed, or as to which a notice of proposed assessment has issued. The certificate shall identify the taxpayer, the taxpayer’s last known address, ~~and the tax or taxes involved[-], and the date on which the liability for the tax or taxes was assessed.~~ The recording or filing of the certificate has the effect set forth in this section, but nothing in this section shall be deemed to require that a certificate recorded or filed by the department must include the amount of any penalty or interest, in order to protect the lien therefor. The certificate, if recorded or filed with the county director of finance, shall be entered of record as provided by law. Recordation of the certificate in the bureau of conveyances shall be deemed, at such time, for all purposes and without any further action, to procure a lien on land registered in the land court under chapter 501. Any cost incurred in the filing of the certificate shall be a part of the lien for the tax therein set forth.

(g) The department may issue a certificate of discharge of any part of the property subject to the lien imposed by this section, upon payment in partial satisfaction of such lien, of an amount not less than the value as determined by the department of the lien on the part to be so discharged, or if the department determines that the lien on the part to be discharged has no value. The department shall issue a certificate of discharge as to any liability that has been satisfied or that has become unenforceable under section 235-111, 237-40, 237D-9, 238-7, 243-14, 247-6.5, or 251-8. Any ~~such~~ discharge so issued shall be conclusive evidence of the discharge of the lien as therein provided.”

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, 2027.

(Approved May 19, 2025.)

ACT 69

H.B. NO. 984

A Bill for an Act Relating to Agricultural Loans.

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

SECTION 1. The legislature finds that Hawaii agricultural producers face critical barriers in accessing capital necessary to cover rising land and water costs, labor shortages, and infrastructure needs. Modifications to the state agricultural loan program are needed to address these challenges and encourage farmers and ranchers to expand their current operations. A diverse agricultural sector that includes small and mid-sized farms is essential to Hawaii's food security, economic resilience, and self-sufficiency. Modifications to the state agricultural loan program should ensure equitable access to capital for farmers of all scales, with a focus on enabling sustainable, community-based, and diversified production.

The purpose of this Act is to:

- (1) Lower and fix the state agricultural loan program's interest rates, increase loan limits, and reduce the required number of credit denials;
- (2) Establish a program for a secured line of credit and create a new loan initiative to encourage larger scale agriculture for import replacement and crops grown for farm to state programs; and
- (3) Include food hubs as an eligible entity for class E loans.

SECTION 2. Section 155-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

“‘Import replacement crops’ means crops grown on a large-scale basis in the State with the specific intent to replace crops imported into the State.

“Line of credit” means a secured revolving loan with a preset credit limit.”

SECTION 3. Section 155-3, Hawaii Revised Statutes, is amended to read as follows:

“§155-3 Restriction. Loans authorized by this chapter shall require ~~[two credit denials, except for class “F” loans for new farmer and farm innovation programs, which shall require]~~ one credit denial. This requirement shall be waived for new farmer loans for \$100,000 or less for farm trainees and recent college graduates with a degree in agriculture. This requirement may also be waived by the board of agriculture for emergency loans. Credit denials may be accepted from any of the following:

- (1) Private lenders;
- (2) Members of the farm credit system; or
- (3) The United States Department of Agriculture.”

SECTION 4. Section 155-8, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

~~“(c) Loans made under this section shall bear simple interest on the unpaid principal balance, charged on the actual amount disbursed to the borrower. The interest rate on loans of class “A”, “B”, “C”, “E”, [and] “G”, and “J” shall be at a rate of [one per cent below the prime rate or at a rate of seven and one-half] four per cent a year[, whichever is less. For purposes of this subsection, the prime rate shall be determined on January 1 and July 1 of each year, and shall be the prime rate charged by the two largest banks in the State identified by the department of commerce and consumer affairs. If the prime rates of the two largest banks are different, the lower prime rate of the two shall apply. The inter-~~

est rate of class “F” loans shall be at a rate of one and one-half per cent below the prime rate or at a rate of six per cent a year, whichever is less]. The interest rate of class “D”, “F”, “H” ~~[and]~~, “I”, and “K” loans shall be three per cent a year. If the money loaned is borrowed by the department, then the interest on loans of the classes shall be the rate as determined above or one per cent over the cost to the State of borrowing the money, whichever is greater. Interest on loans made under this chapter shall not be less than three per cent a year.”

SECTION 5. Section 155-9, Hawaii Revised Statutes, is amended to read as follows:

“§155-9 Classes of loans; purposes~~;~~; terms~~;~~; eligibility. (a) Loans made under this chapter shall be for the purposes and in accordance with the terms specified in classes “A” through ~~“I”~~ “K” in this section and shall be made only to applicants who meet the eligibility requirements specified therein and except as to class “B” loans to associations and class “E” loans, the eligibility requirements specified in section 155-10. The maximum amount of a loan for class “A”, “C”, “D”, and “F” loans to an individual applicant shall also apply to any loan application submitted by a partnership, corporation, or other entity, and for the purpose of determining whether the maximum loan amount to any individual will be exceeded, outstanding loans to any partnership, corporation, or other entity that the individual has a legal or equitable interest in excess of twenty per cent shall be taken into account.

(b) Class A: Farm ownership and improvement loans shall provide for:

- (1) The purchase or improvement of farm land;
- (2) The purchase, construction, or improvement of adequate farm dwellings, and other essential farm buildings; and
- (3) The liquidation of indebtedness incurred for any of the foregoing purposes.

The loans shall be for an amount not to exceed ~~[\$800,000]~~ \$1,500,000 and for a term not to exceed forty years. To be eligible, the applicant shall (A) derive, or present an acceptable plan to derive, a major portion of the applicant’s income from and devote, or intend to devote, most of the applicant’s time to farming operations; and (B) have or be able to obtain the operating capital, including live-stock and equipment, needed to successfully operate the applicant’s farm.

(c) Class B: Soil and water conservation loans shall provide for:

- (1) Soil conservation practices;
- (2) Water development, conservation, and use;
- (3) Drainage; and
- (4) The liquidation of indebtedness incurred for any of the foregoing purposes.

The loans shall be for an amount not to exceed ~~[\$35,000]~~ \$750,000 to an individual or ~~[\$200,000 to]~~ an association and shall be for a term not to exceed twenty years for a loan to an individual and forty years to an association. To be eligible, an individual applicant shall have sufficient farm and other income to pay for farm operating and living expenses and to meet payments on applicant’s existing debts, including the proposed soil and water conservation loan. An association, to be eligible, shall be a nonprofit organization primarily engaged in extending services directly related to the purposes of the loan to its members, and at least sixty per cent of its membership shall meet the eligibility requirements specified in section 155-10.

(d) Class C: Farm operating loans shall be for the purpose of carrying on and improving a farming operation, including:

- (1) The purchase of farm equipment and livestock;
- (2) The payment of production and marketing expenses, including materials, labor, and services;
- (3) The payment of living expenses;
- (4) The liquidation of indebtedness incurred for any of the foregoing purposes; and
- (5) The exportation of crops and livestock.

The loans shall be for an amount not to exceed [~~\$800,000~~] \$1,500,000 and for a term not to exceed ten years. To be eligible, an applicant shall derive, or present an acceptable plan to derive, a major portion of the applicant's income from and devote, or intend to devote, most of the applicant's time to farming operations.

Qualified farmers affected by state eradication programs may also be eligible for loans under this subsection. Loans made for rehabilitation from eradication programs shall be subject to the terms of class "C" loans; provided that the interest rate shall be three per cent a year and the requirements in section 155-3 shall be waived and paragraph (4) shall not apply.

(e) Class D: Emergency loans shall be for the purpose of providing relief and rehabilitation to qualified farmers without limit as to purpose:

- (1) In areas stricken by extraordinary rainstorms, windstorms, droughts, tidal waves, earthquakes, volcanic eruptions, and other natural catastrophes;
- (2) On farms stricken by livestock disease epidemics and crop blights;
- (3) On farms seriously affected by prolonged shipping and dock strikes;
- (4) During economic emergencies caused by overproduction, excessive imports, and the like; and
- (5) During other emergencies as determined by the board of agriculture.

The maximum amounts and period for the loans shall be determined by the board of agriculture; provided that the board shall require that any settlement or moneys received by qualified farmers as a result of an emergency declared under this section shall first be applied to the repayment of an emergency loan made under this chapter.

(f) Class E: Loans to farmers' cooperatives, corporations, food hubs, and food manufacturers shall provide credit to entities engaged in marketing, purchasing, and processing, and providing farm business services, including:

- (1) Facility loans to purchase or improve land, building, and equipment for an amount not to exceed [~~\$500,000~~] \$1,500,000 and a term not to exceed twenty years;
- (2) Operating loans to finance inventories of supplies and materials, warehousing, and shipping commodities[;]; extension of consumer credit to justified farmer-members[;]; and other normal operating expenses for an amount not to exceed [~~\$300,000~~] \$750,000 and a term not to exceed seven years; and
- (3) The exportation of crops and livestock.

To be eligible, a farmers' cooperative or corporation shall have a majority of its board of directors and a majority of its membership as shareholders who meet the eligibility requirements of section 155-10 and who devote most of their time to farming operations, and the facility loans shall be for an amount not to exceed [~~\$500,000~~] \$1,500,000 or [~~eighty~~] eighty-five per cent of the cost of the project, whichever is less.

To be eligible, a food hub shall have a majority of its board of directors and a majority of its membership as shareholders who meet the eligibility requirements of section 155-10 and who devote most of their time to farming operations. For the purposes of this section, "food hub" means a business or

organization that actively manages the aggregation, distribution, and marketing of source-identified food products primarily from local and regional producers to strengthen their ability to satisfy wholesale, retail, and institutional demand.

To be eligible, a food manufacturer shall be licensed to do business in the State, and the controlling interest of the entity shall possess a minimum of two years of relevant processing or manufacturing experience as acceptable to the department of agriculture. The entity shall process Hawaii-grown agricultural products or use Hawaii-grown agricultural products as an ingredient in the manufacturing process. Facility loans shall be for an amount not to exceed [~~\$500,000~~] \$1,500,000 or [~~eighty~~] eighty-five per cent of the cost of the project, whichever is less. The requirements in section 155-10 shall be waived for food manufacturing loans; however, the entity shall be a sound credit risk with the ability to repay the money borrowed.

(g) Class F: New farmer and farm innovation loan programs shall provide for:

- (1) New farmer loans made under this class shall be [~~for purposes and~~] in accordance with the terms specified in class "A" and "C" [~~only, and shall be made only for full-time farming.~~] loans. The loans shall be made for an amount not to exceed [~~\$250,000~~] \$750,000 or eighty-five per cent of the cost of the project, whichever is less. Farm trainees and recent graduates with a degree in agriculture with smaller projects requiring loans of \$100,000 or less shall have a minimum five per cent equity contribution towards the cost of the project;
- (2) Farm innovation loans made under this class shall be for qualified farmers to perform practical research in crop development, innovative production techniques, new technologies, and production of new crops that are not typically grown in the State. Farm innovation loans shall be limited to a maximum of \$75,000;
- (3) Any subsequent loan shall be made from classes "A" to "D", respectively, depending upon the purpose for which the loan funds are used; and
- (4) Borrowers shall comply with special term loan agreements as may be required by the department and shall take special training courses as the department deems necessary.

(h) Class G: Loans to part-time farmers shall be for farm improvement and operating purposes for carrying on and improving farming operations, including loans for:

- (1) The purchase, construction, and improvement of farm production and growing structures;
- (2) The purchase of farm equipment or livestock; and
- (3) The payment of production and marketing expenses, including materials, labor, and services.

The liquidation of indebtedness incurred for any of the purposes under this subsection and for living expenses shall not be authorized purposes. Each loan shall be for an amount not to exceed [~~\$25,000~~] \$750,000 and for a term not to exceed ten years.

(i) Class H: Farm sustainable project loans shall provide for:

- (1) The purchase, construction, or improvement of essential farm buildings, including the improvement of existing farm buildings related to the project;
- (2) The improvement of land that may be required by the project;
- (3) The purchase of equipment and payment of any related expenses, including materials, labor, and services;

- (4) Operating expenses associated with the project; or
- (5) The liquidation of indebtedness incurred for any of the foregoing purposes.

The loans shall be for an amount not to exceed \$1,500,000 or eighty-five per cent of the project cost, whichever is less, and for a term not to exceed forty years.

To be eligible, the applicant shall be a qualified farmer of sound credit rating with the ability to repay the money borrowed, as determined by the department. Income from the applicant's farming activities and any supplemental income that may be generated from the project shall be the sole criterion for the department's determination of the applicant's ability to repay the money borrowed. The department's determination may be based on projections of income and expenses.

- (j) Class I: Biosecurity project loans shall provide for:
 - (1) The purchase, construction, or improvement of essential farm buildings, including the improvement of existing farm buildings related to the project;
 - (2) The improvement of land that may be required by the project;
 - (3) The purchase of equipment and payment of any related expenses, including materials, labor, signage, training, and services;
 - (4) Operating expenses associated with the project; or
 - (5) The liquidation of indebtedness incurred for any of the foregoing purposes.

The loans shall be for an amount not to exceed \$1,000,000 or eighty-five per cent of the project cost, whichever is less, and for a term not to exceed twenty-five years.

To be eligible, the applicant shall be a qualified farmer of sound credit rating with the ability to repay the money borrowed, as determined by the department. Income from the applicant's farming activities and any supplemental income that may be generated from the project shall be the sole criterion for the department's determination of the applicant's ability to repay the money borrowed. The department's determination may be based on projections of income and expenses.

(k) Class J: Line of credit loans shall provide revolving credit for farm operational expenses and to improve farm operations. Funds from the line of credit shall not be used for personal expenses or non-farm related purposes.

A line of credit secured by chattel, crops, or equipment shall not exceed \$100,000 or eighty-five per cent of the collateral valuation, whichever is less, and for a term not to exceed five years. A line of credit secured by real property shall not exceed \$250,000 or eighty-five per cent of the collateral valuation, whichever is less, and for a term not to exceed ten years.

To be eligible, the applicant shall be a qualified farmer of sound credit rating with the ability to repay the money borrowed, as determined by the department. The interest rate for lines of credit shall be the same rate provided in section 155-8. A borrower may access funds from a line of credit at any time during the term of a loan; provided that the borrower does not exceed the maximum credit limit and the account is in good standing.

(l) Class K: Import replacement loans shall provide credit for farm expansion to grow import replacement crops or to fund crops grown for the farm to state program established under section 27-8. Loans made under this class shall be for the purposes specified in class "A" and class "C", and terms shall be determined by the primary purpose of the loan funds. Loans for crops grown for the farm to state program shall have written commitments from the appropri-

ate state agency. Import replacement crops shall be of sufficient scale to impact regional, island wide, or statewide markets.

Loans shall be for an amount not to exceed \$2,500,000 and for a term not to exceed ten years.

To be eligible, the applicant shall be a qualified farmer of sound credit rating with the ability to repay the money borrowed, as determined by the department. Interest rates for this class shall be three per cent per year.”

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 May 19, 2025.)

ACT 70

H.B. NO. 1156

A Bill for an Act Relating to Special Facility Revenue Bonds.

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

SECTION 1. Section 266-52, Hawaii Revised Statutes, is amended to read as follows:

“§266-52 Powers. In addition and supplemental to the powers granted to the department by law, the department may:

- (1) With the approval of the governor, enter into a special facility lease or an amendment or supplement thereto whereby the department agrees with another person engaged in maritime and maritime-related operations to construct, acquire, remodel, furnish, or equip a special facility solely for the use by ~~[such]~~ that other person to a special facility lease; provided that ~~[such]~~ the special facility lease may be amendatory and supplemental to an existing lease between the department and ~~[such]~~ the other person for the land upon which the special facility ~~[which]~~ that is the subject of ~~[such]~~ the special facility lease is to be situated;
- (2) With the approval of the governor:
 - (A) Issue special facility revenue bonds in ~~[such]~~ principal amounts as may be necessary to yield the amount of the cost of any construction, acquisition, remodeling, furnishing, and equipping of any special facility; provided that the total principal amount of the special facility revenue bonds ~~[which]~~ that may be issued pursuant to ~~[the authorization of]~~ this subparagraph shall not exceed ~~[\$100,000,000;]~~ \$600,000,000; and
 - (B) Issue special facility revenue refunding bonds, without further authorization by the legislature, to refund outstanding special facility revenue bonds, including special facility revenue refunding bonds, or any part thereof, at or before the maturity or redemption date, issued pursuant to this part; provided that any issuance of the refunding bonds shall not reduce the amount authorized by the legislature as provided in paragraph (2)(A);
- (3) Perform and carry out the terms and provisions of any special facility lease;
- (4) Notwithstanding section 103-7 or any other law to the contrary, acquire, construct, remodel, furnish, or equip any special facility, or

accept the assignment of any contract therefor entered into by the other person to the special facility lease;

- (5) Construct any special facility on land owned by the State; and
- (6) Agree with the other person to the special facility lease whereby any acquisition, construction, remodeling, furnishing, or equipping of the special facility and the expenditure of moneys therefor shall be undertaken or supervised by ~~[such]~~ the other person.”

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

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved May 19, 2025.)

ACT 71

H.B. NO. 345

A Bill for an Act Relating to the State Shrimp.

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

SECTION 1. The legislature finds that anchialine pools, also known as wai ‘ōpae, are considered wahi pana, or culturally sacred, special ecosystems in Hawaii. Of the seven hundred recorded anchialine pools in the State, over six hundred fifty pools are located in the county of Hawaii, mostly in the districts of north and south Kona and Ka‘ū.

The ‘ōpae ‘ula is a species of shrimp endemic to Hawaii’s anchialine pools. The population of ‘ōpae ‘ula is an important indicator of the health of an anchialine pool. In healthy anchialine pools, the population of ‘ōpae ‘ula is abundant.

The legislature further finds that the designation of the ‘ōpae ‘ula as the state shrimp will raise awareness of the ‘ōpae ‘ula and support efforts to protect anchialine pool ecosystems throughout the State as a natural resource. In designating the ‘ōpae ‘ula as the state shrimp, the legislature does not intend to prevent or impact the traditional and ongoing practice of harvesting ‘ōpae to be used in ‘ōpelu fishing.

Accordingly, the purpose of this Act is to establish ‘ōpae ‘ula as the state shrimp.

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 shrimp. The ‘ōpae ‘ula (*Halocaridina rubra*), also known as the red shrimp, is established and designated as the official shrimp of the State.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved May 19, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Neighborhood Board Meetings.

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

SECTION 1. Section 92-81, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) The agenda required to be included in written public notice of a neighborhood board meeting may include an opportunity for the board to receive public input and third-party reports from any government official on issues not specifically noticed for consideration at the forthcoming meeting.

(c) Any matter raised as part of the public input agenda or third-party reports from any government official allowed under subsection (b) may be discussed and information on the matter may be received by the board at the meeting; provided that the board shall not make a decision relating to ~~[the matter.] any of those matters.~~ The board may make decisions on matters originally raised as part of a public input agenda item or raised by a third-party report from any government official only at a later meeting, where the agenda for the meeting shall give notice of decision-making on the matter.”

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 19, 2025.)

A Bill for an Act Relating to Nuisances.

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

SECTION 1. The legislature finds that the department of health’s responsibility to protect both public and environmental health is essential, especially as climate change increases pressures on resources and communities. The recognition that the health of a community is closely tied to environmental conditions underscores the importance of preventing threats to the environment. Therefore, it is critical that the department of health has the clear legal authority and mandate to act not only in response to direct threats of disease but also when nuisances pose a risk to the public or environmental health of a community.

Accordingly, the purpose of this Act is to clarify the legal authority of the department of health to prevent and address nuisances that threaten public or environmental health, both of which affect the overall health and well-being of the people of the State as a whole.

SECTION 2. Chapter 322, Hawaii Revised Statutes, is amended by amending the title of part I to read as follows:

“PART I. PREVENTION AND ABATEMENT OF NUISANCES”

SECTION 3. Section 322-1, Hawaii Revised Statutes, is amended to read as follows:

“§322-1 [Removal, prevention.] Prevention; abatement; destruction; removal. The department of health and its agents shall examine into all nuisances, such as foul or noxious odors, gases or vapors, water in which mosquito larvae exist, sources of filth, and all causes of sickness or disease, on shore, and in any vessel, which may be known to them or brought to their attention, ~~[which] that~~ in their opinion are dangerous or injurious to public health or environmental health, or both, and into any and all conditions created or existing ~~[which] that~~ cause or tend ~~[to cause sickness or disease or]~~ to be dangerous or injurious to public health or environmental health, or both, and shall ~~[cause the same to be abated, destroyed, removed, or prevented.~~

For purposes of this part, a nuisance shall include:

- (1) Toxic materials that are used in or by products of the manufacture or conversion of methamphetamine, and clandestine drug labs that manufacture methamphetamine; and
- (2) ~~Odors and filth resulting from a person feeding feral birds.]~~

prevent, abate, destroy, or remove the nuisance or condition that causes a nuisance.”

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 19, 2025.)

ACT 74

H.B. NO. 871

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 Act 130, Session Laws of Hawaii 2024 (Act 130), increases 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 Hawai'i by the United States Department of Housing and Urban Development's Federal Housing Administration, instead of fifty per cent, as currently outlined in section 215 of the Hawaiian Homes Commission Act, 1920, as amended.

The purpose of this Act is to confirm that Act 130 shall take effect on either the date of the Secretary of the Interior's notification letter to the Congressional Committee Chairpersons that Act 130 meets none of the criteria in title 43 Code of Federal Regulations section 48.20, or on the date that the United States Congress approval becomes law.

SECTION 2. Act 130, Session Laws of Hawaii 2024, is amended by amending section 4 to read as follows:

“SECTION 4. This Act shall take effect [upon its approval with the consent of the United States Congress;] on the earlier of the date of the Secretary of the Interior's notification letter to the Congressional Committee Chairpersons that this Act meets none of the criteria in title 43 Code of Federal Regulations section 48.20, or on the date that the United States Congress approval becomes law; provided further that the amendments made to section 215, Hawaiian Homes Commission Act, 1920, as amended, by this Act shall not be

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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.”

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 19, 2025.)

ACT 75

S.B. NO. 1343

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 by amending subsection (d) to read as follows:

“(d) A majority of all the members ~~[to which the board is entitled]~~ appointed or confirmed to serve on the board, but not less than five, shall constitute a quorum to do business, and the concurrence of a majority of all the members ~~[to which the board is entitled]~~ appointed or confirmed to serve on the board, but not less than five, shall be necessary to make any action of the board valid.”

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 19, 2025.)

ACT 76

H.B. NO. 341

A Bill for an Act Relating to the Issuance of Special Purpose Revenue Bonds to Assist Hawaii Island Community Health Center.

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

SECTION 1. The legislature finds and declares that the issuance of special purpose revenue bonds under this Act is in the public interest and for the public health, safety, and general welfare.

SECTION 2. Pursuant to part II, chapter 39A, Hawaii Revised Statutes, the department of budget and finance, with the approval of the governor, is authorized to issue special purpose revenue bonds in a total amount not to exceed \$80,000,000, in one or more series, for the purpose of assisting West Hawaii Community Health Center, Inc., a Hawaii nonprofit corporation doing business as Hawaii Island Community Health Center, in financing the costs of purchasing or leasing land and designing, constructing, improving, purchasing, and equipping primary care health care facilities on the island of Hawaii, including costs to:

- (1) Purchase or lease land, and design, construct, furnish, and equip, including information technology equipment and solar panels, a forty-five thousand square feet medical, dental, behavioral health, pharmacy, specialty care campus to serve the residents of Kailua-Kona;
- (2) Design, renovate, furnish, and equip, including information technology equipment and solar panels, a ten thousand square feet facility owned by Hawaii Island Community Health Center in downtown Hilo, transforming the facility from administrative space to a one-stop primary health care facility for women's health, pediatric care, and family medicine;
- (3) Purchase or lease land, and design, construct, furnish, and equip, including information technology equipment and solar panels, a new ten thousand square feet primary health care facility to serve the residents of Pahoa and surrounding communities in the Puna District;
- (4) Design, renovate, furnish, and equip a three thousand six hundred square feet building owned by Hawaii Island Community Health Center to house health care workers working at the Hawaii Island Community Health Center medical and dental clinic located in Naalehu, located in the Kau District; and
- (5) Other related expansion projects.

The legislature hereby finds and determines that the purchase or lease of land and the design, construction, improvement, purchase, and equipping of primary care health care facilities on the island of Hawaii by Hawaii Island Community Health Center constitute a project as defined in part II, chapter 39A, Hawaii Revised Statutes, and the financing thereof is assistance to not-for-profit corporations that provide health care facilities to the general public.

SECTION 3. The special purpose revenue bonds and the refunding special purpose revenue bonds issued under this Act shall be issued pursuant to part II, chapter 39A, Hawaii Revised Statutes, relating to the power to issue special purpose revenue bonds to assist not-for-profit corporations that provide health care facilities to the general public.

SECTION 4. The department of budget and finance is authorized, from time to time, including times subsequent to June 30, 2030, to issue special purpose revenue bonds in whatever principal amounts the department shall determine to be necessary to refund the special purpose revenue bonds authorized in section 2 and to refund special purpose revenue bonds authorized in this section, regardless of whether the outstanding special purpose revenue bonds or refunding special purpose revenue bonds have matured or are the subject of redemption or whether the refunding special purpose revenue bonds shall be bonds for the multi-project programs described in section 2. In making this determination, the department shall comply with federal law relating to the exemption from federal income taxation of the interest on bonds of the nature authorized by this section.

SECTION 5. The authorization to issue special purpose revenue bonds under this Act shall lapse on June 30, 2030.

SECTION 6. This Act shall take effect on July 1, 2025.

(Approved May 19, 2025.)

ACT 77

S.B. NO. 102

A Bill for an Act Relating to Restaurants.

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

SECTION 1. The legislature finds that unauthorized restaurant reservation listings by third-party restaurant reservation services are misleading to consumers and detrimental to restaurant businesses in the State. The legislature also finds that the State has an interest in preventing this substantial misconduct. This Act advances the State's interest by prohibiting third parties from listing restaurant reservation services without the restaurant's knowledge or prior written consent. The legislature further finds that avoiding these harmful effects justifies the restrictions imposed by this Act.

Accordingly, the purpose of this Act is to:

- (1) Prohibit third-party restaurant reservation services from advertising, listing, promoting, facilitating, enabling, or selling restaurant reservation services without first obtaining a written agreement from the applicable restaurant authorizing the action; and
- (2) Establish a private cause of action for civil remedies.

SECTION 2. Chapter 489J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§489J- Unauthorized restaurant reservations; prohibited. (a) No third-party restaurant reservation service shall advertise, list, promote, facilitate, enable, or sell reservations for a restaurant through the third-party restaurant reservation service's website, mobile application, or other digital platform unless the restaurant, or a contractual designee of the restaurant expressly authorized by the restaurant to distribute reservations to a third party, agrees in writing for the third-party restaurant reservation service to advertise, list, promote, facilitate, enable, or sell reservations for that restaurant.

(b) Any person who is charged a fee or price by or through a third-party restaurant reservation service for a reservation that is advertised, listed, promoted, facilitated, enabled, or sold in violation of this section; any restaurant for which a third-party restaurant reservation service has advertised, listed, promoted, facilitated, enabled, or sold a reservation in violation of this section; or any restaurant's contractual designee who obtained reservation distribution rights directly from the restaurant, with respect to a reservation advertised, listed, promoted, facilitated, enabled, or sold in violation of this section, may bring a civil action in any court of competent jurisdiction for the following:

- (1) Injunctive relief to restrain or enjoin any activity in violation of this section;
- (2) Actual damages; provided that the actual damages shall not exceed the total fees collected by the third-party restaurant reservation service for the subject violation; and
- (3) Attorneys' fees and costs and any other remedies that the court deems appropriate.

(c) Any action alleging a violation of this section shall be brought within one year of the occurrence of the acts alleged to have violated this section.

(d) For the purposes of this section:

“Restaurant” means a food establishment in which food is provided free of charge or sold to consumers for consumption on or off the premises. “Restaurant” includes dine-in establishments, pushcarts, food stands, and vehicles.

“Third-party restaurant reservation service” means any website, mobile application, or other digital platform that:

- (1) Offers or arranges for reserving on-premises service for a customer at a restaurant; and
- (2) Is owned and operated by an entity other than the entity that owns the applicable restaurant.”

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

SECTION 4. New statutory material is underscored.¹

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

(Approved May 19, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 78

S.B. NO. 284

A Bill for an Act Relating to Interception of Wire, Oral, or Electronic Communication.

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

SECTION 1. Chapter 803, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

“§803- Emergency applications and orders. (a) If an order authorizing or approving the interception of a wire, oral, or electronic communication is immediately necessary to prevent death or injury, an emergency application for an emergency order authorizing or approving the interception of a wire, oral, or electronic communication may be submitted to a designated judge without a written memorandum recommending approval or disapproval by the department of the attorney general; provided that:

- (1) The emergency application attests that the interception of a wire, oral, or electronic communication is immediately necessary to prevent death or injury;
- (2) The emergency application identifies the person or persons who are in danger of death or injury, if the identity of the person or persons is known;
- (3) The emergency application meets all other requirements for an application for an order authorizing or approving the interception of a wire, oral, or electronic communication as set forth in this part;
- (4) The emergency order authorizing or approving the interception of a wire, oral, or electronic communication contains a finding that the

order needed to be granted immediately to prevent death or injury; and

- (5) The emergency order states that the interception shall terminate when the danger of death or injury has abated, a follow-up application for an order authorizing or approving the interception of a wire, oral, or electronic communication has been denied, or forty-eight hours have passed since the granting of the emergency order if no follow-up order has been granted.

(b) If an emergency order authorizing or approving the interception of a wire, oral, or electronic communication is granted, a follow-up application for a follow-up order authorizing or approving the interception of a wire, oral, or electronic communication shall be submitted to a designated judge within forty-eight hours of the granting of the emergency order. The follow-up application shall:

- (1) Meet all of the requirements for an application for an order authorizing or approving the interception of a wire, oral, or electronic communication set forth in this part; and
- (2) Be accompanied by a written memorandum recommending approval or disapproval by the department of the attorney general; provided that the department of the attorney general shall provide the written memorandum within twenty-four hours of the request for the written memorandum.

(c) The interception of any wire, oral, or electronic communication authorized or approved by an emergency order shall immediately terminate if:

- (1) The danger of death or injury has abated;
- (2) A follow-up application is denied; or
- (3) A follow-up order authorizing or approving the interception of a wire, oral, or electronic communication is not granted within forty-eight hours after the granting of the emergency order.

(d) In the event a follow-up application for an order authorizing or approving the interception of a wire, oral, or electronic communication is denied, or in any other case where a follow-up order is not granted by a designated judge within forty-eight hours after the granting of an emergency order, the contents of any wire, oral, or electronic communication intercepted shall be treated as having been obtained in violation of this chapter. An application for a follow-up order and the granting of a follow-up order may occur after the interception has terminated; provided that the follow-up order is granted within forty-eight hours of the granting of the emergency order.

(e) Except as specifically provided by this section, all emergency applications for an order authorizing or approving the interception of a wire, oral, or electronic communication, emergency orders authorizing or approving the interception of a wire, oral, or electronic communication, follow-up applications for an order authorizing or approving the interception of a wire, oral, or electronic communication, and follow-up orders authorizing or approving the interception of a wire, oral, or electronic communication shall be subject to the requirements set forth in this part."

SECTION 2. Section 803-46, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Each application for an order authorizing or approving the interception of a wire, oral, or electronic communication shall be made in writing upon oath or affirmation to a designated judge and shall be accompanied by a written memorandum recommending approval or disapproval by the department of the attorney general. If the application is being prepared by the prose-

cuting attorney of a county, the department of the attorney general shall provide its memorandum to the prosecuting attorney within twenty-four hours of the attorney's request to the department. The application shall state the applicant's authority to make the application. [The term "designated judge" as] As used in this section [shall not only mean], "designated judge" means a circuit court judge specifically designated by the chief justice of the Hawaii supreme court[; but shall also mean] or any circuit court judge or district court judge, if no circuit court judge has been designated by the chief justice or is otherwise unavailable. Each application shall include the following information:

- (1) The identity of the investigative or law enforcement officer or officers requesting the application[;] or the official or officials applying for an order;
- (2) A full and complete statement of the facts and circumstances relied upon by the applicant, to justify the applicant's belief that an order should be issued, including:
 - (A) Details as to the particular offense that has been, is being, or is about to be committed;
 - (B) Except as provided in subsection (j), a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted;
 - (C) A particular description of the type of communications sought to be intercepted;
 - (D) The identity or descriptions of all persons, if known, committing the offense and whose communications are to be intercepted; and
 - (E) Where appropriate, the involvement of organized crime;
- (3) A full and complete, but not unduly technical or complex, statement of the facts concerning how the interception is to be accomplished, and if physical entry upon private premises is necessary, facts supporting the necessity;
- (4) A full and complete statement of facts as to whether [~~or not~~] other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;
- (5) A statement of facts indicating the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;
- (6) A full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any designated judge for authorization to intercept, or for approval of interceptions of, wire, oral, or electronic communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the designated judge on each application; and
- (7) When the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain any results."

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

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

(Approved May 19, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 79

H.B. NO. 544

A Bill for an Act Relating to Pet 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 article to be appropriately designated and to read as follows:

**“ARTICLE
PET INSURANCE**

§431: -101 Short title. This article shall be known and may be cited as the Hawaii Pet Insurance Act.

§431: -102 Scope and purpose. (a) The purpose of this article is to promote the public welfare by creating a comprehensive legal framework within which pet insurance may be sold in this State.

(b) The requirements of this article shall apply to pet insurance policies that are issued to any resident of this State, and are sold, solicited, negotiated, or offered in this State, and policies or certificates that are delivered or issued for delivery in this State.

(c) All other applicable provisions of this State’s insurance laws shall continue to apply to pet insurance, except that the specific provisions of this article shall supersede any general provisions of law that would otherwise be applicable to pet insurance.

(d) Nothing in this article shall in any way prohibit or limit the types of exclusions pet insurers may use in their policies or require pet insurers to have any of the limitations or exclusions identified and defined in section 431: -103.

§431: -103 Definitions. As used in this article, unless the context clearly indicates otherwise:

“Chronic condition” means a condition that can be treated or managed, but not cured.

“Congenital anomaly or disorder” means a condition that is present from birth, whether inherited or caused by the environment, which may cause or contribute to illness or disease.

“Hereditary disorder” means an abnormality that is genetically transmitted from parent to offspring and may cause illness or disease.

“Orthopedic” means conditions affecting the bones, skeletal muscle, cartilage, tendons, ligaments, and joints. “Orthopedic” includes but is not limited to elbow dysplasia, hip dysplasia, intervertebral disc degeneration, patellar luxation, and ruptured cranial cruciate ligaments. “Orthopedic” does not include cancers or metabolic, hemopoietic, or autoimmune diseases.

“Pet insurance” means a property insurance policy that provides coverage for accidents and illnesses of pets.

“Preexisting condition” means any condition for which any of the following are true before the effective date of a pet insurance policy or during any waiting period:

- (1) A veterinarian provided medical advice;
- (2) The pet received previous treatment; or
- (3) Based on information from verifiable sources, the pet had signs or symptoms directly related to the condition for which a claim is being made.

“Renewal” means to issue and deliver at the end of an insurance policy period a policy that supersedes a policy previously issued and delivered by the same pet insurer or affiliated pet insurer and that provides types and limits of coverage substantially similar to those contained in the policy being superseded.

“Veterinarian” means an individual who holds a valid license to engage in the practice of veterinary medicine under chapter 471.

“Veterinary expenses” means the costs associated with medical advice, diagnosis, care, or treatment provided by a veterinarian, including but not limited to the cost of drugs prescribed by a veterinarian.

“Waiting period” means the period of time specified in a pet insurance policy that is required to transpire before some or all of the coverage in the policy can begin.

“Wellness program” means a subscription- or reimbursement-based program that is separate from an insurance policy that provides goods and services to promote the general health, safety, or wellbeing of the pet.

§431: -104 Disclosures. (a) A pet insurer transacting pet insurance shall disclose the following to consumers:

- (1) Whether the policy excludes coverage due to any of the following:
 - (A) A chronic condition;
 - (B) A congenital anomaly or disorder;
 - (C) A hereditary disorder; or
 - (D) A preexisting condition;
- (2) If the policy includes any other exclusions, the following statement: “Other exclusions may apply. Please refer to the exclusions section of the policy for more information.”;
- (3) Any policy provision that limits coverage through a waiting period, an affiliation period, a deductible, coinsurance, or an annual or life-time policy limit;
- (4) Whether the pet insurer reduces coverage or increases premiums based on the consumer’s claim history, the age of the covered pet, or a change in the geographic location of the covered pet; and
- (5) Whether the underwriting company differs from the brand name used to market and sell the product.

(b) Unless the consumer has filed a claim under the pet insurance policy, pet insurance applicants shall have the right to examine and return the policy, certificate, or rider to the pet insurer or an agent or insurance producer of the pet insurer within thirty days of its receipt and to have the premium refunded if, after examination of the policy, certificate, or rider, the applicant is not satisfied for any reason.

Pet insurance policies, certificates, and riders shall have a notice prominently printed on the first page or attached to the first page that includes specific instructions to accomplish a return. The following free look statement or language substantially similar shall be included:

“You have 30 days from the day you receive this policy, certificate, or rider to review it and return it to the pet insurer if you decide not to

keep it. You do not have to tell the pet insurer why you are returning it. If you decide not to keep it, simply return it to the pet insurer at its administrative office or you may return it to the agent/insurance producer that you bought it from as long as you have not filed a claim. You must return it within 30 days of the day you first received it. The pet insurer will refund the full amount of any premium paid within 30 days after it receives the returned policy, certificate, or rider. The premium refund will be sent directly to the person who paid it. The policy, certificate, or rider will be void as if it had never been issued.”

(c) A pet insurer shall clearly disclose a summary description of the basis or formula on which the pet insurer determines claim payments under a pet insurance policy within the policy, before policy issuance and through a clear and conspicuous link on the main page of the pet insurer’s or pet insurer’s program administrator’s website.

(d) A pet insurer that uses a benefit schedule to determine claim payment under a pet insurance policy shall:

- (1) Clearly disclose the applicable benefit schedule in the policy; and
- (2) Disclose all benefit schedules used by the pet insurer under its pet insurance policies through a clear and conspicuous link on the main page of the pet insurer’s or pet insurer’s program administrator’s website.

(e) A pet insurer that determines claim payments under a pet insurance policy based on usual and customary fees, or any other reimbursement limitation based on prevailing veterinary service provider charges, shall:

- (1) Include a usual and customary fee limitation provision in the policy that clearly describes the pet insurer’s basis for determining usual and customary fees and how that basis is applied in calculating claim payments; and
- (2) Disclose the pet insurer’s basis for determining usual and customary fees through a clear and conspicuous link on the main page of the pet insurer’s or pet insurer’s program administrator’s website.

(f) If any medical examination by a veterinarian is required to effectuate coverage, the pet insurer shall clearly and conspicuously disclose the required aspects of the examination before purchase and disclose that examination documentation may result in a preexisting condition exclusion.

(g) Waiting periods, and the requirements applicable to the waiting periods, shall be clearly and prominently disclosed to consumers before the policy purchase.

(h) The pet insurer shall include a summary of all policy provisions required in subsections (a) through (g), inclusive, in a separate document titled “Insurer Disclosure of Important Policy Provisions”.

(i) The pet insurer shall post the insurer disclosure of important policy provisions document required in subsection (h) through a clear and conspicuous link on the main page of the pet insurer’s or pet insurer’s program administrator’s website.

(j) In connection with the issuance of a new pet insurance policy, the pet insurer shall provide the consumer with a copy of the insurer disclosure of important policy provisions document required pursuant to subsection (h) in at least twelve-point type when the pet insurer delivers the policy.

(k) At the time a pet insurance policy is issued or delivered to a policyholder, the pet insurer shall include a written disclosure with the following information, printed in twelve-point boldface type:

- (1) The insurance division’s mailing address, toll-free telephone number, and website address;

- (2) The address and customer service telephone number of the pet insurer or the agent or broker of record; and
- (3) If the policy was issued or delivered by an agent or a broker, a statement advising the policyholder to contact the agent or broker for assistance.
- (l) The disclosures required in this section shall be in addition to any other disclosure requirements required by law or rule.

§431: -105 Policy conditions. (a) If a pet insurer uses any of the terms in this article in a policy of pet insurance, the pet insurer shall use the definition of each of those terms as set forth in section 431: -103 and include the definition of the term in the policy. The pet insurer shall also make the definition available through a clear and conspicuous link on the main page of the pet insurer's or pet insurer's program administrator's website.

(b) A pet insurer may issue policies that exclude coverage on the basis of one or more preexisting conditions with appropriate disclosure to the consumer. The pet insurer shall have the burden of proving that the preexisting condition exclusion applies to the condition for which a claim is being made. A condition for which coverage is afforded on a policy shall not be considered a preexisting condition on any renewal of the policy.

(c) A pet insurer may issue policies that impose waiting periods upon effectuation of the policy that do not exceed thirty days for illnesses or orthopedic conditions not resulting from an accident. Waiting periods shall not be applied to renewals of existing coverage. Waiting periods for accidents shall be prohibited.

A pet insurer utilizing a waiting period permitted under this subsection shall include a provision in its contract that allows the waiting periods to be waived upon completion of a medical examination. Pet insurers may require the examination to be conducted by a veterinarian after the purchase of the policy. The medical examination for the waiver shall be paid for by the consumer, unless the policy specifies that the pet insurer will pay for the examination. A pet insurer may specify elements to be included as part of the medical examination and require documentation of the examination; provided that the specifications shall not unreasonably restrict a consumer's ability to waive the waiting period under this subsection.

Waiting periods, and the requirements applicable to the waiting periods, shall be clearly and prominently disclosed to consumers before the policy purchase.

(d) A pet insurer shall not require a medical examination of the covered pet for the consumer to have the policy renewed.

(e) If a pet insurer includes any prescriptive, wellness, or non-insurance benefits in the policy form, then the benefits shall be made part of the policy contract and shall follow all applicable laws and rules in this chapter.

(f) A consumer's eligibility to purchase a pet insurance policy shall not be based on participation, or lack of participation, in a separate wellness program.

§431: -106 Sales practices for wellness programs; when deemed insurance. (a) A pet insurer or an insurance producer shall not market a wellness program as pet insurance.

(b) If a wellness program is sold by a pet insurer or an insurance producer:

- (1) The purchase of the wellness program shall not be a requirement to the purchase of pet insurance;

- (2) The costs of the wellness program shall be separate and identifiable from any pet insurance policy sold by a pet insurer or an insurance producer;
 - (3) The terms and conditions for the wellness program shall be separate from any pet insurance policy sold by a pet insurer or an insurance producer;
 - (4) The products or coverages available through the wellness program shall not duplicate products or coverages available through the pet insurance policy;
 - (5) The advertising of the wellness program shall not be misleading and shall be in accordance with this subsection; and
 - (6) A pet insurer or an insurance producer shall clearly disclose the following to consumers, printed in twelve-point boldface type:
 - (A) That wellness programs are not insurance;
 - (B) The address and customer service telephone number of the pet insurer or insurance producer or broker of record; and
 - (C) The insurance division's mailing address, toll-free telephone number, and website address.
- (c) Coverages included in the pet insurance policy contract described as "wellness" benefits shall be deemed insurance.
- (d) If a wellness program undertakes to indemnify another or pays a specified amount upon determinable contingencies, the wellness program shall be deemed to be transacting an insurance business as described in section 431:1-215 and shall be subject to this chapter.
- (e) A wellness program shall not be construed to classify a contract that is directly between a service provider and a pet owner and only involves the two parties as transacting an insurance business as described in section 431:1-215, unless other indications of insurance also exist.

§431: -107 Insurance producer training. (a) An insurance producer shall not sell, solicit, or negotiate a pet insurance product until after the insurance producer is appropriately licensed under the property and casualty lines of authority and has completed the required training identified in subsection (c).

(b) An insurer shall ensure that its insurance producers are trained under subsection (c) and that its insurance producers have been appropriately trained on the coverages and conditions of its pet insurance products.

(c) The training required under this section shall include information on the following topics:

- (1) Preexisting conditions and waiting periods;
- (2) The differences between pet insurance and noninsurance wellness programs;
- (3) Chronic conditions, congenital anomalies and disorders, and hereditary disorders and how pet insurance policies interact with those conditions or disorders; and
- (4) Rating, underwriting, renewal, and other related administrative topics.

(d) The satisfaction of the training requirements of another state that are substantially similar to the provisions of subsection (c) shall be deemed to satisfy the training requirements in this State.

§431: -108 Rules. The commissioner may adopt rules pursuant to chapter 91 to administer this article.

§431: -109 Violations. Violations of this article shall be subject to penalties pursuant to this chapter and the rules pursuant to this chapter.”

SECTION 2. 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 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. This Act shall take effect on January 1, 2026.
(Approved May 19, 2025.)

ACT 80

H.B. NO. 990

A Bill for an Act Making Appropriations for Claims Against the State, its Officers, or its Employees.
Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. The following sums or so much thereof as may be necessary for fiscal year 2024-2025 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:	
Gilbert Collins	\$ 69,113.33
Mark Lloyd	\$ 111,733.08
Maui Kupono Builders, LLC (Check No. S0057589)	\$ 442,504.75
Maui Kupono Builders, LLC (Check No. S0001176)	\$ 152,665.39
National Commerce Bank Service	\$ 166,492.00
Olinda Country Estates, Inc.	\$ 50,210.67
Sarah Ann D. Pacheco f/k/a Sarah Ann D. Taylor	\$ 460.00
Sofia Lerman Estate	\$ 22,674.17
Neal M. Tamashiro	\$ 514.00
Kiyoji Tanimura	\$ 5,371.00
SUBTOTAL:	\$ 1,021,738.39

ACT 80

2. DEPARTMENT OF THE ATTORNEY GENERAL:

Billy Peter v. Anne E. Lopez	\$ 28,500.00
Civil No. 24-cv-00508 MWJS-RT, USDC	(Judgment)
SUBTOTAL:	<u>\$ 28,500.00</u>

3. DEPARTMENT OF CORRECTIONS AND REHABILITATION:

Donna Opulento v. State of Hawaii	\$ 100,000.00
Department of Public Safety	(Settlement)
Civil No. 19-cv-00315-RT, USDC	
SUBTOTAL:	<u>\$ 100,000.00</u>

4. DEPARTMENT OF DEFENSE:

Paul Aker v. Hawaii Emergency Management Agency	\$ 5,000.00
Civil No. 2CCV-23-0000378, Second Circuit	(Settlement)
James Sean Shields v. State of Hawaii	\$ 275,000.00
Civil No. 1CC181001897, First Circuit	(Settlement)
SUBTOTAL:	<u>\$ 280,000.00</u>

5. DEPARTMENT OF EDUCATION:

B.R., M.A., and F.R. v. State of Hawaii	\$ 330,000.00
Civil No. 1CCV-20-0000549, First Circuit	(Settlement)
Katherine Balatico v. State of Hawaii	\$ 150,000.00
Civil No. 22-cv-00415-LEK-KJM, USDC	(Settlement)
Child Evangelism Fellowship of Hawaii, Inc. v. Hawaii State Department of Education	\$ 100,000.00
Civil No. 24-cv-00034 MWJS-WRP, USDC	(Judgment)
D.O. v. State of Hawaii,	\$ 100,000.00
Department of Education	(Settlement)
Civil No. 1CCV-20-0000583, First Circuit	
Jake Ferreira v. State of Hawaii,	\$ 75,000.00
Department of Education	(Settlement)
Civil No. 1CCV-23-0000874, First Circuit	
Brenda Persinger, Individually and as a Personal Representative of the Estate of Michael Ambrose, Deceased v. State of Hawaii,	\$ 1,750,000.00
Department of Education	(Settlement)
Civil No. 3CCV-22-0000337, Third Circuit	
Leonard Ramboyon v. Esther Kanehailua	\$ 140,000.00
Civil No. 3CCV-20-0000407, Third Circuit	(Settlement)
SUBTOTAL:	<u>\$ 2,645,000.00</u>

6. DEPARTMENT OF HAWAIIAN HOME LANDS:

Royal Contracting Co. v.	\$ 400,000.00
Department of Hawaiian Home Lands	(Settlement)
Civil No. 1CC161001760, First Circuit	
SUBTOTAL:	<u>\$ 400,000.00</u>

7. DEPARTMENT OF HEALTH:

Jon R. Chung v. State of Hawaii	\$ 50,000.00
Civil No. 2CCV-22-0000006, Second Circuit	(Settlement)
Kamaka Air, LLC	\$ 298,000.00
Tort Claim	(Settlement)
SUBTOTAL:	<u>\$ 348,000.00</u>

8. DEPARTMENT OF HUMAN SERVICES:

John Roe No. 121 v. State of Hawaii	\$ 512,700.83
Civil No. 1CC191001419, First Circuit	(Judgment)
SUBTOTAL:	\$ 512,700.83

9. DEPARTMENT OF LAND AND NATURAL RESOURCES:

Anela Aplaca v. State of Hawaii	\$ 115,000.00
Civil No. 1CCV-23-0000193, First Circuit	(Settlement)
Stacy J. Bruhn v. State of Hawaii	\$ 125,000.00
Civil No. 1CCV-24-0001600, First Circuit	(Settlement)
Healoha Carmichael v. Board of Land and Natural Resources	\$ 26,771.00 (Judgment)
Civil No. 1CC-15-1000650, First Circuit	
Kona Mike's Surf Adventures, LLC v. Dawn N.S. Chang	\$ 18,000.00 (Settlement)
Civil No. CAAP-24-0000645, Intermediate Court of Appeals	
Jennifer L. Reber v. State of Hawaii	\$ 450,000.00
Civil No. 5CCV-23-0000053, Fifth Circuit	(Settlement)
Brenda Osmer Tort Claim	\$ 100,000.00 (Settlement)
SUBTOTAL:	\$ 834,771.00

10. DEPARTMENT OF LAW ENFORCEMENT:

Cresencia Espejo v. State of Hawaii	\$ 750,000.00
Civil No. 1CCV-21-0000192, First Circuit	(Settlement)
SUBTOTAL:	\$ 750,000.00

11. DEPARTMENT OF TAXATION:

Deborah Kwan v. State of Hawaii	\$ 32,632.85
Civil No. 1CCV-21-0000424, First Circuit	(Settlement)
SUBTOTAL:	\$ 32,632.85

12. JUDICIARY:

Lisa Ann Daguro v. State of Hawaii	\$ 70,000.00
Civil No. 1CCV-20-0001475, First Circuit	(Settlement)
SUBTOTAL:	\$ 70,000.00
TOTAL (SECTION 1):	\$ 7,023,343.07

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

PART II

SECTION 2. The following sums or so much thereof as may be necessary for fiscal year 2024-2025 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:		
Juan Jimmie Aldeguer v. State of Hawaii		\$ 1,075,000.00
Civil No. 1CCV-21-0000052, First Circuit		(Settlement)
Estate of Bruce S. Perdue v. State of Hawaii		\$ 175,000.00
Civil No. 5CC131000351, Fifth Circuit		(Settlement)
Susanna Sigal v. State of Hawaii		\$ 70,000.00
Civil No. 1CCV-20-0001486, First Circuit		(Settlement)
SUBTOTAL:		\$ 1,320,000.00
TOTAL (SECTION 2):		\$ 1,320,000.00

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

PART III

SECTION 3. The following sums or so much thereof as may be necessary for fiscal year 2024-2025 are appropriated out of the judiciary funds 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
JUDICIARY:		
Leanne Rosa v. Randal G.B. Valenciano		\$ 90,000.00
Civil No. 23-CV-00315-JAO-WRP, USDC		(Settlement)
SUBTOTAL:		\$ 90,000.00
TOTAL (SECTION 3):		\$ 90,000.00

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

PART IV

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 at the beginning of the regular session of 2025, the general fund expenditure ceiling for fiscal year 2024-2025 was exceeded by \$8,551,795, or one per cent. The appropriations contained in Act 1, Session Laws of Hawaii 2025, caused the general fund expenditure ceiling for fiscal year 2024-2025 to be further exceeded by an additional \$30,334,159. Therefore, the general fund expenditure ceiling for fiscal year 2024-2025 has already been exceeded by \$38,885,954, or one per cent.

The appropriations contained in this Act will cause the general fund expenditure ceiling for fiscal year 2024-2025 to be further exceeded by \$7,023,343.07, or one per cent. This declaration takes into account the additional general fund appropriations authorized for fiscal year 2024-2025 in this Act only. 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 addressed by 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, 2026, 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 May 19, 2025.)

ACT 81

H.B. NO. 667

A Bill for an Act Relating to Transportation.

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

SECTION 1. This Act shall be known and may be cited as the “Mila Microchip Identification Act”.

SECTION 2. The legislature finds that since January 1, 2022, all cat and dog owners in Hawaii have been required to have a microchip implanted in their pet and to register that microchip number and the owner’s contact information with a microchip registration company. The legislature further finds that when employees of the state and county agencies responsible for disposing roadkill pick up dead cats and dogs that have been killed on public roadways, they do not routinely scan the deceased animals for microchips or take any other measures to ascertain the animal’s owner. As a result, owners of lost cats or dogs are not informed if their pet has been killed by a vehicle.

The legislature further finds that the tragic incident involving a dog named Mila, as reported by KITV News on November 8, 2024, highlights a critical gap in existing policies and procedures. Due to the absence of proper scanning equipment within the department of transportation and the lack of clear rules for owner notification, Mila was disposed of without her owner being informed. This measure seeks to address such deficiencies by establishing clear directives for notification and the use of scanning equipment to prevent similar occurrences in the future.

Furthermore, the legislature recognizes that this measure aligns with the intent expressed in the previous legislative session through House Concurrent Resolution No. 171 and House Resolution No. 150. By enacting this legislation, the legislature affirms its commitment to animal welfare and responsible procedures for handling lost or deceased pets.

Accordingly, the purpose of this Act is to:

- (1) Require the department of transportation and each county to:
 - (A) Scan any cat or dog carcass found on a state or county roadway for a microchip;
 - (B) Record certain information and report that information to the appropriate county animal services or animal service contractors; and
 - (C) Make reasonable efforts to contact the registered owner; and
- (2) Authorize the department of transportation and each county to coordinate with each other to share scanner resources or protocols.

SECTION 3. Chapter 264, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§264- Microchip scanning of deceased animals on roadways. (a) The department of transportation shall:

- (1) Scan any cat or dog carcass found on a state roadway for a microchip;
- (2) Record any microchip number or other identifying information and a basic description of the animal, if discernible;
- (3) Notify the appropriate county animal services contractor or animal control agency within forty-eight hours of discovery; and
- (4) When feasible, make reasonable efforts to contact the registered owner of a deceased animal if microchip information is obtained.

(b) The department of transportation may coordinate with the counties to share microchip scanner resources or protocols as needed.”

SECTION 4. Chapter 265A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§265A- Microchip scanning of deceased animals on roadways. (a) Each county shall:

- (1) Scan any cat or dog carcass found on a county roadway for a microchip;
- (2) Record any microchip number or other identifying information and a basic description of the animal, if discernible; and
- (3) Notify the appropriate county animal services contractor or animal control agency within forty-eight hours of discovery.

(b) A county animal services contractor or animal control agency shall make reasonable efforts to contact the registered owner of a deceased animal if microchip information is obtained.

(c) Each county may coordinate with the department of transportation or other counties to share scanner resources or protocols.”

SECTION 5. New statutory material is underscored.¹

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

(Approved May 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Public Lands.

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

SECTION 1. In the interests of quickly effectuating the setting aside of public lands between state departments and agencies and the conservation of government resources, the purpose of this Act is to provide that a survey of the land to be set aside shall not be a condition precedent to the setting aside of public lands to any department or agency of the State.

SECTION 2. Section 171-11, Hawaii Revised Statutes, is amended to read as follows:

“§171-11 Public purposes, lands set aside by the governor; management.

The governor may, with the prior approval of the board of land and natural resources, set aside public lands to any department or agency of the State, the city and county, county, or other political subdivisions of the State for public use or purpose. All withdrawals of the lands or portions thereof so set aside shall be made by the governor.

Any public lands set aside by the governor prior to the enactment of this chapter, or any public lands set aside by the governor of the Territory of Hawaii, shall be subject to the provisions of this section.

Lands while so set aside for such use or purpose or when acquired for roads and streets shall be managed by the department, agency, city and county, county, or other political subdivisions of the State having jurisdiction thereof, unless otherwise provided by law. Such department, agency of the State, the city and county, county, or other political subdivisions of the State in managing such lands shall be authorized to exercise all of the powers vested in the board in regard to the issuance of leases, easements, licenses, revocable permits, concessions, or rights of entry covering such lands for such use as may be consistent with the purposes for which the lands were set aside on the same terms, conditions, and restrictions applicable to the disposition of public lands, as provided by this chapter all such dispositions being subject to the prior approval of the board; provided that any nonrenewable dispositions granting rights for a period not in excess of fourteen days shall not require (1) the approval of the board or (2) public auction or public advertisement for sealed tenders; and provided further that disposition of lands set aside for use as agricultural parks pursuant to chapter 166 shall not be subject to the prior approval of the board. If at the time of the disposition of any such leases the board shall have approved the same, any order withdrawing or setting aside any or all of such lands for any other public purpose shall be made subject to such leases. Subject to section 5(f) of the Act of March 18, 1959 (73 Stat. 6), all proceeds from such lands shall be deposited into the appropriate funds provided by law.

A survey of the land to be set aside shall not be a condition precedent to set aside public lands to a department or agency of the State; provided that a subsequent survey of the land set aside shall be binding if ratified by the board of land and natural resources and the governor; provided further that the State, its departments and agencies, and its officials and employees shall be immune from all suits of whatever character, whether sounding in law or in equity, relating to the boundaries of land set aside without a survey.

This section shall also apply where the purposes are the uses and purposes of the United States; provided that all revenues derived from the lands

and improvements thereon shall be paid to the department of land and natural resources by the United States.

Whenever lands set aside for a public purpose to the various departments and agencies of the State, or to any city and county, county, or other political subdivisions of the State, or to the United States, are not being utilized or required for the public purpose stated, the order setting aside the lands shall be withdrawn and the lands shall be returned to the department. The governor may withdraw public lands and, with the prior approval of the board of land and natural resources, set aside the withdrawn lands to another department or agency of the State, the city and county, county, or political subdivision of the State, or to the United States for public use or purpose, provided that no structure on such lands shall be built, demolished or altered until after the legislative action or inaction as hereinbelow provided.

The power granted to the governor in this section to set aside or withdraw or withdraw and set aside public lands shall be exercised subject to disapproval by the legislature by two-thirds vote of either the senate or the house of representatives or by the majority vote of both, in any regular or special session next following the date of the setting aside or withdrawal, or withdrawal and setting aside.

Whenever portions of lands set aside for a public purpose to the various departments and agencies of the State, or to any city and county, county, or other political subdivision of the State are not presently utilized or required for the public purpose stated, the board shall have the power, without withdrawing the order setting aside the lands, to dispose of any and all real property interest less than the fee in the portions of such lands where the disposition is for a use which is consistent or inconsistent with the purpose for which the land was set aside. All funds derived from disposition by the board shall be deposited in the general fund of the State or be paid to the appropriate account; provided that all such dispositions shall be with the prior written approval of the department, agency, city and county, county, or other political subdivisions of the State and the governor, and shall be undertaken in compliance with all other applicable sections of this chapter.”

SECTION 3. New statutory material is underscored.

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

(Approved May 27, 2025.)

ACT 83

H.B. NO. 991

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 Internal Revenue Service requires fingerprint-based background checks on current and prospective employees and contractors who receive access to federal tax information. Authorization to access fingerprint-based background checks is provided through state statute approved by the Federal Bureau of Investigation. Act 35, Session Laws of Hawaii 2021, established sections 28-17 and 846-2.7(b)(49), Hawaii Revised Statutes, to authorize the department of the attorney general to conduct fingerprint-based background checks through the Federal Bureau of Investigation on current or

prospective employees or employees or agents of contractors. Upon review of section 846-2.7(b)(49), Hawaii Revised Statutes, the Federal Bureau of Investigation determined that the statute failed the requirement of identifying the specific category of persons falling within the statute's purview, as the term "agents of contractors" was overly broad and not defined in the statute.

Accordingly, the purpose of this Act is to repeal the term "agents of contractors" and clarify that a contractor, contractor's employee, or subcontractor who has access to federal tax information held by the department of the attorney general may be subject to fingerprint-based background checks.

SECTION 2. Section 28-17, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The department of the attorney general may terminate or deny employment to any current or prospective employee, or terminate or refuse to secure the services of any contractor, if the department of the attorney general finds by reason of the background investigation conducted under subsection (a) that the current or prospective employee ~~[or employee or agent of the]~~, contractor, contractor's employee, or subcontractor poses a risk to the security of federal tax information. Termination or denial of employment, or termination or refusal to secure the services of any contractor, under this subsection, shall only occur after appropriate notification to the current or prospective employee ~~[or employee or agent of the]~~, contractor, contractor's employee, or subcontractor of the findings of the background investigation, and after the current or prospective employee ~~[or employee or agent of the]~~, contractor, contractor's employee, or subcontractor is given an opportunity to meet and rebut the findings. Nothing in this subsection shall abrogate any applicable appeal rights under chapters 76 and 89 or administrative rules of the department of the attorney general."

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 of youth services 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 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 466M-7; and
 - (C) Each of the controlling persons of an applicant for registration as an appraisal management company, as provided by section 466M-7;
- (41) The department of health or its designee on:
 - (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, contractor's employees, or subcontractors 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 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 the amendments made to section 846-2.7(b), Hawaii Revised Statutes, by this Act shall not be repealed when section 846-2.7(b), Hawaii Revised Statutes, is reenacted on July 1, 2027, pursuant to section 4 of Act 110, Session Laws of Hawaii 2024.

(Approved May 27, 2025.)

ACT 84

S.B. NO. 691

A Bill for an Act Relating to Family Courts.

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

SECTION 1. The legislature finds that the United States is the only country in the world that has not fully established a minimum age for juvenile delinquency adjudication, in violation of Article 40 of the United Nations Convention of the Rights of the Child, which requires nations to set a minimum age below which children are deemed incapable of transgressing the criminal law. In the United States, only a bare majority of states have established any minimum age of delinquency adjudication, and most states that have set a minimum age have set it at the low age of ten years old.

The legislature further finds that young children under the age of twelve do not have the ability to form mens rea or criminal intent, but should still receive services and treatment when they engage in what would otherwise be delinquent or criminal behavior. These children lack the intellectual capability and maturity to fully understand the consequences of their actions, as well as the proceedings in juvenile court.

Therefore, the purpose of this Act is to establish a minimum age of twelve before a child may be adjudicated for any alleged or attempted violation of law.

SECTION 2. Section 571-11, Hawaii Revised Statutes, is amended to read as follows:

“§571-11 Jurisdiction; children. Except as otherwise provided in this chapter, the court shall have exclusive original jurisdiction in proceedings:

- (1) Concerning any person who is at least twelve years old and is alleged to have committed an act before achieving eighteen years of age that would constitute a violation or attempted violation of any federal, state, or local law or county ordinance. Regardless of where the violation occurred, jurisdiction may be taken by the court of the circuit where the person resides, is living, or is found, or in which the offense is alleged to have occurred;
- (2) Concerning any child living or found within the circuit who is:
 - (A) Neglected as to or deprived of educational services because of the failure of any person or agency to exercise that degree of care for which it is legally responsible;
 - (B) Beyond the control of the child's parent or other custodian or whose behavior is injurious to the child's own or others' welfare;

- (C) Neither attending school nor receiving educational services required by law whether through the child's own misbehavior or nonattendance or otherwise; or
- (D) In violation of curfew;
- (3) To determine the custody of any child or appoint a guardian of any child;
- (4) For the adoption of a person under chapter 578;
- (5) For the termination of parental rights under sections 571-61 through 571-63;
- (6) For judicial consent to the marriage, employment, or enlistment of a child, when consent is required by law;
- (7) For the treatment or commitment of a mentally defective or mentally ill child, or a child with an intellectual disability;
- (8) Under the Interstate Compact on Juveniles under chapter 582 or the Interstate Compact for Juveniles under chapter 582D;
- (9) For the protection of any child under chapter 587A;
- (10) For a change of name as provided in section 574-5(a)(2)(C);
- (11) Concerning custody or guardianship of an immigrant child pursuant to a motion for special immigrant juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of eighteen years for purposes of section 101(a)(27)(J) of the federal Immigration and Nationality Act. For the purposes of this paragraph, "child" means an unmarried individual under the age of twenty-one years; and
- (12) Concerning emancipation of a minor pursuant to section 577-25."

SECTION 3. Section 571-21, Hawaii Revised Statutes, is amended to read as follows:

"§571-21 Complaint; investigation; petition. (a) Except as provided in subsection (b), whenever the court is informed by any person that a minor is within the purview of section 571-11(1) or (2), the intake officer shall make a preliminary investigation to determine whether informal adjustment is suitable under section 571-31.4 or 571-31.5. The court may authorize the filing of a petition, may make whatever arrangement for informal adjustment that is suitable under section 571-31.4, 571-31.5, or 571-31.6; or may take ~~[sueh]~~ action ~~[as]~~ that is otherwise allowed under this chapter. Efforts to effect informal adjustment may be continued ~~[not]~~ no longer than three months without review by the judge.

(b) In cases of violation of a law or ordinance by a child, the issuance of a citation or summons, when provided for by law or ordinance, shall be sufficient to invoke the jurisdiction of the court, which may proceed to dispose of ~~[sueh-a]~~ the case with or without preliminary investigation and the filing of a petition.

(c) When a complaint or petition is made or sought to be filed against a member of the complainant's family, the court's staff may, when required by the judge or if requested by either party, process the matter under section 571-31.3.

(d) In children's cases under section 571-11(1) and (2), the petition and all subsequent court documents shall be suitably entitled so as to indicate that the proceeding is in the interest of, rather than against, the child or minor involved. The petition shall be verified and statements may be made upon information and belief. The petition shall set forth plainly the:

- (1) Facts that bring the child within the purview of this chapter;
- (2) Name, age, and residence of the child;

- (3) Names and residences of the child's parents; and
- (4) Name and residence of the child's legal guardian if there is one, of the person or persons having custody or control of the child, or of the nearest known relative if no parent or guardian can be found.

If any of the facts required are not known by the petitioner, the petition shall so state. In cases brought pursuant to section 571-11(2)(A) and (C), a certified copy of the child's school attendance records shall constitute prima facie evidence of the child's nonattendance at school or nonreceipt of educational services. ~~["Certified"]~~ For the purposes of this subsection, "certified copy" means a copy signed by the principal and educator of the child whose class the child did not attend.

(e) The family courts may, by suitable orders, provide regulations concerning the titles, filing, investigation, and the form and content of petitions and other pleadings in cases under this chapter, or these matters may be governed by the rules of court.

(f) A petition alleging violation or attempted violation of any federal, state, or local law or county ordinance pursuant to section 571-11(1) shall not be filed in a case involving a child under the age of twelve."

SECTION 4. Section 571-44, Hawaii Revised Statutes, is amended to read as follows:

"§571-44 Physical or mental examination and treatment. The court may order that a child or minor ~~[concerning]~~ for whom a petition has been filed ~~[shall]~~, be examined by a physician, surgeon, psychiatrist, or psychologist~~[-and it].~~ The court may order treatment[;] by [them;] a physician, surgeon, psychiatrist, or psychologist of a child or minor who has been adjudicated by the court. For either the examination or treatment, the court may place the child or minor in a hospital or other suitable facility. ~~[The]~~ After a hearing, the court~~[-after hearing;]~~ may order an examination by a physician, surgeon, psychiatrist, or psychologist~~[-]~~ of a parent or guardian whose ability to care for a child before the court is at issue.

~~[No child under the age of twelve shall be adjudged to come within section 571-11(1) without the written recommendation of a licensed psychologist or of a psychiatrist or other physician duly qualified by special training and experience in the practice of child psychiatry.]"~~

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

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

(Approved May 27, 2025.)

ACT 85

H.B. NO. 1171

A Bill for an Act Relating to the University of Hawaii Relief Funding.

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

SECTION 1. The legislature finds that ensuring student well-being by providing student aid in direct response to an emergency or disaster is a matter of statewide concern.

SECTION 2. Section 304A-2153, Hawaii Revised Statutes, is amended to read as follows:

“§304A-2153 University of Hawaii tuition and fees special fund. (a) There is established the [University] university of Hawaii tuition and fees special fund into which shall be deposited all revenue collected by the university for regular, summer, and continuing education credit tuition, tuition-related course and fee charges, and any other charges to students, except as provided by law. Moneys deposited into the fund shall be expended to maintain or improve the university's programs and operations and shall not be:

- (1) Used as a justification for reducing any budget request or allotment to the university unless the university requests such a reduction;
- (2) Transferred unless otherwise authorized by the legislature; and
- (3) Restricted by the governor or the director of finance without the prior approval of the legislature.

Any rule, policy, or action of any agency or individual in contravention of this subsection shall be void as against public policy.

(b) Any law to the contrary notwithstanding, the board of regents may authorize expenditures of up to \$3,000,000 annually, excluding in-kind services, from this fund for the purposes of promoting alumni relations and generating private donations for deposit into the University of Hawaii Foundation for the purposes of the university. Any expenditure authorized pursuant to this subsection shall be for a public purpose and shall not be subject to chapters 42F, 103, 103D, and 103F. The university shall submit a comprehensive report to the legislature detailing the use of any funds authorized by the board under this subsection no later than twenty days prior to the convening of each regular session.

The report shall:

- (1) Identify each department of the University of Hawaii Foundation supported by moneys from the fund;
- (2) Describe the purposes and activities of each department identified in paragraph (1) and how it participates in fundraising activities and benefits the university;
- (3) Provide the total expenditures of each department identified in paragraph (1) by primary expense categories;
- (4) Identify all moneys from the fund transferred to any fund of the university and provide a justification of how these moneys are used to benefit the university;
- (5) Provide a financial summary of the operating activities of the University of Hawaii Foundation, including revenues and expenditures by major reporting categories; and
- (6) Identify amounts and purposes of all expenditures from the [University] university of Hawaii support fund.

(c) Any law to the contrary notwithstanding, the university may transfer funds from the [University] university of Hawaii tuition and fees special fund into the scholarship and assistance special fund established pursuant to section 304A-2159.

(d) Any law to the contrary notwithstanding, the board of regents may authorize expenditures of up to \$3,000,000 annually, excluding in-kind services, from the university of Hawaii tuition and fees special fund for the purposes of providing student aid in direct response to an emergency or a disaster, as declared by the governor. The university shall submit a comprehensive report to the legislature detailing the use of any funds authorized by the board under this subsection no later than twenty days prior to the convening of each regular session.

~~[(d)]~~ (c) In estimating its quarterly budget requirements, each campus of the ~~[University]~~ university of Hawaii shall prepare a plan for the fiscal year for the operation of each of the programs that it is responsible for administering. The operations plan shall be:

- (1) In such form and content as the vice president for budget and finance and chief financial officer of the ~~[University]~~ university of Hawaii may prescribe; and
- (2) Submitted, together with the estimated quarterly budget requirements, to the vice president for budget and finance and chief financial officer on such date as the vice president for budget and finance and chief financial officer may prescribe.

~~[(e)]~~ (f) The president and vice president for budget and finance and chief financial officer of the ~~[University]~~ university of Hawaii:

- (1) Shall review the operations plan for each campus to determine if:
 - (A) It is consistent with the policy decisions of the board of regents and appropriations by the legislature;
 - (B) It reflects proper planning and efficient management methods; and
 - (C) Appropriations have been made for the planned purpose and will not be exhausted before the end of the fiscal year;
- (2) Shall approve the operations plan for each campus if they determine that the operations plan meets the requirements of paragraph (1); and
- (3) May modify or withhold the planned expenditures of any campus at any time during the appropriations period.

~~[(f)]~~ (g) At the end of each fiscal year, the moneys in the ~~[University]~~ university of Hawaii tuition and fees special fund for each campus shall lapse to the credit of program identification number UOH900 (~~[University]~~ university of Hawaii, system wide support)."

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved May 27, 2025.)

ACT 86

H.B. NO. 718

A Bill for an Act Relating to Positions at the John A. Burns School of Medicine.

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

SECTION 1. The legislature finds that the basic mission of the university of Hawaii John A. Burns school of medicine (JABSOM) is to teach and train high-quality physicians, biomedical scientists, and allied health workers for Hawaii and the Pacific. JABSOM's major purpose is to provide an opportunity for a medical education previously unavailable to residents of Hawaii and other Pacific nations. JABSOM is committed to educating current and future health care professionals and leaders, delivering high-quality health care, and conducting research and translating discoveries into practice in Hawaii and the Asia-Pacific region.

The legislature further finds that additional faculty positions in cardiovascular biology, tropical medicine, and quantitative health biostatistics will strengthen JABSOM's biomedical and health disparities translational "bench to bedside" research strategy. This directly benefits the Hawaii and Asia-Pacific regions' ecological and human health by addressing linkages between cardiovascular disease and treatments, environmental factors, and human health, and includes biostatistical data collection and health analytics focused on the people of Hawaii and the Asia-Pacific region.

The legislature also finds that advancement of JABSOM's research mission enables the health care community to understand better potential health disparities across a wide spectrum of conditions and diseases commonly experienced by many in Hawaii who are already at a higher risk for disease or suffer disproportionately. The basic science position in cardiovascular biology will help further foundational knowledge that can then be used by JABSOM's clinicians, researchers in the department of Native Hawaiian health, and community partners to develop better risk reduction strategies or new interventions that will reduce cardiovascular diseases among individuals of Native Hawaiian and Pacific Island descent.

A senior faculty member in JABSOM's tropical medicine department will advance the department's education and research of globally significant infectious diseases of vital interest to Hawaii and the Asia-Pacific region. The department's importance in addressing diseases of far-reaching consequences became known during the COVID-19 pandemic when it was vital to develop diagnostics and vaccines to preserve the health of Hawaii's residents efficiently and effectively, given Hawaii's remote location and isolated communities.

Biostatisticians play a pivotal role in providing required education to medical students, residents, and other trainees, enriching the academic environment and facilitating student success. Biostatisticians are also critical members of research teams, especially in this era of big data sets and utilizing artificial intelligence tools to perform analyses more quickly, which means that the data can be used to drive policy, programs, or new strategies more quickly. Together, all three faculty positions enable JABSOM to further innovate and fulfill long-term goals to eliminate health disparities in Hawaii and the Asia-Pacific region.

The legislature additionally finds that the Kakaako health and wellness medical school buildings opened in 2005. Since opening, the Honolulu board of water supply (BWS) has provided JABSOM's chilled water service operations, equipment maintenance, and injection well testing, and fulfilled reporting requirements. BWS' twenty-year contract will end on September 15, 2025, and BWS has elected not to renew the contract. JABSOM must contract a chiller plant-cooling system servicer to maintain uninterrupted operations and emergency services twenty-four hours a day, seven days per week for most of the chiller plant deferred maintenance and data processing. Additionally, a new administrative, professional, and technical staff position, specifically an environmental health and safety officer, is needed to perform all the required daily, quarterly, semi-annual, and annual testing of the injection wells, and reporting duties.

The purpose of this Act is to appropriate funds to the university of Hawaii John A. Burns school of medicine for:

- (1) Faculty positions in the fields of cardiovascular biology, tropical medicine, and quantitative health biostatistics; and
- (2) An environmental health and safety officer staff position.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$763,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the university of Hawaii John A. Burns school of medicine to fund:

- (1) Three full-time equivalent (3.0 FTE) faculty positions: one each in the fields of cardiovascular biology, tropical medicine, and quantitative health biostatistics; and
- (2) One full-time equivalent (1.0 FTE) environmental health and safety officer staff position.

The sums appropriated shall be expended by the university of Hawaii John A. Burns school of medicine for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved May 27, 2025.)

ACT 87

H.B. NO. 162

A Bill for an Act Relating to Collective Bargaining.

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

SECTION 1. Section 89-11, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) If an impasse exists between a public employer and the exclusive representative of bargaining unit (2), supervisory employees in blue collar positions; bargaining unit (3), nonsupervisory employees in white collar positions; bargaining unit (4), supervisory employees in white collar positions; bargaining unit (6), educational officers and other personnel of the department of education under the same salary schedule; bargaining unit (8), personnel of the ~~[University]~~ university of Hawaii and the community college system, other than faculty; bargaining unit (9), registered professional nurses; bargaining unit (10), institutional, health, and correctional workers; bargaining unit (11), firefighters; bargaining unit (12), police officers; bargaining unit (13), professional and scientific employees; bargaining unit (14), state law enforcement officers; or bargaining unit (15), state and county ocean safety and water safety officers, the board shall assist in the resolution of the impasse as follows:

- (1) Mediation. During the first twenty days after the date of impasse, the board shall immediately appoint a mediator, representative of the public from a list of qualified persons maintained by the board, to assist the parties in a voluntary resolution of the impasse~~[-]; and~~
- (2) Arbitration. If the impasse continues twenty days after the date of impasse, the board shall immediately notify the employer and the exclusive representative that the impasse shall be submitted to a three-member arbitration panel who shall follow the arbitration procedure provided ~~[herein.] in this paragraph:~~
 - (A) Arbitration panel. Two members of the arbitration panel shall be selected by the parties; one shall be selected by the employer and one shall be selected by the exclusive representative. The neutral third member of the arbitration panel, who shall chair the arbitration panel, shall be selected by mutual agree-

ment of the parties. In the event that the parties fail to select the neutral third member of the arbitration panel within thirty days from the date of impasse, the board shall request the American Arbitration Association~~[-];~~ or Federal Mediation and Conciliation Service, or ~~[its successor]~~ their respective successors in function, to furnish a list of five qualified and experienced interest arbitrators from which the neutral arbitrator shall be selected~~[-];~~ provided that the list of five interest arbitrators may contain interest arbitrators from both the American Arbitration Association and Federal Mediation and Conciliation Service, or their respective successors. Within five days after receipt of the list, the parties shall alternately strike names from the list until a single name is left, who shall be immediately appointed by the board as the neutral arbitrator and chairperson of the arbitration panel~~[-];~~

- (B) Final positions. Upon the selection and appointment of the arbitration panel, each party shall submit to the panel, in writing, with copy to the other party, a final position that shall include all provisions in any existing collective bargaining agreement not being modified, all provisions already agreed to in negotiations, and all further provisions that each party is proposing for inclusion in the final agreement; provided that ~~[such]~~ further provisions shall be limited to those specific proposals that were submitted in writing to the other party and were the subject of collective bargaining between the parties up to the time of the impasse, including those specific proposals that the parties have decided to include through a written mutual agreement. The arbitration panel shall decide whether final positions are compliant with this provision and which proposals may be considered for inclusion in the final agreement~~[-];~~
- (C) Arbitration hearing. Within one hundred twenty days of its appointment, the arbitration panel shall commence a hearing at which time the parties may submit, either in writing or through oral testimony, all information or data supporting their respective final positions. The arbitrator, or the chairperson of the arbitration panel together with the other two members, ~~[are]~~ shall be encouraged to assist the parties in a voluntary resolution of the impasse through mediation, to the extent practicable throughout the entire arbitration period until the date the panel is required to issue its arbitration decision~~[-];~~ and
- (D) Arbitration decision. Within thirty days after the conclusion of the hearing, a majority of the arbitration panel shall reach a decision pursuant to subsection (f) on all provisions that each party proposed in its respective final position for inclusion in the final agreement and transmit a preliminary draft of its decision to the parties. The parties shall review the preliminary draft for completeness, technical correctness, and clarity and may mutually submit to the panel any desired changes or adjustments that shall be incorporated in the final draft of its decision. Within fifteen days after the transmittal of the preliminary draft, a majority of the arbitration panel shall issue the arbitration decision.”

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 27, 2025.)

ACT 88

S.B. NO. 321

A Bill for an Act Relating to Transportation.

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

SECTION 1. Chapter 264, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§264- Private streets; ownership. (a) Notwithstanding any provision of law to the contrary, in any county with a population of less than 250,000, fee simple absolute title of a privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail held by a subdivider shall be deemed transferred to a community association consisting of the owners of property contiguous or adjacent thereto, when:

- (1) The subdivider has dissolved or ceased to exist for not less than five years; and
- (2) There has not been a dedication of the privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail by deed of conveyance naming the State or county as grantee pursuant to subsection 264-1(c);
- (3) The community association to which the property is to be transferred has given written notice of a potential transfer of property pursuant to this section to all property owners contiguous or adjacent thereto, the mayor of the county within which the property resides, the administrative judge of the circuit court of the first circuit with jurisdiction over land court within the Hawaii State Judiciary, the Bureau of Conveyances, and published in a paper of broad circulation in the county in which the property is located; and
- (4) A year has lapsed without the filing of a competing challenge or claim since the community association has met the requirements pursuant to paragraph (3).

(b) For the purposes of this section:

“Community association” means a nonprofit homeowners or community association existing pursuant to covenants running with the land.

“Subdivider” means a person, firm, corporation, partnership, association, trust, or other legal entity or combination thereof causing land to be subdivided or consolidated, which is the owner of the land or the duly authorized agent or lessee of the owner.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect on July 1, 2027 and shall repeal on July 1, 2032.

(Approved May 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 89

H.B. NO. 1093

A Bill for an Act Relating to the Hawaii Public Housing Authority.

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

SECTION 1. Section 356D-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Housing” or “housing project” means any home, house, residence, building, apartment, living quarters, abode, domicile, or dwelling unit that is designed principally for the purposes of sheltering people.”

SECTION 2. Section 356D-8, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) The authority may acquire any real or personal property or interest therein by purchase, exchange, gift, grant, lease, or other means from any person or government to provide [public] housing. Exchange of real property shall be in accordance with section 171-50.”

2. By amending subsection (c) to read:

“(c) The authority may lease or rent all or a portion of any [public] housing project and establish and revise the rents or charges therefor. The authority may sell, exchange, transfer, assign, or pledge any property, real or personal, or any interest therein to any person or government.”

SECTION 3. Section 356D-10, Hawaii Revised Statutes, is amended to read as follows:

“~~§§356D-10~~ Agents, including corporations. The authority may exercise any or all of the powers conferred upon it, either generally or with respect to any specific [public] housing project through an agent that it may designate, including any corporation that is formed under the laws of this State, and for those purposes the authority may cause one or more corporations to be formed under the laws of this State or may acquire the capital stock of any corporation. Any for profit corporate agent, all of the stock of which shall be owned by the authority or its nominee, may to the extent permitted by law, exercise any of the powers conferred upon the authority in this chapter.”

SECTION 4. Section 356D-11, Hawaii Revised Statutes, is amended to read as follows:

“§356D-11 Development of property. (a) The authority, in its own behalf or on behalf of any government, may:

(1) Clear, improve, and rehabilitate property; and

(2) Plan, develop, construct, and finance housing projects.

(b) The authority may develop public land in an agricultural district subject to the prior approval of the land use commission when developing lands greater than five acres in size. The authority shall not develop state monuments, historical sites, or parks. When the authority proposes to develop public land, it shall file with the department of land and natural resources a petition setting

forth that purpose. The petition shall be conclusive proof that the intended use is a public use superior to that to which the land had been appropriated.

(c) The authority may develop or assist in the development of federal lands with the approval of appropriate federal authorities.

(d) The authority shall not develop any public land where the development may endanger the receipt of any federal grant, impair the eligibility of any government agency for a federal grant, prevent the participation of the federal government in any government program, or impair any covenant between the government and the holder of any bond issued by the government.

(e) The authority may contract or sponsor with any county, housing authority, or person, subject to the availability of funds, housing projects designed to meet the needs of elders, disabled, displaced or homeless persons, low- and moderate- income persons, government employees, teachers, or university and college students and faculty.

(f) The authority may enter into contracts with eligible developers to develop housing projects in exchange for mixed use development rights. Eligibility of a developer for an exchange pursuant to this subsection shall be determined pursuant to rules adopted by the authority in accordance with chapter 91.

As used in this subsection, “mixed use development rights” means the right to develop a portion of a housing project for commercial use.

(g) The authority may develop, with an eligible developer, or may assist under a government assistance program in the development of, housing projects. The land planning activities of the authority shall be coordinated with the county planning departments and the county land use plans, policies, and ordinances.

Any person, if qualified, may act simultaneously as developer and contractor.

In selecting eligible developers or in contracting any services or materials for the purposes of this subsection, the authority shall be subject to all federal procurement laws and regulations.

For the purposes of this subsection, “government assistance program” means a housing program qualified by the authority and administered or operated by the authority or the United States or any of their political subdivisions, agencies, or instrumentalities, corporate or otherwise.

(h) In connection with the development of any housing dwelling units under this chapter, the authority may also develop commercial properties and industrial properties and sell or lease other properties if it determines that the uses will be an integral part of the housing development or a benefit to the community in which the properties are situated. The authority may designate any portions of the housing development for commercial, industrial, or other use and shall have all the powers granted under this chapter with respect thereto. The authority may use any funding authorized under this chapter to implement this subsection.

The net proceeds of all sales or leases, less costs to the authority, shall be deposited in the public housing special fund established by section 356D-28.

[(i) For purposes of this section, “housing” or “housing project” means any home, house, residence, building, apartment, living quarters, abode, domicile, or dwelling unit that is designed principally for the purposes of sheltering people.]”

SECTION 5. Section 356D-11.2, Hawaii Revised Statutes, is amended to read as follows:

“[§356D-11.2] **Ceded lands; vacancy; development.** [(a)] No housing projects developed or constructed pursuant to this part shall be developed or constructed on ceded land that is vacant on or after January 1, 2022.

~~[(b) For the purposes of this section, “housing project” shall have the same meaning as that term is defined in section 356D-11.]”~~

SECTION 6. Section 356D-12, Hawaii Revised Statutes, is amended to read as follows:

“§356D-12 Development of property; additional powers. ~~[(a)]~~ Notwithstanding any other law to the contrary, whenever the bids submitted for the development or rehabilitation of any housing project authorized pursuant to this chapter exceed the amount of funds available for that project, the authority, with the approval of the governor, may disregard the bids and enter into an agreement to carry out the project, undertake the project, or participate in the project under the agreement; provided that:

- (1) The total cost of the agreement and the authority’s participation, if any, shall not exceed the amount of funds available for the project; and
- (2) If the agreement is with a nonbidder, the scope of the project under agreement shall remain the same as that for which bids were originally requested.

~~[(b) For purposes of this section, “housing project” shall have the same meaning as that term is defined in section¹ 356D-11.]”~~

SECTION 7. Section 356D-12.5, Hawaii Revised Statutes, is amended to read as follows:

“§356D-12.5 Development of property; partnership or development agreement. (a) Any housing project may be developed under sections 356D-11 and 356D-12 by the authority in partnership or under a development agreement with a private party; provided that a written partnership or development agreement is executed by the authority. At a minimum, the partnership or development agreement shall provide for:

- (1) A determination by the authority that the partnership or development agreement is for a public purpose; and
- (2) Final approval by the authority of the plans and specifications for the housing project.

(b) For the development of housing projects pursuant to subsection (a), except as provided by federal law or regulation, the authority shall not be subject to chapters 103 and 103D or any and all other requirements of law for competitive bidding for partnership or development agreements, construction contracts, or other contracts; provided that the authority shall develop internal policies and procedures for the procurement of goods, services, and construction, consistent with the goals of public accountability and public procurement practices.

(c) The authority shall submit an annual report to the legislature, no later than twenty days prior to the convening of each regular session, on the status of all housing projects being developed using partnership or development agreements pursuant to subsection (a).

(d) The authority may adopt rules pursuant to chapter 91 necessary for the purposes of this section.

~~[(e) For the purposes of this section, “housing project” shall have the same meaning as that term² defined in section 356D-11.]”~~

SECTION 8. Section 356D-21, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (d) to read:

“(d) The authority may issue 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 [public] 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 [public] housing project or projects financed from the proceeds of bonds;
- (3) Income and revenues derived from a particular designated [public] housing project or projects whether or not financed, in whole or in part, from the proceeds of bonds;
- (4) Income and revenues of the authority generally; or
- (5) Any combination of paragraphs (1) through (4)."

2. By amending subsection (f) to read:

"(f) Any [public] housing project or projects authorized by, and undertaken pursuant to, this chapter shall constitute an [~~"undertaking"~~] undertaking within the meaning of that term as defined and used in part III, chapter 39. The authority shall constitute a [~~"department"~~] department and the board shall constitute a [~~"governing body"~~] governing body within the meaning of those terms as defined and used in part III, chapter 39."

SECTION 9. Section 356D-22, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The authority may include the costs of undertaking and maintaining any [public] housing project or projects for which the bonds are issued in determining the principal amount of bonds to be issued. In determining the cost of undertaking and maintaining the [public] housing project, the authority may include the cost of studies and surveys; insurance premiums; underwriting fees; financial consultant, legal, accounting, and other services incurred; reserve account, trustee, custodian, and rating agency fees; and interest on the bonds for a period determined by the authority."

SECTION 10. Section 356D-23, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The trustee shall also be authorized by the authority to receive and receipt for, hold, and administer the revenues derived by the authority from any [public] housing project or projects for which the bonds are issued or the projects pledged to the payment of the bonds, and to apply the revenues to the payment of the cost of administering, operating, and maintaining the [public] housing project or projects, to pay the principal of and the interest on the bonds, to the establishment of reserves, and to other purposes as may be authorized in the proceedings providing for the issuance of the bonds."

SECTION 11. Section 356D-24, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

"(b) A trust indenture may allow the authority to pledge and assign to the trustee agreements related to the [public] housing project or projects and the rights of the authority thereunder, including the right to receive revenues thereunder and to enforce the provision thereof."

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

"(d) A trust indenture shall also contain provisions as to:

- (1) The investment of the proceeds of the bonds, the investment of any reserve for the bonds, the investment of the revenues of the [public] housing project or system of [public] housing projects, and the use and application of the earnings from investments; and

- (2) The terms and conditions upon which the holders of the bonds or any portion of them or any trustee thereof may institute proceedings for the enforcement of any agreement or any note or other undertaking, obligation, or property securing the payment of the bonds and the use and application of the moneys derived therefrom.
- (e) A trust indenture may also contain provisions deemed necessary or desirable by the authority to obtain or permit, by grant, interest subsidy, or otherwise, the participation of the federal government in the [public] housing projects or in the financing of the costs of administering, operating, or maintaining the [public] housing projects.”

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

SECTION 13. This Act shall take effect upon its approval.

(Approved May 27, 2025.)

Notes

1. So in original.
2. Prior to amendment, “is” appeared here.

ACT 90

H.B. NO. 1370

A Bill for an Act Relating to Taxation.

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

SECTION 1. The legislature finds that the existing taxation scheme on beer is confusing, burdensome, and unfairly discriminatory. A lower tax rate is imposed on draft beer, which is statutorily defined as beer in an individual container of seven gallons or more. However, the container size requirement does not align with industry practices, and no other alcohol is taxed based on the size of the container from which it is dispensed. Most retailers, restaurants, and bars, as well as many local small brewers, dispense what is commonly referred to as draft beer from kegs smaller than seven gallons. This is due to the restricted space available to restaurants in the State and limited production of small brewers. The purpose of this Act is to amend the definition of “draft beer” to address this discrepancy.

SECTION 2. Section 244D-1, Hawaii Revised Statutes, is amended by amending the definition of “draft beer” to read as follows:

““Draft beer” means beer in an individual container of [~~seven~~] five gallons or more.”

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 May 27, 2025.)

A Bill for an Act Relating to License Plates.

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

SECTION 1. The legislature finds that numerous private organizations have attempted to amend existing law to enable special number plates with full-plate designs to raise revenue for their causes. While successful in some cases, the legislature also finds that the county agencies responsible for issuing license plates bear significant burden contracting to produce new license plates each time a new license plate law is adopted. In addition, creating a full-plate design requires acquiring non-standard specialized license plates, which can cause complications with procurement and cost.

The legislature further finds that existing law allows private organizations to apply for and have license plate designs based on decals added to standard license plates limited to three inches wide by three inches high, which can raise revenue for their causes, without having to change the law, or add burden to the counties.

Accordingly, the purpose of this Act is to reduce the burden on organizations attempting to amend special number plate statutes and the counties attempting to implement special number plate requirements by expanding the existing decal size restrictions.

SECTION 2. Section 249-9.3, Hawaii Revised Statutes, is amended by amending subsection (a) 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 county directors of finance shall issue special number plates to any organization in the State that meets the minimum standards and qualifications established under this section. Organizations are authorized to retain the fees collected, less expenses, for the special number plates.

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, shall establish special design parameters and restrictions for decals or graphic representations affixable to special number plates; provided that the decal shall not be larger than [~~three~~] four inches wide by [~~three~~] four inches high.”

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 27, 2025.)

A Bill for an Act Relating to Health Care.

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

SECTION 1. The legislature finds that Hawaii continues to face a significant health care provider shortage, especially in rural areas and on the neighbor islands. In the past decade, workforce demands have continued to

climb as the State struggles to meet the demand for physicians. This demand is particularly acute when it comes to the need for medical specialists on the neighbor islands. The federal government has designated the neighbor islands as medically underserved areas, and many residents are forced to fly to the island of Oahu to obtain appropriate health care.

The legislature recognizes that while there is a need for health care providers on all islands, the level of demand in rural areas and neighbor island communities may sometimes challenge a provider's ability to establish and sustain full-time practices. Due to the shortage of full-time specialists on the neighbor islands, some Oahu-based providers schedule rotations to the neighbor islands to coordinate care, address gaps in needed services, and reduce the need for neighbor island residents to travel to receive care.

The legislature also recognizes that the impacts of the 2023 wildfires on the island of Maui deeply exacerbated the island's physician shortage. Many medical practices were forced to relocate or close, and medical facilities were damaged. These closures place added stress on Maui's health care system and on the State's health care system as a whole. A recent physician workforce report speculated that the physician shortage on the island of Maui is likely worse than the State's latest estimate. The legislature understands that it is critical to maintain a robust and integrated health care system across the State that allows ease of access for all residents.

The legislature believes that organized ambulatory health care facilities are one way to ensure access to care for residents in rural areas, neighbor islands, and communities in the State that are still rebuilding. These facilities allow providers from other areas, and across multiple specialties, to provide health care services to medically underserved residents.

Accordingly, the purpose of this Act is to support the provision of care by reducing the administrative burden for organized ambulatory health care facilities located in counties with populations of less than five hundred thousand.

SECTION 2. Chapter 323, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§323- Organized ambulatory health care facilities. (a) A physician practicing at an organized ambulatory health care facility shall not be required to have hospital privileges at a licensed hospital in the same geographical location as the organized ambulatory health care facility.

(b) This section shall apply to counties with populations of less than five hundred thousand.

(c) For purposes of this section, “organized ambulatory health care facility” has the same meaning as defined in section 323D-2.”

SECTION 3. (a) The department of health shall conduct an evaluation of the benefits and impacts of section 323- , Hawaii Revised Statutes, established by section 2 of this Act, on local health care systems, surgical access, and financial stability. The evaluation shall include but not be limited to assessing access to health care, quality of care, and costs. The department 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 2027.

(b) All health care providers, health care systems, and providers of health care insurance shall comply with the department's request for relevant data pursuant to this section.

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

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2025, and shall be repealed on June 30, 2028.

(Approved May 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 93

H.B. NO. 72

A Bill for an Act Relating to Pharmacy.

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

SECTION 1. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§461- Registered pharmacy technicians; certificate of registration required. (a) Beginning January 1, 2026, no person shall act as a pharmacy technician without first obtaining a valid certificate of registration issued by the board pursuant to this section.

(b) Each certificate of registration shall be valid through December 31 of each odd-numbered year, upon which the registration shall lapse and a new registration shall be required.

(c) Beginning January 1, 2026, a pharmacy shall only employ registered pharmacy technicians to perform pharmacy technician duties. The pharmacist-in-charge shall verify that the person is a registered pharmacy technician and that the board has issued a certificate of registration for the pharmacy technician before the registered pharmacy technician performs any tasks identified in this chapter or rules adopted pursuant to this chapter. The supervising registered pharmacist shall be responsible for the actions of the registered pharmacy technician.

(d) The certificate of registration shall be prominently displayed in an area accessible to the public in the workplace where the registered pharmacy technician is employed or practices.

(e) If the registered pharmacy technician is suspected to have violated any law or rule regarding the practice of pharmacy, legend drugs, or controlled substances, or if there is evidence that a registered pharmacy technician may have violated any such law or rule, the pharmacist-in-charge shall notify the board, in writing, within ten days or immediately if any danger to the public health or safety exists. Any registered pharmacist, whether or not practicing in the same pharmacy, who has knowledge or suspicion of a registered pharmacy technician who is in violation of any law or rule regarding the practice of pharmacy, legend drugs, or controlled substances shall notify the board, in writing, within ten days or immediately if any danger to the public health or safety exists.”

SECTION 2. Section 461-1, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

“Auxiliary pharmacy personnel” means a person who works in a pharmacy assisting a registered pharmacist or registered pharmacy technician and who may perform the following:

- (1) Retrieval tasks, such as retrieving prescriptions or files;
- (2) Clerical tasks, such as data entry, typing labels, and maintaining patient profiles;
- (3) Tasks such as selling prescriptions, telephoning, filing, and typing;
- (4) Accounting tasks, such as recordkeeping, maintaining accounts receivables, third-party billing, and posting;
- (5) Inventory control tasks, such as monitoring, pricing, dating, invoicing, stocking pharmacy, and preparing purchase orders; and
- (6) Custodial tasks, such as helping maintain a clean and orderly pharmacy.

“Registered pharmacy technician” means a person, exclusive of pharmacy interns and auxiliary pharmacy personnel, with a certificate of registration issued by the board pursuant to section 461- , who may, in addition to the tasks of an auxiliary pharmacy personnel, perform filling, packaging, manipulative, repetitive, or other nondiscretionary tasks, and tasks specified in section 461-11.4, only while assisting and while under the supervision and control of a registered pharmacist.

“Supervision” means the direction and oversight of a registered pharmacy technician or pharmacy intern by a responsible registered pharmacist at all times when the registered pharmacy technician or pharmacy intern performs acts specified in this chapter or rules adopted pursuant to this chapter.”

SECTION 3. Section 461-4.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In addition to any other powers and duties authorized by law, the board:

- (1) Shall adopt, amend, and repeal rules pursuant to chapter 91, as it deems proper for the purposes of this chapter, Public Law 100-293, and title 21 Code of Federal Regulations part 205;
- (2) Shall examine, license, reinstate, and renew the licenses of qualified applicants for registered pharmacists and wholesale prescription drug distributors[.]; issue certificates of registration for registered pharmacy technicians; and issue and renew permits to operate pharmacies;
- (3) May require the inspection of any wholesale prescription drug distributor premises in the State to ensure compliance with this chapter and rules adopted under this chapter, or may require an applicant for a pharmacy license to submit a statement that the premises, including but not limited to security and sanitation, are in conformance with the board’s requirements and that the applicant possesses the reference materials and technical clinical equipment and supplies as may be specified in rules adopted under this chapter;
- (4) May fine, suspend, or revoke any license, registration, or permit for any cause prescribed by this chapter, or for any violation of the rules adopted under this chapter, and refuse to grant or renew any license, registration, or permit for any cause which would be ground for revocation or suspension of a license, registration, or permit;

- (5) May deny a license to any applicant who has been disciplined by another state or federal agency. Notwithstanding any law to the contrary, a final order of disciplinary action taken pursuant to this paragraph shall be a matter of public record; and
- (6) May approve pilot and demonstration research projects for innovative applications in the practice of pharmacy; provided that the projects shall not include therapeutic substitution or substitution of a medical device used in patient care; provided further that nothing in this paragraph shall be construed to expand the definition of "practice of pharmacy" [as defined] under section 461-1. The board may also:
 - (A) Approve a provision that grants an exception to any rule adopted under this paragraph;
 - (B) Extend the time an exception to a rule is granted, as may be necessary for the board to adopt an amendment or modification to the rule;
 - (C) Condition approval of a project upon compliance with this section and any rules adopted under this section; and
 - (D) Rescind approval and terminate a project if, at any time, a project fails to protect public health or welfare."

SECTION 4. Section 461-5, Hawaii Revised Statutes, is amended by amending its title to read as follows:

"§461-5 [Qualifications] Registered pharmacists; qualifications for license."

SECTION 5. Section 461-8, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) All licenses and permits issued by the board, except temporary licenses issued under section 461-7, shall be renewed biennially on or before December 31 of each odd-numbered year. Failure to pay the biennial fee and ~~beginning with the renewal for the licensing biennium commencing on January 1, 2008,~~ to satisfy the continuing education requirement on or before December 31 of each odd-numbered year, shall constitute a forfeiture of the license as of the date of expiration. Failure to pay the biennial fee on or before December 31 of each odd-numbered year shall constitute a forfeiture of the permit as of the date of expiration.

(b) Any license or permit forfeited pursuant to subsection (a) may be restored within three years upon payment of any penalty fee, the current biennial fees, and the renewal fee for the next biennium, if applicable, upon submission of proof of compliance with the continuing education requirement for the prior biennium, and upon meeting any other requirements specified in rules adopted pursuant to chapter 91."

SECTION 6. Section 461-9, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) No person shall practice as a pharmacy intern without having first obtained a permit from the board. The board shall adopt rules pursuant to chapter 91 defining the functions of a pharmacy intern, establishing the requirements to be met by an applicant for a pharmacy intern permit, and specifying the duration of the permit and the procedures for the immediate supervision of the pharmacy intern by a registered pharmacist~~[-];~~ provided that the supervising registered pharmacist shall supervise the actions of the pharmacy intern.

(c) A registered pharmacy technician may be employed to ~~[assist the]~~ perform filling, packaging, manipulative, repetitive, or other nondiscretionary tasks, and tasks specified in section 461-11.4, only while assisting and while under the supervision and control of a registered pharmacist and under rules adopted by the board pursuant to chapter 91 [that define the qualifications and functions of the pharmacy technician and provide the procedures for control and supervision by a registered pharmacist]."

SECTION 7. Section 461-11.4, Hawaii Revised Statutes, is amended by amending subsections (a) to (d) to read as follows:

"(a) A pharmacist, pharmacy intern, or registered pharmacy technician under the direct supervision of a registered pharmacist may administer 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 registered 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 registered pharmacy technician has completed a practical training program approved by the Accreditation Council for Pharmacy Education that includes hands-on injection technique;
- (5) The registered pharmacy technician has a Certified Pharmacy Technician certification from either the Pharmacy Technician Certification Board or National Healthcareer Association;
- (6) The registered pharmacist, pharmacy intern, or registered pharmacy technician has a current certificate in basic cardiopulmonary resuscitation;
- (7) The registered pharmacist or registered pharmacy technician has completed a minimum of two credit hours in immunization-related continuing education courses during each licensing biennium;
- (8) The registered pharmacist is in compliance with all applicable recordkeeping and reporting requirements, including complying with adverse events reporting requirements;
- (9) The registered pharmacist, pharmacy intern, or registered pharmacy technician has reviewed the patient's vaccination records before administering the vaccine;
- (10) The registered 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 registered pharmacist, the registered pharmacist, pharmacy intern, or registered 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 registered pharmacist, pharmacy intern, or registered pharmacy technician under the direct supervision of a registered 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 registered pharmacist, pharmacy intern, or registered pharmacy technician under the direct supervision of a registered 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 pharmacy interns or registered 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 before administering any vaccine to persons three years of age or older."

SECTION 8. Section 461-21, Hawaii Revised Statutes, is amended to read as follows:

"§461-21 Disciplinary action. (a) In addition to any other actions authorized by law, the board may deny, revoke, or suspend any license, registration, or permit applied for or issued by the board, in accordance with this chapter, and fine or otherwise discipline a licensee, registrant, or permit holder for any cause authorized by law, including but not limited to the following:

- (1) Procuring a license or registration through fraud, misrepresentation, or deceit;
- (2) Professional misconduct, gross carelessness, or manifest incapacity;
- (3) Permitting an unlicensed or unregistered person to perform activities that require a license or registration under this chapter;
- (4) Violation of any of the provisions of this chapter or the rules adopted pursuant ~~[thereto;]~~ to this chapter;
- (5) Violation of any ~~[state or]~~ federal or state drug, controlled substance, or poison law;
- (6) False, fraudulent, or deceptive advertising;
- (7) Any other conduct constituting fraudulent or dishonest dealings;
- (8) Failure to comply with a board order;
- (9) Making a false statement on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement;
- (10) Habitual intemperance or addiction to the use of habit-forming drugs;
- (11) Administering a vaccine, including a human papillomavirus, Tdap (tetanus, diphtheria, pertussis), meningococcal, or influenza vaccine, without complying with section 461-11.4; or
- (12) Prescribing or dispensing contraceptive supplies without complying with section 461-11.6.

(b) Any person who violates any of the provisions of this chapter or the rules adopted pursuant ~~[thereto]~~ to this chapter shall be fined ~~[not]~~ no less than \$100 ~~[not]~~ and no more than \$1,000 for each violation.

(c) All proceedings for denial, suspension, fine, or revocation of a license, registration, or permit on any grounds specified in subsection (a) shall be conducted pursuant to chapter 91, including the right of judicial review."

SECTION 9. Section 26H-6, Hawaii Revised Statutes, shall not apply to this Act.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 11. This Act shall take effect upon its approval.

(Approved May 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 94

H.B. NO. 442

A Bill for an Act Relating to the University of Hawaii.

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

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$215,552 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the university of Hawaii, West Oahu (UOH 700) for the pre-nursing pathway program, including for the establishment of two full-time equivalent (2.0) positions, to be allocated as follows:

- (1) \$107,776 for one full-time equivalent (1.0 FTE) program coordinator; and
- (2) \$107,776 for one full-time equivalent (1.0 FTE) academic advisor coordinator.

The sums appropriated shall be expended by the university of Hawaii for the purposes of this Act.

SECTION 2. This Act shall take effect on July 1, 2025.

(Approved May 27, 2025.)

ACT 95

H.B. NO. 441

A Bill for an Act Relating to Cigarette Taxes.

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

SECTION 1. The legislature finds that since the inception of the cigarette tax in the State, cigarette tax revenue has funded vital health care services in Hawaii, including cancer research and prevention, the State's trauma system, community health centers, and emergency medical services. Before 2006, all cigarette tax revenue was directed to the State's general fund, indirectly supporting health initiatives. However, with the passage of Act 316, Session Laws of Hawaii 2006, which included an increase in the cigarette tax, the legislature formally recognized the importance of allocating increased amounts of cigarette tax revenues to programs that strive to maintain public health in the State, such as the cancer research center of Hawaii, the State's emergency medical services,

critically needed trauma centers, and community health centers. The legislature believes these programs are the most appropriate and effective use of cigarette tax revenues to help the greatest number of people in the State.

The legislature further finds that financial support for research into the causes and treatment of cancer is especially critical now that cancer diagnoses in the United States for 2024 surpassed two million for the first time in history. In the State, an average of 7,393 local residents are diagnosed with invasive cancer, leading to 2,393 deaths each year. Nearly forty per cent of today's adult population will experience cancer in their lifetimes. The cancer research center of Hawaii, also known as the university of Hawaii cancer center, is one of only seventy-two National Cancer Institute (NCI)-designated cancer centers in the United States. A NCI designation is a mark of excellence, requiring the cancer research center of Hawaii to meet rigorous standards for transdisciplinary, state-of-the-art research focused on developing new and better approaches to preventing, diagnosing, and treating cancer. Furthermore, the cancer research center of Hawaii is also the only NCI-designated cancer center serving Hawaii and the Pacific. It is the only cancer center studying cancer causes and treatments in the diverse ethnic groups found in Hawaii and the Pacific, such as Native Hawaiians and Pacific Islanders.

The legislature additionally finds that a portion of the cigarette tax revenue currently allocated to the Hawaii cancer research special fund is specifically pledged towards revenue bonds sold to construct the cancer center in 2010, conduct cancer research, and fund its operations. Due to successful public education, strong anti-smoking policies, and increased costs to cigarettes, the decline in smoking rates is a public health victory. However, paradoxically, this decline in smoking has resulted in a decrease of over fifty per cent in cigarette tax revenues to the Hawaii cancer research special fund. This decline jeopardizes the revenue stream for debt service for the revenue bonds and diminishes the availability of resources for the cancer research center of Hawaii to deliver cutting-edge cancer treatments to the State's cancer patients.

Accordingly, the purpose of this Act is to ensure the payment for debt service for the revenue bonds and the continued availability of resources for the cancer research center of Hawaii's research and operations by:

- (1) Increasing the cigarette tax from sixteen cents to eighteen cents; and
- (2) Amending the disposition of cigarette tax revenues by allocating the increase in the cigarette tax amount to the Hawaii cancer research special fund.

SECTION 2. Section 245-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Every wholesaler or dealer, in addition to any other taxes provided by law, shall pay, for the privilege of conducting business and other activities in the State, an excise tax equal to:

- (1) 5.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer after June 30, 1998, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
- (2) 6.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer after September 30, 2002, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
- (3) 6.50 cents for each cigarette sold, used, or possessed by a wholesaler or dealer after June 30, 2003, whether or not sold at wholesale, or

- if not sold, then at the same rate upon the use by the wholesaler or dealer;
- (4) 7.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer after June 30, 2004, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (5) 8.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer on and after September 30, 2006, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (6) 9.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer on and after September 30, 2007, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (7) 10.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer on and after September 30, 2008, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (8) 13.00 cents for each cigarette sold, used, or possessed by a wholesaler or dealer on and after July 1, 2009, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (9) 11.00 cents for each little cigar sold, used, or possessed by a wholesaler or dealer on and after October 1, 2009, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (10) 15.00 cents for each cigarette or little cigar sold, used, or possessed by a wholesaler or dealer on and after July 1, 2010, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (11) 16.00 cents for each cigarette or little cigar sold, used, or possessed by a wholesaler or dealer on and after July 1, 2011, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - (12) 18.00 cents for each cigarette or little cigar sold, used, or possessed by a wholesaler or dealer on and after January 1, 2026, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - [(12)] (13) Seventy per cent of the wholesale price of each article or item of tobacco products, other than large cigars, electronic smoking devices, and e-liquids, sold by the wholesaler or dealer on and after September 30, 2009, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer;
 - [(13)] (14) Fifty per cent of the wholesale price of each large cigar of any length sold, used, or possessed by a wholesaler or dealer on and after September 30, 2009, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer; and
 - [(14)] (15) Seventy per cent of the wholesale price of each electronic smoking device or e-liquid sold, used, or possessed by a wholesaler or dealer on and after January 1, 2024, whether or not sold at wholesale, or if not sold, then at the same rate upon the use by the wholesaler or dealer.

Where the tax imposed has been paid on cigarettes, little cigars, or tobacco products that thereafter become the subject of a casualty loss deduction allowable under chapter 235, the tax paid shall be refunded or credited to the account of the wholesaler or dealer. The tax shall be applied to cigarettes through the use of stamps.”

SECTION 3. Section 245-15, Hawaii Revised Statutes, is amended to read as follows:

“§245-15 Disposition of revenues. All moneys collected pursuant to this chapter shall be paid into the state treasury as state realizations to be kept and accounted for as provided by law; provided that, of the moneys collected under the tax imposed pursuant to:

- (1) Section 245-3(a)(5), after September 30, 2006, and prior to October 1, 2007, 1.0 cent per cigarette shall be deposited to the credit of the Hawaii cancer research special fund, established pursuant to section 304A-2168, for research and operating expenses and for capital expenditures;
- (2) Section 245-3(a)(6), after September 30, 2007, and ~~[prior to]~~ before October 1, 2008:
 - (A) 1.5 cents per cigarette shall be deposited to the credit of the Hawaii cancer research special fund, established pursuant to section 304A-2168, for research and operating expenses and for capital expenditures;
 - (B) 0.25 cents per cigarette shall be deposited to the credit of the trauma system special fund established pursuant to section 321-22.5; and
 - (C) 0.25 cents per cigarette shall be deposited to the credit of the emergency medical services special fund established pursuant to section 321-234;
- (3) Section 245-3(a)(7), after September 30, 2008, and ~~[prior to]~~ before July 1, 2009:
 - (A) 2.0 cents per cigarette shall be deposited to the credit of the Hawaii cancer research special fund, established pursuant to section 304A-2168, for research and operating expenses and for capital expenditures;
 - (B) 0.5 cents per cigarette shall be deposited to the credit of the trauma system special fund established pursuant to section 321-22.5;
 - (C) 0.25 cents per cigarette shall be deposited to the credit of the community health centers special fund established pursuant to section 321-1.65; and
 - (D) 0.25 cents per cigarette shall be deposited to the credit of the emergency medical services special fund established pursuant to section 321-234;
- (4) Section 245-3(a)(8), after June 30, 2009, and ~~[prior to]~~ before July 1, 2013:
 - (A) 2.0 cents per cigarette shall be deposited to the credit of the Hawaii cancer research special fund, established pursuant to section 304A-2168, for research and operating expenses and for capital expenditures;
 - (B) 0.75 cents per cigarette shall be deposited to the credit of the trauma system special fund established pursuant to section 321-22.5;

- (C) 0.75 cents per cigarette shall be deposited to the credit of the community health centers special fund established pursuant to section 321-1.65; and
- (D) 0.5 cents per cigarette shall be deposited to the credit of the emergency medical services special fund established pursuant to section 321-234;
- (5) Section 245-3(a)(11), after June 30, 2013, and ~~[prior to]~~ before July 1, 2015:
 - (A) 2.0 cents per cigarette shall be deposited to the credit of the Hawaii cancer research special fund, established pursuant to section 304A-2168, for research and operating expenses and for capital expenditures;
 - (B) 1.5 cents per cigarette shall be deposited to the credit of the trauma system special fund established pursuant to section 321-22.5;
 - (C) 1.25 cents per cigarette shall be deposited to the credit of the community health centers special fund established pursuant to section 321-1.65; and
 - (D) 1.25 cents per cigarette shall be deposited to the credit of the emergency medical services special fund established pursuant to section 321-234; ~~[and]~~
- (6) Section 245-3(a)(11), after June 30, 2015, and ~~[thereafter:]~~ before January 1, 2026:
 - (A) 2.0 cents per cigarette shall be deposited to the credit of the Hawaii cancer research special fund, established pursuant to section 304A-2168, for research and operating expenses and for capital expenditures;
 - (B) 1.125 cents per cigarette, but not more than \$7,400,000 in a fiscal year, shall be deposited to the credit of the trauma system special fund established pursuant to section 321-22.5;
 - (C) 1.25 cents per cigarette, but not more than \$8,800,000 in a fiscal year, shall be deposited to the credit of the community health centers special fund established pursuant to section 321-1.65; and
 - (D) 1.25 cents per cigarette, but not more than \$8,800,000 in a fiscal year, shall be deposited to the credit of the emergency medical services special fund established pursuant to section 321-234[-]; and
- (7) Section 245-3(a)(12), after December 31, 2025, and thereafter:
 - (A) 4.0 cents per cigarette shall be deposited to the credit of the Hawaii cancer research special fund, established pursuant to section 304A-2168, for research and operating expenses and for capital expenditures; provided that, until June 30, 2030, of each amount deposited under this paragraph to the credit of the Hawaii cancer research special fund, 4.0 cents per cigarette shall be used exclusively for debt service of capital expenditures and building maintenance; provided further that beginning July 1, 2030, of each amount deposited under this paragraph to the credit of the Hawaii cancer research special fund, 2.0 cents per cigarette shall be used exclusively for debt service of capital expenditures and building maintenance;
 - (B) 1.125 cents per cigarette, but no more than \$7,400,000 in a fiscal year, shall be deposited to the credit of the trauma system special fund established pursuant to section 321-22.5;

- (C) 1.25 cents per cigarette, but no more than \$8,800,000 in a fiscal year, shall be deposited to the credit of the community health centers special fund established pursuant to section 321-1.65; and
- (D) 1.25 cents per cigarette, but no more than \$8,800,000 in a fiscal year, shall be deposited to the credit of the emergency medical services special fund established pursuant to section 321-234.

The department shall provide an annual accounting of these dispositions to the legislature.”

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

SECTION 5. This Act shall take effect on December 31, 2025.

(Approved May 27, 2025.)

ACT 96

S.B. NO. 1396

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 Hawaii is experiencing a climate emergency. The effects of climate change, such as rising temperatures, prolonged droughts, and increasingly destructive and deadly weather events, are felt across the island chain. These impacts threaten not only our vibrant ecosystems but also the people of Hawaii and the State’s economic sustainability. To ensure the health and safety of Hawaii’s lands, waters, and people, as well as its economic viability, successful mitigation of and adaptation to climate change are imperative.

The legislature further finds that economic development cannot be separated from environmental stewardship. Hawaii’s economy is deeply reliant on its natural resources, from tourism and agriculture to marine industries and renewable energy. Degradation of these resources due to climate change and environmental mismanagement will result in significant financial losses across multiple sectors. By investing in sustainability, the State secures long-term economic stability while preserving its unique landscapes and biodiversity.

The legislature also finds that climate resilience must be integrated into all economic planning efforts. Resiliency measures, such as sustainable land use practices, shoreline protection, and forestry projects, ensure that Hawaii’s economy remains robust in the face of climate-related disasters. Without proactive investment, businesses and communities will continue to suffer financial losses due to increased flooding, wildfires, and extreme weather events.

The legislature additionally finds that investing in Hawaii’s environment is, in itself, economic development. Furthermore, the legislature finds that as contemplated, the transient accommodations tax is intended to be applied fully and equitably whenever a transient accommodation is furnished within the State. Whereas hotel and lodging establishments have complied with and pay their due share of transient accommodations taxes, tax collections on short-term rental operators have fallen short. Moreover, there is currently no transient accommodations tax levied on cruise ships, which in 2024, accounted for 972,820 passenger port calls at port facilities under the jurisdiction of the department of transportation. Supporting sustainable practices protects the islands’ unique ecosystems while simultaneously fostering economic growth. This support in-

cludes funding renewable energy projects, enhancing conservation efforts, and promoting environmental tourism initiatives. These investments preserve natural resources, reduce carbon footprints, and stimulate economic opportunities, such as job creation in renewable energy sectors and eco-friendly tourism.

In addition, the legislature finds that Hawaii has an opportunity to be a global leader in sustainable innovation. By investing in conservation-focused business models, the State can attract investors and industries that prioritize sustainability. These initiatives not only protect the environment but also diversify the economy, reducing reliance on tourism and traditional extractive industries.

The legislature further finds that Hawaii's cultural heritage and traditions are deeply connected to its natural environment. The protection and restoration of forests, coral reefs, and coastal ecosystems safeguard the foundation of Native Hawaiian practices and knowledge systems. Investing in environmental conservation ensures that these traditions can continue to thrive, enriching community well-being and cultural tourism.

The legislature also finds that a failure to act now will result in increased costs in the future. The economic burden of climate inaction will far exceed the cost of proactive investment in mitigation and adaptation strategies. Infrastructure damage, loss of biodiversity, increased health issues due to heat and pollution, and disruptions to tourism and agriculture will place a heavy financial strain on the State if environmental action is delayed.

The legislature additionally finds that a strong commitment to environmental sustainability enhances Hawaii's reputation as a world-class destination for ecotourism. Travelers are increasingly seeking destinations that prioritize sustainability, and by investing in conservation efforts, renewable energy, and sustainable tourism practices, Hawaii can maintain its competitive edge in the global tourism market while ensuring the long-term viability of its natural resources.

The legislature therefore declares that investment in climate resilience and environmental sustainability is a fundamental component of Hawaii's economic development strategy. By prioritizing policies and funding mechanisms that support climate action, conservation, and sustainable industries, Hawaii can build a more resilient, prosperous, and environmentally secure future for all residents and visitors.

Accordingly, the purpose of this Act is to:

- (1) Increase the transient accommodations tax rate for transient accommodations and resort time shares;
- (2) Assess the transient accommodations tax on the gross receipts derived from cruise fares;
- (3) Require the governor to request in the executive budget or supplemental budget that an amount of general funds that approximates the additional transient accommodations tax revenue generated by this Act be expended equally to advance certain climate change mitigation and tourism projects; and
- (4) Amend the allowable uses of the special land and development fund and the portion of transient accommodations tax collections that are allocated to the special land and development fund.

SECTION 2. Chapter 37, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

“§37- Climate change and tourism destination management; projects; budget request. The governor shall request, in the budget or the supplemental budget submitted to the legislature pursuant to section 37-71 or 37-72, that an amount of general funds that approximates the additional revenue generated

by any increase to the transient accommodations tax rates pursuant to section 237D-2(a)(6) and (c)(4) beginning on January 1, 2026, and section 237D-2(e) beginning on July 1, 2026, and by assessment of the transient accommodations tax on gross rental proceeds derived from cruise fares pursuant to section 237D-2(a) be expended equally to advance specific projects to:

- (1) Protect, manage, and restore the State's natural resources, including native forests, native plants and animals, aquatic resources, coastal lands, and freshwater resources;
- (2) Increase the resilience of structures and infrastructure to natural and climate-related disasters, such as hurricanes and sea level rise, and perform hazard mitigation activities, such as wildfire and flood mitigation; and
- (3) Improve the visitor experience, mitigate the impacts of tourism on the natural environment, ensure that the State's natural resources are maintained for future residents and visitors, and support destination management, such as park improvements and beach improvement, nourishment, and maintenance projects."

SECTION 3. Section 171-19, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is created in the department a special fund to be designated as the "special land and development fund". Subject to the Hawaiian Homes Commission Act of 1920, as amended, and section 5(f) of the Admission Act of 1959, all proceeds of sale of public lands, including interest on deferred payments; all moneys collected under section 171-58 for mineral and water rights; all rents from leases, licenses, and permits derived from public lands; all moneys collected from lessees of public lands within industrial parks; all fees, fines, and other administrative charges collected under this chapter and chapter 183C; a portion of the highway fuel tax collected under chapter 243; a portion of the transient accommodations tax under chapter 237D; all moneys collected by the department for the commercial use of public trails and trail accesses under the jurisdiction of the department; and private contributions for the management, maintenance, and development of trails and accesses shall be set apart in the fund and shall be used only as authorized by the legislature for the following purposes:

- (1) To reimburse the general fund of the State for advances made that are required to be reimbursed from the proceeds derived from sales, leases, licenses, or permits of public lands;
- (2) For the planning, development, management, operations, or maintenance of all lands and improvements under the control and management of the board pursuant to title 12, including but not limited to permanent or temporary staff positions who may be appointed without regard to chapter 76;
- (3) To repurchase any land, including improvements, in the exercise by the board of any right of repurchase specifically reserved in any patent, deed, lease, or other documents or as provided by law;
- (4) For the payment of all appraisal fees; provided that all fees reimbursed to the board shall be deposited in the fund;
- (5) For the payment of publication notices as required under this chapter; provided that all or a portion of the expenditures may be charged to the purchaser or lessee of public lands or any interest therein under rules adopted by the board;

- (6) For the management, maintenance, and development of trails and trail accesses under the jurisdiction of the department;
- (7) For the payment to private land developers who have contracted with the board for development of public lands under section 171-60;
- (8) For the payment of debt service on revenue bonds issued by the department, including revenue bonds issued for the purposes of section 237D-6.5(b)(4), and the establishment of debt service and other reserves deemed necessary by the board;
- (9) To reimburse the general fund for debt service on general obligation bonds issued to finance departmental projects, including projects under section 237D-6.5(b)(4), where the bonds are designated to be reimbursed from the special land and development fund;
- (10) For the protection, planning, management, and regulation of water resources under chapter 174C; ~~[and]~~
- ~~(11)~~ For the purposes of section 237D-6.5(b)(4); and
- ~~[(11)]~~ (12) For other purposes of this chapter."

SECTION 4. Section 237D-1, Hawaii Revised Statutes, is amended as follows:

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

"Cruise fare" means the total amount paid by a transient for a cruise ship cabin on a cruise ship, inclusive of any mandatory fees imposed by a cruise ship operator, owner, or representative thereof on a transient for the use of shipboard services, facilities, meals, and onboard entertainment, but does not include optional charges for shipboard services, meals, excursions, and onboard entertainment beyond the mandatory fee amount.

"Cruise ship" means any ship that docks at any port in the State that charges a fee for and provides cruise ship cabins to transients.

"Cruise ship cabin" means an accommodation or living quarter on a cruise ship that is provided to a transient."

2. By amending the definition of "gross rental" or "gross rental proceeds" to read:

"Gross rental" or "gross rental proceeds" means the gross receipts, cash or accrued, of the taxpayer received as compensation for the furnishing of transient accommodations or entering into arrangements to furnish transient accommodations and the value proceeding or accruing from the furnishing of transient accommodations or entering into arrangements to furnish transient accommodations, including resort fees without any deductions on account of the cost of property or services sold, the cost of materials used, labor cost, taxes, royalties, interest, discounts, or any other expenses whatsoever. "Gross rental" or "gross rental proceeds" includes the gross receipts derived from cruise fares. Every taxpayer shall be presumed to be dealing on a cash basis unless the taxpayer proves to the satisfaction of the department of taxation that the taxpayer is dealing on an accrual basis and the taxpayer's books are so kept, or unless the taxpayer employs or is required to employ the accrual basis for the purposes of the tax imposed by chapter 237 for any taxable year in which event the taxpayer shall report the taxpayer's gross income for the purposes of this chapter on the accrual basis for the same period.

The words "gross rental" or "gross rental proceeds" shall not be construed to include the amounts of taxes imposed by chapter 237 or this chapter on operators of transient accommodations, transient accommodations brokers,

travel agencies, and tour packagers and passed on, collected, and received from the consumer as part of the receipts received as compensation for the furnishing of transient accommodations or entering into arrangements to furnish transient accommodations.

Where transient accommodations are furnished through arrangements made by a transient accommodations broker, travel agency, or tour packager at noncommissionable negotiated contract rates and the gross income is divided between the operator of transient accommodations on the one hand and the transient accommodations broker, travel agency, or tour packager on the other hand, the tax imposed by this chapter shall apply to each operator and transient accommodations broker, travel agency, or tour packager with respect to that person's respective portion of the proceeds and no more.

For purposes of this definition, where the operator maintains a schedule of rates for identifiable groups of individuals, such as kamaainas, upon which the accommodations are leased, let, or rented, gross rental or gross rental proceeds means the receipts collected and received based upon the scheduled rates and recorded as receipts in its books and records."

SECTION 5. Section 237D-2, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) There is levied and shall be assessed and collected each month a tax of:

- (1) Five per cent for the period beginning on January 1, 1987, to June 30, 1994;
- (2) Six per cent for the period beginning on July 1, 1994, to December 31, 1998;
- (3) 7.25 per cent for the period beginning on January 1, 1999, to June 30, 2009;
- (4) 8.25 per cent for the period beginning on July 1, 2009, to June 30, 2010; ~~[and]~~
- (5) 9.25 per cent for the period beginning on July 1, 2010~~[-and thereafter-]~~ to December 31, 2025; and
- (6) Ten per cent for the period beginning on January 1, 2026, and thereafter.

on the gross rental or gross rental proceeds derived from furnishing transient accommodations~~[-]; provided that an operator of a cruise ship shall be assessed and pay a tax of eleven per cent under this subsection on all gross rental proceeds derived from cruise fares prorated by the percentage of days docked at any port in the State in comparison to the total number of days of the voyage."~~

2. By amending subsection (c) to read:

"(c) There is levied and shall be assessed and collected each month, on the occupant of a resort time share vacation unit, a transient accommodations tax of:

- (1) 7.25 per cent on the fair market rental value until December 31, 2015;
- (2) 8.25 per cent on the fair market rental value for the period beginning on January 1, 2016, to December 31, 2016; ~~[and]~~
- (3) 9.25 per cent on the fair market rental value for the period beginning on January 1, 2017, ~~[and thereafter-]~~ to December 31, 2025; and
- (4) Ten per cent on the fair market rental value for the period beginning on January 1, 2026, and thereafter."

3. By amending subsection (e) to read:

“(e) Notwithstanding the tax rates established in subsections ~~[(a)(5)]~~ (a)(6) and ~~[(e)(3)]~~ (c)(4), the tax rates levied, assessed, and collected pursuant to subsections (a) and (c) shall be ~~[10.25]~~ eleven per cent for the period beginning on January 1, 2018, to December 31, 2030; provided that:

- (1) The tax revenues levied, assessed, and collected pursuant to this subsection that are in excess of the revenues realized from the levy, assessment, and collection of tax at the ~~[9.25]~~ ten per cent rate shall be deposited quarterly into the mass transit special fund established under section 248-2.7; and
- (2) If a court of competent jurisdiction determines that the amount of county surcharge on state tax revenues deducted and withheld by the State, pursuant to section 248-2.6, violates statutory or constitutional law and, as a result, awards moneys to a county with a population greater than five hundred thousand, then an amount equal to the monetary award shall be deducted and withheld from the tax revenues deposited under paragraph (1) into the mass transit special fund, and those funds shall be a general fund realization of the State.

The remaining tax revenues levied, assessed, and collected at the ~~[9.25]~~ ten per cent tax rate pursuant to subsections (a) and (c) shall be deposited into the general fund in accordance with section 237D-6.5(b).”

SECTION 6. 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 maintain 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, and improvement costs of public lands, including beaches~~[- connected with enhancing the visitor experience.]; and~~

(D) Any related debt service and financing agreement costs.

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.”

SECTION 7. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 9. This Act shall take effect on January 1, 2026; provided that section 2 shall take effect on July 1, 2025.

(Approved May 27, 2025.)

Note

1. No opening quotation mark.
2. Edited pursuant to HRS §23G-16.5.

ACT 97

H.B. NO. 1169

A Bill for an Act Relating to University of Hawaii Conference Center Revolving Fund.

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

SECTION 1. Chapter 304A, Hawaii Revised Statutes, is amended by adding a new section to subpart D of part V to be appropriately designated and to read as follows:

“§304A- University of Hawaii conference center revolving fund. (a)

There is established the university of Hawaii conference center revolving fund for conference center programs conducted by the university. The university may establish and collect fees and charges for the costs of providing these services. All fees, charges, and other moneys collected in conjunction with the conference center programs of the university shall be deposited in separate accounts within the revolving fund. The university may establish accounts under the university of Hawaii conference center revolving fund to facilitate the administration of this fund among the various campuses and operating units of the university of Hawaii system. The university is authorized to expend funds from the appropriate account in the revolving fund for all costs associated with conducting conferences, seminars, and courses provided by the conference center programs, including but not limited to expenses for honoraria, hotel and room rentals, food and refreshment, printing and mailing, airfare and per diem, lei, rental of audiovisual equipment, and other conference related services, fees, supplies and materials, without regard to section 103D-1002 and any competitive bidding requirements pursuant to state procurement requirements.

(b) The university shall submit a report to the legislature no later than twenty days prior to the convening of each regular session, accounting for all income and expenditures of each separate account within the revolving fund.”

SECTION 2. Section 304A-2272, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 304A-2273, Hawaii Revised Statutes, is repealed.

SECTION 4. On July 1, 2025, all unencumbered funds in the conference center revolving fund and in the community college conference center revolving fund shall lapse to the credit of the university of Hawaii conference center revolving fund established pursuant to section 1 of this Act.

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

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

(Approved May 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 98

S.B. NO. 849

A Bill for an Act Relating to Wildlife Conservation.

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

SECTION 1. The legislature finds that the State is home to a rich diversity of indigenous species of aquatic life, wildlife, and land plants that are vital to maintaining ecological balance and preserving the cultural heritage of the region.

The legislature further finds that many of these native species face significant threats from overexploitation, habitat destruction, and climate change, which require immediate and enhanced protective measures to ensure their long-term survival.

The legislature recognizes the ‘io, or Hawaiian hawk, as an indigenous species of note, serving as a symbol of strength and resilience in Hawaiian culture and playing a vital role in Hawai‘i’s unique ecosystem as a native raptor. As an apex predator, the ‘io helps maintain ecological balance, controlling populations of rodents and other invasive species that threaten native flora and fauna. However, the ‘io faces ongoing threats from habitat loss, illegal hunting, and environmental degradation.

The legislature declares that the unauthorized taking and killing of indigenous species such as the ‘io not only disrupts ecological systems but also undermines ongoing conservation efforts and risks the loss of irreplaceable biodiversity. Therefore, penalties for harming or endangering indigenous species, including the ‘io, are crucial to deterring these harmful actions to restore Hawai‘i’s fragile ecosystems for future generations.

However, the legislature believes that the current penalties for violations involving native species do not adequately deter harmful activities. Strengthening these penalties, including the imposition of significant fines and the classification of certain offenses as class C felonies, will provide stronger enforcement tools for the State to protect these critical species.

Accordingly, the purpose of this Act is to:

- (1) Prohibit and impose penalties for intentionally taking, harming, or killing 'io; and
- (2) Increase penalties and fees for taking and killing species of aquatic life, wildlife, and land plants that are native to the State.

SECTION 2. Chapter 195D, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§195D- Taking, harming, or killing a Hawaiian hawk; prohibited.

Except as otherwise provided in section 183D-62, the intentional taking, harming, or killing of an 'io, or Hawaiian hawk (*Buteo solitarius*), shall be subject to penalties under section 195D-9.”

SECTION 3. Section 195D-9, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Any person who violates any of the provisions of this chapter ~~[[or]]~~ the provisions of any rule adopted ~~[hereunder]~~ pursuant to this chapter shall be guilty of ~~[a misdemeanor and shall be punished as follows]:~~

- (1) ~~[For] A misdemeanor for~~ a first offense, punishable by a fine of ~~[not]~~ no less than \$250 or by imprisonment of [not] no more than one year, or both; and
- (2) ~~[For] A class C felony for~~ a second or subsequent offense ~~[within five years of a previous conviction by a]~~ and upon conviction shall be subject to one or any combination of the following:
 - (A) A fine of [not] no less than [\$500 or by imprisonment] \$1,000;
 - (B) Imprisonment of [not] no more than [one year, or both.] two years; or
 - (C) Rehabilitative community service.”

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

“(d) Except as otherwise provided by law, the board or its authorized representative by proper delegation ~~[is authorized to]~~ may set, charge, and collect administrative fines or bring legal action to recover administrative fees and costs as documented by receipts or affidavit, including attorneys’ fees and costs, or bring legal action to recover administrative fines, fees, and costs, including attorneys’ fees and costs, or payment for damages or for the cost to correct damages resulting from a violation of this chapter or any rule adopted thereunder. The administrative fines shall be as follows:

- (1) For a first violation, a fine of ~~[not more than \$2,500;]~~ no less than \$2,500 and no more than \$5,000 or rehabilitative community service, or both;
- (2) For a second violation ~~[within five years of a previous violation],~~ a fine of ~~[not more than \$5,000;]~~ no less than \$5,000 and no more than \$10,000 or rehabilitative community service, or both; and
- (3) For a third or subsequent violation ~~[within five years of the last violation],~~ a fine of ~~[not more than \$10,000;]~~ no less than \$10,000 and no more than \$20,000 or rehabilitative community service, or both.

(e) In addition, an administrative fine of up to ~~[\$5,000]~~ \$10,000 or rehabilitative community service, or both, may be levied for each specimen of wildlife or plant taken, killed, injured, or damaged in violation of this chapter or any rule adopted thereunder.”

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.²

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

(Approved May 27, 2025.)

Notes

1. Prior to amendment, “;” appeared here.

2. Edited pursuant to HRS §23G-16.5.

ACT 99

H.B. NO. 506

A Bill for an Act Relating to Conservation Enforcement.

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

SECTION 1. The legislature finds that coral reefs are extremely valuable to the people of Hawaii and provide benefits such as coastal protection from erosion due to rising sea levels and larger ocean swells as the ocean warms; sand production that replenishes beaches; and fisheries, recreation, tourism, and spiritual connection. The legislature further finds that many reefs around the island of Oahu are widely known to be among the most degraded in the State, due to historically poor land use practices that buried corals with silt run-off and smothered corals with seaweeds fertilized by leaching sewage and fertilizer run-off. The legislature also finds that warmer ocean temperatures are now causing more frequent and severe coral bleaching events that kill corals and are predicted to be annual events by about 2040. Ocean acidification and other pollutants also adversely affect corals.

The legislature additionally finds that one of the most effective ways to help corals withstand and recover from present and future threats is to ensure the existence of many herbivorous fishes on Hawaii’s reefs, especially parrotfishes (uhu), surgeonfishes (kala and others), and chubs (nenu). These fishes are known to crop seaweeds that would otherwise smother corals, providing space on the reefs for new corals to grow, especially after coral bleaching events. The population of herbivorous fishes around Oahu is by far the lowest in Hawaii.

The legislature finds that the board of land and natural resources adopted statewide herbivore fishing rules in December 2023 to protect herbivorous fish populations in the State. However, enforcement of these rules, which is the responsibility of the division of conservation and resources enforcement of the department of land and natural resources, has been particularly difficult around Oahu because:

- (1) Fishing intensity is much greater on Oahu than on the other islands;
- (2) Division of conservation and resources enforcement officers have been diverted to law enforcement duties on land due to recent increases in violent crime; and

- (3) Most poaching of herbivorous fish occurs at night, which poses an extreme challenge to the several division of conservation and resources enforcement officers available for marine night patrols, especially given the lack of needed equipment.

Therefore, the purpose of this Act is to appropriate funds for equipment for the Oahu branch of the division of conservation and resources enforcement of the department of land and natural resources.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$4,974,040 or so much thereof as may be necessary for fiscal year 2025-2026 for equipment for the Oahu branch of the division of conservation and resources enforcement of the department of land and natural resources, to be allocated as follows:

- (1) \$800,000 for two maritime enforcement patrol vessels, complete with audible/visual emergency equipment;
- (2) \$50,000 for two patrol watercrafts, complete with audible/visual emergency equipment;
- (3) \$50,000 for shipment costs for the items in paragraphs (1) and (2);
- (4) \$3,040,000 for thirty-two police marked patrol vehicles, complete with audible/visual emergency equipment;
- (5) \$206,000 for two towing vehicles for patrol vessels, complete with audible/visual emergency equipment;
- (6) \$10,000 for extended warranties for the two vehicles in paragraph (5);
- (7) \$14,000 for one floating drive-on dock;
- (8) \$1,800 for six personal flotation devices;
- (9) \$36,000 for six sets of SCUBA gear, including full equipment and training and certifications;
- (10) \$224,000 for thirty-two portable radios;
- (11) \$5,000 for one base station/repeater;
- (12) \$128,000 for thirty-two night-vision devices;
- (13) \$128,000 for thirty-two drones;
- (14) \$5,600 for thirty-two remote pilot certificates for the drones in paragraph (13);
- (15) \$215,640 per year for six mobile surveillance trailers;
- (16) \$48,000 for six quick-deploy license plate recognition camera systems; and
- (17) \$12,000 for installation costs for the items in paragraph (16).

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

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved May 27, 2025.)

ACT 100

H.B. NO. 3

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. Act 226, Session Laws of Hawaii 2024, is amended as follows:

1. By amending subsection (d) of section 2 to read:

“(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-] 2026.”

2. By amending section 3 to read:

“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[-]; 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 unencumbered as of June 30, 2026, shall lapse as of that date.

The sum appropriated shall be expended by the university of Hawaii for the purposes of this Act.”

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 30, 2025.

(Approved May 27, 2025.)

ACT 101

H.B. NO. 316

A Bill for an Act Relating to the Green Jobs Youth Corps.

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

SECTION 1. The legislature finds that youth and young adults commonly experience unemployment at higher rates than the general population. Prolonged youth unemployment can have profound negative impacts on the lifetime earnings and well-being of individuals, and action is needed to provide better work opportunities for Hawaii’s youth and young adults.

The legislature also finds that the State has set ambitious goals in the areas of economic diversification, environmental management, and energy self-sufficiency. An important element of reaching these goals is investing in a workforce that is both skilled and experienced in sustainability-related professions.

The legislature notes that the Civilian Conservation Corps, a federal work relief program created during the Great Depression, employed Americans for conservation projects of local, state, and national benefit, providing opportunities for displaced young adults. While the Civilian Conservation Corps disbanded in 1942, the concept lives on through The Corps Network, a national association of service and conservation corps that provide opportunities for young adults and veterans to serve their communities and the environment.

The State also established the Hawaii youth conservation corps, a program that provides young individuals with opportunities in conservation on a smaller scale. This program currently operates within the policies set out under chapter 193, Hawaii Revised Statutes.

The legislature recognizes that Act 9, Session Laws of Hawaii 2020, appropriated funds designated for the State by the federal Coronavirus Aid, Relief, and Economic Security Act to establish a workforce and training program that, among other accomplishments, funded a short-term green jobs program in partnership with the Hawaii-based nonprofit organization Kupu Aina Corps

(Kupu). Kupu’s partnership with conservation and agriculture host sites enabled individuals to work in their own communities while giving back to the State’s economy and environment. Through this short-term program, over three hundred fifty displaced workers and recent graduates were matched with work and training opportunities across the State.

The legislature further recognizes that Act 181, Session Laws of Hawaii 2021, authorized the governor to designate the department of land and natural resources as the administrator of the State’s green jobs youth corps program and provided funding for the administration of the program. In 2022, the legislature amended the requirements for this program and provided additional funding through Act 33, Session Laws of Hawaii 2022.

The legislature additionally finds that the green jobs youth corps program is an important part of the State’s strategy to diversify the economy and reach its environmental and energy self-sufficiency goals. In addition, this program invests in building the human capital of young adults who are interested in working in sustainability-related professions. The legislature therefore finds great value in the continuation of the green jobs youth corps program, which requires additional funding.

Accordingly, the purpose of this Act is to appropriate funds for the continuation of the green jobs youth corps program.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the green jobs youth corps program; provided that, notwithstanding any law to the contrary, the department of land and natural resources and its partner or partners may obtain and utilize federal or other outside funding for the purpose of matching state funds provided for the green jobs youth corps program.

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

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved May 27, 2025.)

ACT 102

H.B. NO. 1137

A Bill for an Act Relating to Restoration of Beach Lands.

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

SECTION 1. The legislature finds that the Intergovernmental Panel on Climate Change, the world’s leading authority on climate science, in its Assessment Report 6 (2021) stated that it has high confidence that global sea level is committed to rise for centuries to millennia, regardless of whether humans slow carbon emissions into the atmosphere.

The legislature also finds that the state climate change mitigation and adaptation commission, created by Act 32, Session Laws of Hawaii 2017, stated in its 2022 report to the legislature that Hawaii is projected to likely experience between 3.9 and 5.9 feet of sea level rise by the year 2100. The legislature finds

that sea level rise poses a serious and imminent threat to Hawaii's coastal communities and residents and to Hawaii's natural resources, primarily beaches and coastal ecosystems. The legislature recognizes that the State has an affirmative duty to preserve beaches as a public trust resource for the people of Hawaii, and that beaches are culturally important and provide natural resilience to sea level rise and associated coastal flooding.

The purpose of this Act is to amend the definition of "beach restoration" to expand the types of activities the State recognizes as restorative and beneficial to beach lands in response to increasing threats of sea level rise and beach loss.

SECTION 2. Section 171-151, Hawaii Revised Statutes, is amended by amending the definition of "beach restoration" to read as follows:

~~"Beach restoration" means [the placement of sand, with or without stabilizing structures, on an eroded beach from an outside source such as offshore sand deposits, streams, channels or harbor mouths, or an upland sand quarry.] an activity undertaken to:~~

- (1) Maintain and improve beaches and dune systems through management of sand and native dune vegetation;
- (2) Place sand on an eroded beach from an approved outside or adjacent source, with or without stabilizing structures; or
- (3) Remove abandoned remnant materials from beaches and dunes that pose a risk to public health and coastal ecosystems; provided that emergency erosion protection structures constructed pursuant to permits issued by the department and that continue to provide the protection for which they were permitted shall not be deemed abandoned remnant materials."

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved May 27, 2025.)

ACT 103

H.B. NO. 750

A Bill for an Act Relating to the Environment.

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

SECTION 1. The legislature finds that solid waste may soon exceed landfill capacity in all of the State's counties. Most waste created in the State is landfilled or incinerated, which places the burden for managing waste on taxpayers, is costly, and creates pollution that is harmful to residents and the environment. Landfills discharge leachate, a highly toxic fluid that has the potential for leakage that can cause harm to surrounding communities and near-shore and marine environments downslope. The Waimanalo gulch landfill on Oahu produces around nine thousand eight hundred gallons of leachate per day. Waste that is incinerated produces air pollutants and toxic ash; this toxic ash is often buried in landfills. On Oahu, more than four hundred tons of toxic ash are buried in the landfill every day. The legislature finds that the State will benefit from reduced waste production by expanding alternative strategies like reuse, refill, composting, and recycling.

The legislature further finds that extended producer responsibility is a market-based, circular economy that encourages alternative waste management strategies as well as product design innovations that lead to source reduction of waste. Extended producer responsibility programs shift responsibility for a product's lifecycle, including end-of-life management, from consumers or governments to producers of the product. This encourages sustainable product design that leads to less waste and more fully recyclable or reusable products and packaging. Extended producer responsibility programs also typically reduce the financial burden on government for waste management and lead to better recycling services for residents. Furthermore, these programs help create local jobs by expanding collection services, local processing of waste, and reuse and refill programs.

The legislature finds that extended producer responsibility strategies can be applied to packaging waste as well. Packaging waste is a large part of the waste stream and includes containers for food products, cleaning products, and personal care products, as well as waste associated with shipping and transporting products. Extended producer responsibility programs for packaging waste exist in Asia, Europe, Canada, and five states across the United States. Furthermore, several other states are in the process of implementing programs by funding needs assessments, a necessary preliminary step to inform the development of an extended producer responsibility program.

The purpose of this Act is to require and appropriate funds for the department of health to conduct a statewide needs assessment and establish an advisory council with relevant stakeholders to determine what would be needed to transition to a more circular system with less waste generation and more reuse, and the necessary infrastructure to sort and locally process recyclable materials through an extended producer responsibility program for packaging materials and paper products.

SECTION 2. (a) The department of health shall conduct a statewide needs assessment to determine what will be needed to reduce waste generation, increase reuse, improve collection services, and expand local processing of materials through an extended producer responsibility program for packaging materials and paper products.

(b) The needs assessment shall detail the resources required in each county to reduce as much as feasible the packaging materials waste and paper products that the county sends to a landfill or power plant that burns municipal solid waste. Additionally, the needs assessment shall consider the following:

- (1) Waste and recycling characterizations, including baseline studies of what is in the waste stream, what is being recycled, what is being composted, and how these vary across local jurisdictions;
- (2) Existing collection infrastructure, including:
 - (A) What materials are being collected and the processes and procedures for collection;
 - (B) Who currently has access to refuse, recycling, and composting collection services;
 - (C) How collection services are arranged and funded; and
 - (D) Improvements in services needed;
- (3) Processing and materials recovery facility infrastructure, including:
 - (A) How collected materials are currently being processed and marketed;
 - (B) Whether the sorting technology is up to date;

- (C) Whether there is sufficient capacity to process the volume of materials;
- (D) Opportunities and infrastructure needed for more local processing of materials; and
- (E) Costs to implement infrastructure improvements;
- (4) Markets, including the state of markets for recovered materials and finished compost;
- (5) Education, including the effectiveness of the existing outreach in educating residents;
- (6) Levels of contamination in collected packaging materials and organics for composting;
- (7) The impact of the composition of packaging materials on the reuse, recyclability, and compostability of packaging materials;
- (8) An evaluation of how extended producer responsibility program laws are designed and work in other states and countries;
- (9) An evaluation of an appropriate definition of “producer” for an extended producer responsibility program in the State;
- (10) Equity and environmental justice, including:
 - (A) Consideration for how the existing system is operating and how extended producer responsibility could increase equity; and
 - (B) An assessment of equity issues in education efforts;
- (11) Economic impact, including estimates in job development from increased reuse, recycling, and composting;
- (12) Environmental benefits from reduction and reuse and local versus off-island materials processing;
- (13) How extended producer responsibility can promote upstream improvement, such as source reduction, packaging redesign and optimization, and reduction of packaging materials that are harmful to human health or the environment, and reuse and refill practices, including:
 - (A) Identifying opportunities for source reduction, reuse, and refill in packaging systems; and
 - (B) Cost and infrastructure needs to implement these systems; and
- (14) Suggested diversion targets and timeline using baseline data from the needs assessment to determine the resources, infrastructure, educational program, and other initiatives needed to reach conservative, moderate, and aggressive waste reduction goal scenarios.
- (c) The department of health shall conduct the assessment in consultation with the following stakeholders:
 - (1) Each county department responsible for waste management;
 - (2) Global and national producer responsibility organizations, including producer responsibility organizations actively working on reusable packaging systems;
 - (3) Producers of packaging materials and paper products;
 - (4) Refuse and recycling collection and processing service providers;
 - (5) Compost facility operators;
 - (6) Retailers, including restaurants, wholesalers, and distributors;
 - (7) Organizations and community groups involved with waste management and waste reduction; and

(8) Environmental and human health scientists; provided that additional stakeholders may be included as the department deems necessary and relevant.

(d) The department of health may contract for professional services to conduct the needs assessment.

(e) The department of health shall convene an advisory council to review the draft needs assessment and propose recommendations throughout the assessment process. The advisory council shall include:

- (1) One representative from each county department responsible for waste management;
- (2) One representative from a national producer or producer trade association;
- (3) One representative from a Hawaii-based producer or producer association;
- (4) Two representatives who are experts or operators of reuse, refill, or circular economy systems;
- (5) One representative from a Hawaii-based refuse service provider;
- (6) One representative from a Hawaii-based recycling collection and processing service provider;
- (7) One representative from a Hawaii-based retailer, including restaurants, wholesalers, or distributors;
- (8) Two representatives from Hawaii-based organizations and community groups involved with waste management or relevant environmental advocacy;
- (9) One representative who is an environmental or human health scientist;
- (10) One representative from a business that manufactures consumer packaged goods for sale in the State; and
- (11) One representative from the composting industry.

(f) The department of health shall hold a public hearing to obtain comments on the draft needs assessment.

(g) The department of health shall complete and submit the needs assessment, including any proposed legislation, to the legislature by December 31, 2027.

(h) For the purposes of this section:

“Packaging materials” includes materials used for the containment, protection, or serving of products, including but not limited to paper, paperboard, cardboard, plastics, glass, or metal, or a mixture of any of these materials. “Packaging materials” excludes deposit beverage containers included under the Hawaii deposit beverage container program.

“Paper products” includes printed materials such as office paper, magazines, newspaper, and junk mail. “Paper products” does not include bound books.

“Refill” means employing packaging materials that consumers reuse.

“Reuse” means the return of or to return packaging materials to the economic stream for use in the same kind of application intended for the original packaging without changing the original composition of the package, the identity of the product, or the components thereof.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000 or so much thereof as may be necessary

for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the department of health to conduct a statewide needs assessment, pursuant to section 2 of this Act, to inform the future establishment of an extended producer responsibility program; provided that:

- (1) The moneys shall not lapse at the end of the fiscal year for which the appropriation is made; and
- (2) All moneys from the appropriation unencumbered shall lapse as of the close of business on June 30, 2027, to the credit of the general fund.

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved May 27, 2025.)

ACT 104

H.B. NO. 1220

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 *Anemonia majano*, or the majano anemone, is an invasive species that was detected in Kaneohe Bay during the follow-up monitoring of a previous non-native coral removal site. Majano anemone, originally introduced as a hitchhiker on the released non-native corals, has spread to blanket an area of about nine hundred fifty square yards. This invasive anemone severely threatens Kaneohe Bay's delicate coral reef ecosystem, particularly the endemic finger coral *Porites compressa*. Known for its rapid growth and spread throughout various substrates, aggressive competition for space, and ability to smother native coral species, the majano anemone has previously outcompeted stony corals in the Philippines and Vietnam, resulting in phase shifts to corallimorpharia-dominated communities. Left unchecked, the majano anemone could significantly degrade reef health and fish habitat, harm marine biodiversity, and disrupt vital ecosystem services relied upon by the coastal communities in Hawaii.

The legislature further finds that the department of land and natural resources' division of aquatic resources has proposed a multi-phase removal strategy tailored to the biology of the majano anemone that involves chemical control and physical removal and smothering practices. Supporting these efforts may prevent further damage and spread of the majano anemone, ensuring that the State's coral reefs and marine ecosystems remain health¹ and vibrant.

The purpose of this Act is to appropriate funds to support the efforts of the division of aquatic resources in the removal of the majano anemone from Kaneohe Bay.

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 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to support the division of aquatic resources in removing majano anemone from Kaneohe Bay, including personnel, materials and equipment, data management and analysis, and outreach and community engagement.

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

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved May 27, 2025.)

Note

1. So in original.

ACT 105

S.B. NO. 332

A Bill for an Act Relating to Foreclosures.

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

SECTION 1. The legislature finds that natural disasters and other economic crises can often lead homeowners to default on their mortgage payments, resulting in a wave of foreclosures. Previous foreclosure crises have resulted in the replacement of owner-occupied homes with investor-owned rentals, prolonged vacancies, and unmaintained residential properties. As climate-related crises become more intense and frequent, and as housing cost burdens increase for low- to moderate-income homeowners, the legislature believes it is necessary to ensure that foreclosed homes are not lost to second homebuyers or residential investors.

Accordingly, the purpose of this Act is to:

- (1) Prohibit sellers of mortgaged properties in a power of sale foreclosure from bundling properties at a public sale and require each mortgaged property to be bid on separately; and
- (2) Specify that the sale of a foreclosed property is not final until the earliest of either fifteen days after the public sale, unless an eligible bidder submits a subsequent bid or written notice of intent to submit a subsequent bid, or forty-five days after the public sale.

SECTION 2. Chapter 667, Hawaii Revised Statutes, is amended by adding two new sections to part II¹ be appropriately designated and to read as follows:

“§667-A Bundled properties; prohibition. Notwithstanding any other law to the contrary, for the public sale of mortgaged property under the power of sale foreclosure process in this part, no mortgagee shall bundle mortgaged properties for the purpose of public sale and each mortgaged property shall be bid on separately, unless the deed or mortgage otherwise requires.

§667-B Eligible bidder; subsequent bid. (a) Notwithstanding any other law to the contrary, the public sale of a mortgaged property under a power of sale foreclosure process pursuant to this part shall not be deemed final until the earliest of the following:

- (1) Fifteen days after the public sale, unless at least one or more eligible bidders submits a:
 - (A) Subsequent bid that is equal to or exceeds the amount of the latest and highest bid of the successful bidder under section 667-29; or
 - (B) Nonbinding written notice of intent to place a subsequent bid. The bid or written notice of intent to place a subsequent bid shall be sent to the mortgagee by certified mail, overnight delivery, or another method that allows for confirmation of the delivery date and

shall be received by the mortgagee no later than fifteen days after the public sale; or

- (2) Forty-five days after the public sale; provided that during the forty-five-day period, an eligible bidder may submit a subsequent bid in an amount that is equal to or exceeds the latest and highest bid of the successful bidder under section 667-29.

(b) If an eligible bidder submits a subsequent bid that is equal to or exceeds the amount of the latest and highest bid of the successful bidder under section 667-29, the eligible bidder shall be the final successful bidder and make the nonrefundable downpayment required under section 667-29.

(c) For the purposes of this section:

“Eligible bidder” means:

- (1) An eligible tenant buyer;
- (2) A prospective owner-occupant;
- (3) A nonprofit corporation whose primary activity is the development and preservation of affordable housing;
- (4) A community land trust; or
- (5) A state or county government department or agency.

“Eligible tenant buyer” means a natural person who, at the time of a public sale, is:

- (1) Occupying the mortgaged property as the person’s primary residence;
- (2) Occupying the mortgaged property under a rental or lease agreement; and
- (3) Not the mortgagor or the child, spouse, or parent of the mortgagor.

“Prospective owner-occupant” means a natural person who presents to the mortgagee an affidavit stating that the person:

- (1) Will occupy the mortgaged property as the person’s primary residence within sixty days of the deed being recorded;
- (2) Will maintain the person’s occupancy in the mortgaged property for at least one year;
- (3) Is not the mortgagor or the child, spouse, or parent of the mortgagor; and
- (4) Is not acting as the agent of any other person or entity in purchasing the mortgaged property.”

SECTION 3. Section 667-29, Hawaii Revised Statutes, is amended to read as follows:

“§667-29 Authorized bidder; successful bidder. Any person, including the foreclosing mortgagee, ~~[shall be authorized to]~~ may bid for the mortgaged property at the public sale and ~~[to]~~ purchase the mortgaged property. The highest bidder who meets the requirements of the terms and conditions of the public sale shall be the successful bidder. The public sale shall be considered as being held when the mortgaged property is declared by the foreclosing mortgagee as being sold to the successful bidder. When the public sale is held, the successful bidder at the public sale, as the purchaser, shall make a nonrefundable downpayment to the foreclosing mortgagee of not less than ten per cent of the highest successful bid price~~[-];~~ provided that if the successful bidder loses the bid to an eligible bidder pursuant to section 667-B, the downpayment shall be refunded. If the successful bidder is the foreclosing mortgagee or any other mortgagee having a recorded lien on the mortgaged property before the recordation of the notice of default and intention to foreclose under section 667-23, the downpayment requirement may be satisfied by offset and a credit bid up to the amount of the mortgage debt.”

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

SECTION 7. This Act shall take effect on July 1, 2025.

(Approved May 29, 2025.)

Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.

ACT 106

S.B. NO. 1433

A Bill for an Act Relating to Harm Reduction.

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

SECTION 1. The legislature finds that sharing injection equipment among individuals who use drugs significantly contributes to the spread of human immunodeficiency virus (HIV), hepatitis B, hepatitis C, and other serious bloodborne infections. Act 152, Session Laws of Hawaii 1992, authorized the establishment of the first state-funded sterile needle and syringe exchange program in the United States. The program aims to prevent the transmission of bloodborne pathogens and to provide individuals who inject drugs with services such as referrals to appropriate health and social services, thereby reducing the overall disease burden in Hawaii.

Over the past thirty years, extensive scientific research has confirmed that syringe exchange programs nationwide effectively reduce disease transmission, increase access to addiction treatment, improve public safety, lower health care costs, and do not lead to an increase in drug use or crime. Research has also helped identify the most effective approaches in what are now commonly referred to as “syringe services programs”.

A 2020 report by the Centers for Disease Control and Prevention, United States Department of Health and Human Services, concluded that syringe programs that restrict syringe distribution to one-to-one exchange are less effective than needs-based distribution programs that provide sterile needles and syringes to syringe exchange participants in quantities sufficient to reduce the likelihood of needles and syringes being shared or reused. The Centers for Disease Control and Prevention supports needs-based approaches to syringe distribution based on evidence that it is the best practice for reducing new HIV and viral hepatitis infections. The Centers for Disease Control and Prevention concludes that, compared to one-to-one exchanges, needs-based syringe distribution leads to less syringe sharing and reuse, lowers risk of infection, and is not associated with increased unsafe syringe disposal. Research shows that syringe distribu-

tion programs are safe, effective, cost-saving, do not increase drug use or crime, and do not cause people to begin injecting drugs. However, Hawaii and Florida remain the only states that impose a strict one-to-one sterile needle and syringe exchange limit. This Act will authorize the State's syringe exchange program to transition from a one-to-one exchange model to a needs-based distribution system.

Syringes and needles are not the only injection equipment that contribute to the spread of infection. Any materials used in the preparation or administration of drugs may potentially transmit pathogens or cause injury when shared or reused.

The Model Syringe Services Program Act, a model legislation released by the White House Office of National Drug Control Policy in December 2021, recommends extending protection from criminal liability under drug paraphernalia statutes to syringe program staff, volunteers, and participants while implementing or accessing program services intended to reduce the transmission of bloodborne infections. This Act amends state law to align with those recommendations.

In line with recommendations for improving effectiveness, the State's sterile needle and syringe exchange program also facilitates access to critical health services necessary for participants. These include educating participants about the dangers of contracting HIV through sharing drug injection equipment and offering counseling services and referrals for treatment of substance use disorders. Furthermore, individuals who do not inject drugs but are marginalized often seek harm reduction information, supplies, and referrals to other services through the program. This Act will remove the requirement that the program exclude non-injection drug users, ensuring the program can assist individuals in need when resources are available.

Syringe services programs also play a crucial role in collecting and safely disposing of used injection equipment. Safe disposal occurs most effectively if program participants batch all used injection equipment for safe disposal by syringe services programs. However, participants may be reluctant to batch used injection equipment for safe disposal if they risk criminal penalties for drug residue found on used equipment. Extending protection from arrest and prosecution for possession of drug residue on used syringes and needles to program participants will increase the likelihood of proper disposal, thereby reducing public health risks. Program staff regularly encourage participants to batch and return all used injection equipment to the syringe exchange program, not only for the safety of the community, but also to assist in ensuring the program's continuity. For these reasons, the Model Syringe Services Program Act recommends providing immunity from criminal penalties for possession of a controlled substance or other illicit drug due to the presence of residue in a hypodermic needle or syringe or other supplies.

The purpose of this Act is to improve the safety, effectiveness, and cost savings of the State's sterile needle and syringe exchange program by amending the program based on current recommendations from the Centers for Disease Control and Prevention and the White House Office of National Drug Control Policy's model legislation.

SECTION 2. Section 325-111, Hawaii Revised Statutes, is amended as follows:

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

““Authorized objects” means objects authorized by the department for dissemination to syringe exchange participants for the purpose of reducing in-

fection or injury; provided that the objects are incidental to syringe exchange.
“Authorized objects” may include but is not limited to cookers, cottons, or ties.

“Needs-based distribution” means a syringe distribution practice that provides sterile needles and syringes to syringe exchange participants in quantities sufficient to reduce the likelihood of needles and syringes being shared or reused.

“Program staff” means an employee of the department or its designee who is specifically tasked with procuring, handling, transporting, and providing sterile needles, syringes, and authorized objects and services to syringe exchange participants.

“Residue” means the amount of controlled substance, as that term is defined in section 329-1, remaining in a syringe and needle after the plunger stopper is fully depressed.

“Syringe exchange participant” means an injection drug user who receives a sterile needle and syringe pursuant to the program.”

2. By deleting the definition of “participant”.

[““Participant” means an injection drug user who exchanges a sterile needle and syringe unit pursuant to the program.”]

SECTION 3. Section 325-113, Hawaii Revised Statutes, is amended to read as follows:

“[§325-113] Operation of the program. (a) The program shall be operated for the purpose of:

- (1) Preventing the transmission of the human immunodeficiency virus, [the] hepatitis B virus, hepatitis C virus, and other [blood borne diseases;] bloodborne infections; and
- (2) Providing [injection] drug users with referrals to appropriate health and social services.

(b) The program shall provide for maximum security of exchange sites and equipment, including a full accounting of the number of needles and syringes [in use,] distributed, the number of needles and syringes in storage, the number of used needles and syringes collected, and any other measure that may be required to control the use and dispersal of sterile needles and syringes; provided that a syringe exchange participant may exchange used needles and syringes at any exchange site if more than one site is available.

(c) The program shall provide [for a one-to-one exchange, whereby the participant shall receive one sterile needle and syringe unit in exchange for each used one.] needs-based distribution of sterile needles and syringes.

(d) The program [shall provide procedures for the screening of participants to prevent non-injection drug users from participating in the programs.] may provide screening procedures to allow non-injection drug users to safely and effectively receive services, exclusive of syringes and needles, from the program.

(e) The department and its designees shall keep records to identify and authorize [persons employed by the department or its designees] program staff to have access to needles, syringes, or authorized objects, and the program’s records.

(f) The program shall include services to:

- (1) Educate the syringe exchange participant about the dangers of contracting [HIV infection] bloodborne infections through [needle-sharing] needle- and other materials-sharing practices; and

- (2) Offer substance ~~[abuse]~~ use disorder treatment referral and counseling services to all syringe exchange participants ~~and non-injection drug users.~~
- (g) The program shall compile research data on behavioral changes; enrollment in ~~[drug abuse]~~ substance use disorder treatment, counseling, and education programs; service provision; disease transmission; and other information that may be relevant and useful to assist in the planning and evaluation of efforts to combat the spread of ~~[blood-borne diseases]~~ bloodborne infections.”

SECTION 4. Section 325-114, Hawaii Revised Statutes, is amended to read as follows:

~~“[§325-114] Criminal Liability.~~ **Liability.** (a) ~~[Exchanges under the sterile needle and syringe exchange program]~~ Possession or delivery of needles or syringes shall not constitute an offense under section 329-43.5 for ~~[the participant or for the employees of the department or its designees.]~~ program staff acting in the course and scope of official duties; provided that delivery is limited to other program staff or to syringe exchange participants pursuant to this part. Possession of needles or syringes shall not constitute an offense under section 329-43.5 for syringe exchange participants participating in a program visit.

(b) Possession or delivery of authorized objects shall not constitute an offense under section 329-43.5 for program staff acting in the course and scope of official duties; provided that delivery is limited to other program staff or to syringe exchange participants pursuant to this part. Possession of authorized objects shall not constitute an offense under section 329-43.5 for syringe exchange participants participating in a program visit. The department shall establish a specific list of authorized objects, which may be updated from time to time as needed.

(c) Possession or delivery of used needles or syringes containing residue shall not constitute a drug possession offense under section 712-1242(1)(c), 712-1243, 712-1245(1)(c), 712-1246.5, 712-1248(1)(d), or 712-1249 for syringe exchange participants within two months after their last participation in a program visit; and shall not constitute an offense for program staff acting in the course and scope of official duties; provided that any delivery, whether by syringe exchange participants or by program staff, shall be made only to program staff pursuant to this part.

(d) Subsections (a), (b), and (c) shall only apply to needles, syringes, or authorized objects possessed by syringe exchange participants or program staff; or to needles, syringes, or authorized objects delivered between program staff, or between a syringe exchange participant and program staff.

(e) Subsections (a), (b), and (c) shall not apply to any needles, syringes, or authorized objects:

- (1) Possessed by anyone other than syringe exchange participants or program staff; or
- (2) Delivered between:
 - (A) Syringe exchange participants;
 - (B) A syringe exchange participant and an individual who is neither a syringe exchange participant nor program staff;
 - (C) Individuals who are neither syringe exchange participants nor program staff; or
 - (D) An individual who is neither a syringe exchange participant nor program staff.

(f) A law enforcement officer who, acting in good faith, arrests or charges a person who is thereafter determined to be exempt from an offense pursuant to this section shall not be subject to civil liability for the mere arrest or filing of charges.

~~[(b) Nothing]~~ (g) Except as specifically provided in this section, nothing in this part [provides] shall provide immunity from prosecution to any person for violation of any law prohibiting or regulating the use, possession, dispensing, distribution, or promotion of controlled substances, dangerous drugs, detrimental drugs, or harmful drugs. [Nothing] Except as specifically provided in this section, nothing in this part [provides] shall provide immunity from prosecution to any person for violation of [sections] section 329-41, 329-42, or 712-1241 through [712-1249.6-] 712-1249.7.”

SECTION 5. Section 325-116, Hawaii Revised Statutes, is amended to read as follows:

“[§325-116]] Reports. The department, on or before January 1 of each year, shall submit a report to the sterile needle exchange program oversight committee. The report shall include:

- (1) Information as to the number of syringe exchange participants served ~~[and]~~, the number of needles and syringes distributed~~;~~, and the number of used needles and syringes collected;
- (2) A demographic profile of the syringe exchange participants served, including but not limited to: age, sex, ethnicity, area of residence, occupation, types of drugs used, length of drug use, and frequency of injection;
- (3) Impact of the program on needle and syringe sharing and other ~~[high-risk]~~ high-risk behavior;
- (4) Data on syringe exchange participants regarding ~~[HIV]~~ human immunodeficiency virus (HIV) testing, counseling, drug treatment, and other social services, including referrals for HIV testing and counseling and for ~~[drug abuse]~~ substance use disorder treatment;
- (5) Impact on the transmission of HIV infection among injection drug users;
- (6) Impact on behaviors that caused syringe exchange participants to be at risk for HIV transmission such as frequency of drug use and needle sharing;
- (7) An assessment of the cost-effectiveness of the program versus direct and indirect costs of HIV infection; and
- (8) Information on the percentage of persons served through treatment programs for injection drug users funded through the department that were attributed to needle exchange referrals.

The report shall address the strengths and weaknesses of the program, the advisability of its continuation, amendments to the law, if appropriate, and other matters that may be helpful to the oversight committee in evaluating the program’s efficacy.”

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 May 29, 2025.)

ACT 107

S.B. NO. 1452

A Bill for an Act Relating to the Uniform Controlled Substance Act.

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

SECTION 1. Section 329-14, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) ~~[Any]~~ Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, ~~[unless specifically excepted,]~~ whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide), its optical, positional, and geometric isomers, salts, and salts of isomers;
- (4) Acryl fentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide] (Other name: acryloylfentanyl);
- (5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide);
- (6) Allylprodine;
- (7) Alphacetylmethadol (except levo-alphacetylmethadol, levomethadyl acetate, or LAAM);
- (8) Alphameprodine;
- (9) Alphamethadol;
- (10) Alpha'-methyl butyryl fentanyl (2-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide);
- ~~[(10)]~~ (11) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine);
- ~~[(11)]~~ (12) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- ~~[(12)]~~ (13) Benzethidine;
- ~~[(13)]~~ (14) Benzylfentanyl (N-[1-benzyl-4-piperidyl]-N-phenylpropanamide), its optical isomers, salts, and salts of isomers;
- ~~[(14)]~~ (15) Betacetylmethadol;
- ~~[(15)]~~ (16) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- ~~[(16)]~~ (17) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
- ~~[(17)]~~ (18) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide);
- ~~[(18)]~~ (19) Betameprodine;
- ~~[(19)]~~ (20) Betamethadol;
- ~~[(20)]~~ (21) Beta-methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide) (Other name: [beta]-methyl fentanyl);

- [(21)] (22) Beta'-phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide) (Other names: [beta]'-phenyl fentanyl; 3-phenylpropanoyl fentanyl);
- [(22)] (23) Betaprodine;
- (24) Brorphine (1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one);
- (25) Butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine);
- [(23)] (26) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);
- [(24)] (27) Clonitazene;
- (28) Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide);
- (29) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
- [(25)] (30) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
- [(26)] (31) Dextromoramide;
- [(27)] (32) Diampromide;
- [(28)] (33) Diethylthiambutene;
- [(29)] (34) Difenoxin;
- [(30)] (35) Dimenoxadol;
- [(31)] (36) Dimepheptanol;
- (37) 2',5'-dimethoxyfentanyl (N-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-N-phenylpropionamide);
- [(32)] (38) Dimethylthiambutene;
- [(33)] (39) Dioxaphetyl butyrate;
- [(34)] (40) Dipipanone;
- [(35)] (41) Ethylmethylthiambutene;
- (42) Etodesnitazene (2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine) (Other name: etazene);
- [(36)] (43) Etonitazene;
- [(37)] (44) Etoxidine;
- [(38)] (45) Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate);
- (46) Flunitazene (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);
- [(39)] (47) 4-fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide] (Other name: para-fluoroisobutyryl fentanyl);
- [(40)] (48) 2'-fluoro ortho-fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide) (Other name: 2'-fluoro 2-fluorofentanyl);
- [(41)] (49) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);
- (50) 3-furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide);
- [(42)] (51) Furethidine;
- [(43)] (52) Hydroxypethidine;
- (53) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);
- (54) Isotonitazene (N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);

- (55) Isovaleryl fentanyl (3-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide);
- ~~[(44)]~~ (56) Ketobemidone;
- ~~[(45)]~~ (57) Levomoramide;
- ~~[(46)]~~ (58) Levophenacilmorphan;
- (59) Meta-fluorofentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide);
- (60) Meta-fluoroisobutyryl fentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- ~~[(47)]~~ (61) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (62) 2-methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one);
- ~~[(48)]~~ (63) 4'-methyl acetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide);
- ~~[(49)]~~ (64) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- ~~[(50)]~~ (65) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide);
- (66) Metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);
- (67) Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);
- ~~[(51)]~~ (68) Morpheridine;
- ~~[(52)]~~ (69) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (70) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- ~~[(53)]~~ (71) Noracymethadol;
- ~~[(54)]~~ (72) Norlevorphanol;
- ~~[(55)]~~ (73) Normethadone;
- ~~[(56)]~~ (74) Norpipanone;
- (75) N-pyrrolidino etonitazene (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole) (Other name: etonitazepyne);
- ~~[(57)]~~ (76) Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide];
- ~~[(58)]~~ (77) Ortho-fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide);
- ~~[(59)]~~ (78) Ortho-fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide) (Other name: 2-fluorobutyryl fentanyl);
- ~~[(60)]~~ (79) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 2-fluorofentanyl);
- (80) Ortho-fluorofuranyl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- ~~[(61)]~~ (81) Ortho-fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- ~~[(62)]~~ (82) Ortho-methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide) (Other name: 2-methyl acetylfentanyl);
- ~~[(63)]~~ (83) Ortho-methyl methoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide) (Other name: 2-methyl methoxyacetyl fentanyl);

- (84) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- [(64)] (85) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
- [(65)] (86) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide[;]);
- [(66)] (87) Para-fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- (88) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);
- (89) Para-methoxyfuranyl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);
- (90) Para-methylcyclopropyl fentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide);
- [(67)] (91) Para-methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide) (Other name: 4-methylfentanyl);
- [(68)] (92) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- [(69)] (93) Phenadoxone;
- [(70)] (94) Phenampromide;
- [(71)] (95) Phenomorphane;
- [(72)] (96) Phenoperidine;
- [(73)] (97) Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide) (Other name: benzoyl fentanyl);
- [(74)] (98) Piritramide;
- [(75)] (99) Proheptazine;
- [(76)] (100) Properidine;
- [(77)] (101) Propiram;
- (102) Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine);
- [(78)] (103) Racemoramide;
- (104) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);
- [(79)] (105) Thenylfentanyl (N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide), its optical isomers, salts, and salts of isomers;
- [(80)] (106) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
- [(81)] (107) Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide) (Other names: 2-thiofuranyl fentanyl; thiophene fentanyl);
- [(82)] (108) Tilidine;
- [(83)] (109) Trimeperidine; [and]
- [(84)] (110) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)[-]; and
- (111) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).”

2. By amending subsection (d) to read:

“(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alpha-ethyltryptamine (AET);
- (2) 2,5-dimethoxy-4-ethylamphetamine (DOET);
- (3) 2,5-dimethoxyamphetamine (2,5-DMA);
- (4) 3,4-methylenedioxy amphetamine;
- (5) 3,4-methylenedioxymethamphetamine (MDMA);
- (6) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy-MDA);
- (7) 3,4-methylenedioxy-N-ethylamphetamine (MDE);
- (8) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (9) 4-bromo-2,5-dimethoxy-amphetamine (4-bromo-2,5-DMA);
- (10) 4-Bromo-2,5-dimethoxyphenethylamine (Nexus);
- (11) 3,4,5-trimethoxy amphetamine;
- (12) Bufotenine;
- (13) 4-methoxyamphetamine (PMA);
- (14) Diethyltryptamine;
- (15) Dimethyltryptamine;
- (16) 4-methyl-2,5-dimethoxy-amphetamine;
- (17) Gamma hydroxybutyrate (GHB) (some other names include gamma hydroxybutyric acid; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- (18) Ibogaine;
- (19) Lysergic acid diethylamide;
- (20) Marijuana;
- (21) Parahexyl;
- (22) Mescaline;
- (23) Peyote;
- (24) N-ethyl-3-piperidyl benzilate;
- (25) N-methyl-3-piperidyl benzilate;
- (26) Psilocybin;
- (27) Psilocyn;
- (28) 1-[1-(2-Thienyl) cyclohexyl] Pyrrolidine (TCPy);
- (29) Ethylamine analog of phencyclidine (PCE);
- (30) Pyrrolidine analog of phencyclidine (PCPy, PHP);
- (31) Thiophene analog of phencyclidine (TCPy; TCP);
- (32) Gamma-butyrolactone, including butyrolactone; butyrolactone gamma; 4-butyrolactone; 2(3H)-furanone dihydro; dihydro-2(3H)furanone; tetrahydro-2-furanone; 1,2-butanolide; 1,4-butanolide; 4-butanolide; gamma-hydroxybutyric acid lactone; 3-hydroxybutyric acid lactone and 4-hydroxybutanoic acid lactone with Chemical Abstract Service number 96-48-0 when any such substance is intended for human ingestion;
- (33) 1,4 butanediol, including butanediol; butane-1,4-diol; 1,4- butylenes glycol; butylene glycol; 1,4-dihydroxybutane; 1,4- tetramethylene glycol; tetramethylene glycol; tetramethylene 1,4- diol with Chemical Abstract Service number 110-63-4 when any such substance is intended for human ingestion;
- (34) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts, and salts of isomers;
- (35) N-benzylpiperazine (BZP; 1-benzylpiperazine), its optical isomers, salts, and salts of isomers;
- (36) 1-(3-trifluoromethylphenyl)piperazine (TFMPP), its optical isomers, salts, and salts of isomers;
- (37) Alpha-methyltryptamine (AMT);
- (38) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

- (39) *Salvia divinorum*;
- (40) Salvinorin A;
- (41) Divinorin A;
- (42) 5-Methoxy-N,N-Dimethyltryptamine [~~(5-MeO-DIPT)~~] (some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT);
- (43) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- (44) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);
- (45) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
- (46) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
- (47) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
- (48) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
- (49) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- (50) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
- (51) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);
- (52) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimi-5);
- (53) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimi-82);
- (54) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimi-36);
- (55) N-ethylhexedrone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: [alpha]-ethylaminohexanophenone; 2-(ethylamino)-1-phenylhexan-1-one);
- (56) Alpha-pyrrolidinohexanophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: [alpha]-PHP; [alpha]-pyrrolidinohexanophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one);
- (57) 4-methyl-alpha-ethylaminopentiophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one);
- (58) 4'-methyl-alpha-pyrrolidinohexiophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: MPHP; 4'-methyl-alpha-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);
- (59) Alpha-pyrrolidinoheptaphenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one);
- (60) 4'-chloro-alpha-pyrrolidinovalerophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 4-chloro-[alpha]-PVP; 4'-chloro-[alpha]-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one); ~~[and]~~
- (61) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (methoxetamine, MXE)[-];
- (62) Eutylone (1-(1,3-benzodioxol-5-yl)-2-(ethylamino)butan-1-one) (Other name: bk-EBDB);
- (63) Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol), including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of

such isomers, esters, ethers and salts is possible within the specific chemical designation:

- (64) (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144);
- (65) [1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (5-fluoro-UR-144, XLR11);
- (66) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (Other name: ADB-FUBINACA);
- (67) Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-CHMICA, MMB-CHMINACA);
- (68) Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other name: MDMB-FUBINACA); and
- (69) N-ethylpentylone (Other names: ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)pentan-1-one)."

3. By amending subsection (f) to read:

"(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (1) Amineptine (7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid);
- [(+)] (2) Aminorex;
- [(2)] (3) Cathinone;
- [(3)] (4) 4,4'-dimethylaminorex (common name: 4,4'-DMAR);
- (5) Ethylphenidate (ethyl 2-phenyl-2-(piperidin-2-yl)acetate);
- [(4)] (6) Fenethylamine;
- (7) Mesocarb (N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate);
- [(5)] (8) Methcathinone;
- (9) Methiopropamine (N-methyl-1-(thiophen-2-yl)propan-2-amine);
- [(6)] (10) 4-methylaminorex;
- [(7)] (11) N-ethylamphetamine;
- [(8)] (12) N,N-dimethylamphetamine;
- [(9)] (13) Substituted cathinones, any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
 - (A) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
 - (B) By substitution at the 3-position with an acyclic alkyl substituent; or
 - (C) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some other trade names: Mephedrone (2-methylamino-1-p-tolylpropan-1-one), also known as 4-methylmethcathinone (4-MMC), methylephedrone or MMCAT; Methylenedioxypyrovalerone (MDPV, MDPK); methylone or 3,4-methylenedioxymethcathinone; and 1-(benzo[d][1,3]dioxol-5-yl)-2-(ethylamino)propan-1-one, monohydrochloride, also known as Ethylone, bk-MDEA

hydrochloride, MDEC; 3,4-Methylenedioxy-N-ethylcathinone; bk-Methylenedioxyethylamphetamine, 4-methyl-N-ethylcathinone (4-MEC); 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP); alpha-pyrrolidinopentiophenone ([alpha]-PVP); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone, bk-MBDB e); 2-(methylamino)-1-phenylpentan-1-one (pentedrone); 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentylone, bk-MBDP); 4-fluoro-N-methylcathinone (4-FMC, flephedrone); 3-fluoro-N-methylcathinone (3-FMC); 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone); alpha-pyrrolidinobutiophenone ([alpha]-PBP) and their optical, positional, and geometric isomers, salts and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible; and

(14) 1-(4-methoxyphenyl)-N-methylpropan-2-amine (Other names: para-methoxymethamphetamine; PMMA)."

SECTION 2. Section 329-16, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) Immediate precursor. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation ~~[which]~~ that contains any quantity of the following substances:

- (1) Immediate precursor to amphetamine and methamphetamine:
 - (A) Phenylacetone, phenyl-2-propanone (P2P), benzyl methyl ketone, methyl benzyl ketone;
- (2) Immediate precursors to phencyclidine (PCP):
 - (A) 1-phenylcyclohexylamine; or
 - (B) 1-piperidinocyclohexanecarbonitrile (PCC); or
- (3) Immediate precursor to ~~[Fentanyl:] fentanyl:~~
 - (A) ~~[4-anilino-N-phenethyl-4-piperidine]~~ 4-anilino-N-phenethylpiperidine (ANPP); or
 - (B) N-phenyl-N-(piperidin-4-yl)propionamide (norfentanyl)."

SECTION 3. Section 329-20, Hawaii Revised Statutes, is amended to read as follows:

"§329-20 **Schedule IV.** (a) The controlled substances listed in this section are included in schedule IV.

(b) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including its salts, isomers, esters, ethers, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, that has a degree of danger or probable danger associated with a depressant effect on the central nervous system:

- (1) Alprazolam;
- (2) Barbitol;
- (3) Brexanolone;
- (4) Bromazepam;
- (5) Butorphanol;
- (6) Camazepam;
- (7) Carisoprodol;
- (8) Chloral betaine;
- (9) Chloral hydrate;

- (10) Chlordiazepoxide;
- (11) Clobazam;
- (12) Clonazepam;
- (13) Clorazepate;
- (14) Clotiazepam;
- (15) Cloxazolam;
- (16) Daridorexant;
- (17) Delorazepam;
- (18) Diazepam;
- (19) Dichloralphenazone (Midrin);
- (20) Estazolam;
- (21) Ethchlorvynol;
- (22) Ethinamate;
- (23) Ethyl loflazepate;
- (24) Fludiazepam;
- (25) Flunitrazepam;
- (26) Flurazepam;
- (27) Fospropofol (Lusedra);
- (28) Halazepam;
- (29) Haloxazolam;
- (30) Ketazolam;
- (31) Lemborexant ((1R,2S)-2-[(2,4-dimethylpyrimidin-5-yl)oxymethyl]-2-(3-fluorophenyl)-N-(5-fluoropyridin-2-yl)cyclopropane-1-carboxamide);
- (32) Loprazolam;
- (33) Lorazepam;
- (34) Lormetazepam;
- (35) Mebutamate;
- (36) Medazepam;
- (37) Meprobamate;
- (38) Methohexital;
- (39) Methylphenobarbital (mephobarbital);
- (40) Midazolam;
- (41) Nimetazepam;
- (42) Nitrazepam;
- (43) Nordiazepam;
- (44) Oxazepam;
- (45) Oxazolam;
- (46) Paraldehyde;
- (47) Petrichloral;
- (48) Phenobarbital;
- (49) Pinazepam;
- (50) Prazepam;
- (51) Quazepam;
- (52) Remimazolam;
- (53) Suvorexant;
- (54) Temazepam;
- (55) Tetrazepam;
- (56) Triazolam;
- (57) Zaleplon;
- (58) Zolpidem; [and]
- (59) Zopiclone (Lunesta)[-]; and
- (60) Zuranolone.

~~[(e) Fenfluramine.—Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: Fenfluramine.~~

~~[(d)]~~ (c) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation ~~[which]~~ that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine ((+)-norpseudoephedrine);
- (2) Diethylpropion;
- (3) Fencamfamin;
- (4) Fenproporex;
- (5) Lorcaserin;
- (6) Mazindol;
- (7) Mefenorex;
- (8) Modafinil;
- (9) Pemoline (including organometallic complexes and chelates thereof);
- (10) Phentermine;
- (11) Pipradrol;
- (12) Serdexmethylphenidate;
- (13) Sibutramine;
- (14) Solriamfetol; and
- (15) SPA (1-dimethylamino-1,2-diphenylethane, lefetamine).

~~[(e)]~~ (d) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation ~~[which]~~ that contains any quantity of the following substances, including its optical isomers and its salts, isomers, and salts of isomers:

- (1) Pentazocine; and
- (2) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl]][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid[.]).

~~[(f)]~~ (e) The department of law enforcement may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b) or any stimulant listed in subsection ~~[(d)]~~ (c) from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant or stimulant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the degree of danger or probable danger of the substances which have a depressant or stimulant effect on the central nervous system.

~~[(g)]~~ (f) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

- (1) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;
- (2) Dextropropoxyphene [~~(alpha-(-)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane);~~ (alpha-(-)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane); and

- (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).”

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, 2025.

(Approved May 29, 2025.)

ACT 108

S.B. NO. 1048

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. The legislature finds that Act 205, Session Laws of Hawaii 2024 (Act 205), was intended to regulate charitable fundraising platforms to ensure proper and transparent fundraising activities in the State.

The legislature further finds that Act 205’s well-intended language creates undue burdens on charitable fundraising platforms and, more importantly, potentially hampers and inhibits the ability of charitable organizations to respond to community needs and fundraise, especially in times of emergency.

The legislature additionally finds that it would be prudent to amend Act 205 before its scheduled effective date of January 1, 2026, in a manner that would still achieve the important purposes of public protection, donor security, and transparency, but not overburden charitable fundraising platforms, charitable organizations, and the department of the attorney general, which oversees these activities.

Accordingly, the purpose of this Act is to amend the language in Act 205 to clarify existing standards and safeguards in online crowdfunding.

SECTION 2. Chapter 467B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§467B- Platform charities. (a) Every platform charity not exempted by section 467B-11.5 shall register with the department as a platform charity before conducting activities regulated by this chapter in accordance with section 467B-2.1. A platform charity shall be subject to the annual financial report and annual filing fee requirements of section 467B-6.5. 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.

(b) No platform charity shall facilitate acts of solicitation on a charitable fundraising platform unless the platform charity is in good standing.

(c) A 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 platform charity may rely on information displayed on the department's registry.

(d) With respect to purported charitable purposes, a 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, with an explanation identifying the most pertinent reasons that a recipient charitable organization may not receive the funds; provided that the explanation of the most pertinent reasons that a recipient charitable organization may not receive the funds 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.

(e) Each 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 platform charity or may be provided to a 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.

(f) After a donor contributes donations and with respect to purported charitable purposes, the platform charity shall promptly provide a tax donation receipt to the donor in a manner provided by section 170(f)(8) of the Internal Revenue Code of 1986, as amended.

(g) The platform charity shall not divert or otherwise misuse any donations made for purported charitable purposes that the 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 platform charity. The 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.

(h) If a 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.

(i) As used in this section, “good standing” means that a platform charity, recipient charitable organization, or other charitable organization is not prohibited by the department from soliciting or operating in the State.”

SECTION 3. Section 467B-1, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “commercial co-venturer” to read:

““Commercial co-venturer” means a person who, for profit, is regularly and primarily engaged in trade or commerce other than in connection with soliciting for charitable organizations or charitable purposes, and who conducts charitable sales promotions. A person who meets the definitions of “commercial co-venturer” and “charitable fundraising platform” shall be considered a commercial co-venturer when the acts of solicitation through an internet website, service, or other platform to persons in this State are for six or fewer recipient charitable organizations per calendar year, and the commercial co-venturer complies with section 467B-5.5.”

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

““Owner” means any person who has a direct or indirect interest in any professional fundraising counsel[.] or professional solicitor, ~~charitable fundraising platform, or platform charity~~.”

3. By amending the definition of “platform charity” to read:

““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]~~ Soliciting 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]~~ Granting 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. A person who meets the definitions of “platform charity” and “charitable fundraising platform” shall be deemed a charitable fundraising platform.”

SECTION 4. Section 467B-1.5, Hawaii Revised Statutes, is amended to read as follows:

“§467B-1.5 Professional solicitors[;] and 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[;] or charitable fundraising platform[; or platform charity] registered with the department 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] the 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[;] or charitable fundraising platform's[; or platform charity's] registration data and financial reports are available from the department.

(b) A professional solicitor[; charitable fundraising platform, or platform charity] who makes an oral solicitation by telephone, door-to-door, or otherwise, [prior to] before 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 5. Section 467B-2.3, Hawaii Revised Statutes, is amended to read as follows:

“[§467B-2.3] 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 or in a manner as 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. Re-

~~ports shall be filed pursuant to section 467B-12.] The registration statement shall contain the information set forth in subsection (b). The registration under this section 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 charitable fundraising platform. The renewal statement shall contain the information set forth in subsection (b). 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 subsection 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 registration and renewal registration 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)] (c)~~ 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.]~~ the department's registry.

~~[(f)] (d)~~ 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]~~ that a recipient charitable organization may not receive the funds; provided that the explanation ~~[as to the maximum length of time]~~ of the most pertinent reasons that a recipient charitable organization may not receive the funds may be provided through a conspicuous hyperlink, so long as the disclosure is conspicuous when the hyperlink is select-

ed; 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)]~~ (e) 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)]~~ (f) 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.]~~ manner provided by section 170(f)(8) of the Internal Revenue Code of 1986, as amended.

~~[(i)]~~ (g) 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]~~ its misuse of funds~~[- and vice versa]~~. A charitable fundraising platform shall maintain and operate a process for complaints about any fundraising activity regulated by this chapter and shall investigate and make findings on complaints, and, at the request of the department, shall report its findings to the department along with its actions for resolution, including any full refunds of contributions.

~~[(j)]~~ (h) 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.

(i) The attorney general may require that registration and renewal registration and contracts be filed with the department electronically and may require the use of electronic signatures.

~~[(k)]~~ (j) 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~~ organization is not prohibited from soliciting or operating in the ~~[state]~~ State by the department.”

SECTION 6. 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 7. Section 467B-9, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(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~~[:]~~ the charitable fundraising platform or platform charity has obtained written consent pursuant to section 467B-2.3(e) or:

- (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]~~ before 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."

SECTION 8. 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~~[:]~~ or professional solicitor, ~~[charitable fundraising platform, or platform charity, prior to]~~ before 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~~[:]~~ or 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[;] or 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[;] or 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~~] shall be deemed to be approved. Within seven business days after receipt of a notification that the registration requirements are not satisfied, the professional fundraising counsel[;] or 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 [~~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 9. 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[;] or professional solicitor[; ~~charitable fundraising platform, or platform charity~~] that shall be filed by the professional fundraising counsel[;] or professional solicitor[; ~~charitable fundraising platform, or platform charity~~] with the attorney general at least ten business days ~~[prior to]~~ before the performance by the professional fundraising counsel[;] or 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[;] or 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[;] or 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[;] or 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[;] or 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[~~;~~ ~~or professional solicitor;~~ ~~charitable fundraising platform, or platform charity~~] shall contract with a charitable organization unless the professional fundraising counsel[~~;~~ ~~or professional solicitor;~~ ~~charitable fundraising platform, or platform charity~~] is registered with the department. A contract with an unregistered professional fundraising counsel[~~;~~ ~~or 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[~~;~~ ~~or 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 10. Act 205, Session Laws of Hawaii 2024, is amended by amending section 16 to read as follows:

“SECTION 16. This Act shall take effect on ~~[January]~~ July 1, 2026.”

SECTION 11. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 12. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 13. This Act shall take effect on July 1, 2026; provided that section 10 shall take effect on July 1, 2025.

(Approved May 29, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Vehicle Title Transfers.

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

SECTION 1. The legislature finds that when an automobile transfer is made in the State and title is transferred from an owner to a buyer, the transfer is not considered complete until the county receives certain documentation from the vehicle's new owner, the transferee. Until that occurs, the vehicle remains legally registered to the original owner, the transferor. As a result, the transferor may be liable for parking tickets, traffic infractions, and other civil or criminal liabilities even though the transferor no longer retains possession of the vehicle. Meanwhile, the transferee will not be held legally or financially responsible for violations arising out of the transferee's operation of the vehicle. This situation is unfair and frustrating for transferors, and ripe for abuse and exploitation by transferees. Years' worth of news reports, including a July 2024 article in the Honolulu Star-Advertiser, demonstrate that this problem continually plagues motorists.

The legislation further finds that the State's vehicle title transfer law already includes language establishing that when a transferor complies with the portions of the statute applying to transferors, the transferor is released from liability arising out of the operation of the transferred motor vehicle. Despite this provision, transferors continue to incur liability. Other states, such as Texas, have addressed this issue by inserting statutory language that clarifies the steps a transferor can take to avoid such liability.

Accordingly, the purpose of this Act is to:

- (1) Clarify that proof that a transferor has filed required notice forms with the county director of finance serves as a complete defense to any action brought against the transferor for an act or omission, civil or criminal, arising from the use, operation, or abandonment of the vehicle by another person; and
- (2) Require, by July 1, 2026, the judiciary to determine whether new forms or modification of the judiciary's website is necessary to assist vehicle transferors and, if so, to create the forms or modify the website.

SECTION 2. Section 286-52, Hawaii Revised Statutes, is amended to read as follows:

"§286-52 Procedure when title or interest of vehicle transferred; delivery of certificate mandatory[-]; complete defense. (a) Upon a transfer of the title or interest of a legal owner in or to a vehicle registered under this part, the person whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of ownership issued for the vehicle, together with the addresses of the person whose title or interest is to be transferred and the transferee in the appropriate spaces provided upon the certificate. The signature of the person whose title or interest is to be transferred and signature of the transferee shall each serve as an attestation by that respective party that the information provided on the certificate is correct. Any person who provides false or fraudulent information under this subsection shall be fined no less than \$500 and no more than \$1,000.

(b) Within thirty calendar days thereafter, the transferee shall forward the certificate of ownership so endorsed to the director of finance who shall file the same; provided that if the recorded lien holder does not have an office in the

State, the applicable period shall be sixty days. Whenever a transferee fails to comply with these provisions, the director of finance shall charge a fee of \$50, in addition to the fee provided in section 286-51, for a new certificate of ownership.

(c) Subsection (b), requiring a transferee to forward the certificate of ownership after endorsement to the director of finance, shall not apply to the transferee of a vehicle who was not intending to and does not drive the vehicle or permit the vehicle to be driven upon the public highways, but the transferee, upon transferring the transferee's interest or title to another, shall give notice of the transfer to the director of finance and endorse the certificate of ownership to the new legal owner and the certificate of registration to the new owner. If the director of finance has ascertained as of the date of the application that the registered owner has not deposited or paid bail with respect to any summons or citation issued to the registered owner for stopping, standing, or parking in violation of traffic ordinances within the county or has outstanding charges and fines owed to the county relating to the disposition of an abandoned vehicle under the registered owner, including for costs related to towing, storage, processing, and disposal, the director may require, as a condition precedent to the transfer, that the registered owner deposit or pay bail with respect to the summons or citations or pay all outstanding charges and fines relating to the disposition of the abandoned vehicle; provided that payment of all outstanding charges and fines relating to the disposition of the abandoned vehicle shall not be a condition precedent to the transfer if the abandoned vehicle was stolen or taken from the registered owner without permission or authorization and a police report for the abandoned vehicle is filed within a period of time, to be determined by the director of finance of each county, after discovery of the abandoned vehicle.

(d) The director of finance~~[-]~~ shall, upon receipt of the certificate of ownership properly endorsed, ~~[shall]~~ register the vehicle, and shall issue to the owner and legal owner entitled thereto by reason of the transfer a new certificate of registration and the certificate of ownership, respectively, in the manner and form hereinabove provided for original registration.

(e) Until the director of finance has issued the new certificate of registration and certificate of ownership as provided in subsection (d) ~~[provided]~~, delivery of the vehicle shall be deemed not to have been made and title thereto shall be deemed not to have passed, and the intended transfer shall be deemed to be incomplete and not to be valid or effective for any purpose, notwithstanding any provision of the Uniform Commercial Code; provided that a security interest in a motor vehicle shall be perfected as provided in the Uniform Commercial Code, section 490:9-311 and that the validity, attachment, priority, and enforcement of the security interest shall be governed by Article 9 of the Uniform Commercial Code.

(f) In the event of the transfer by operation of law of the title or interest of a legal owner in and to a vehicle registered under this part, as upon inheritance, devise, bequest, order in bankruptcy, insolvency, execution sale, repossession upon default in performance of the terms of a lease or executory sales contract, or otherwise than by the voluntary act of the person whose title or interest is so transferred, the certificate of ownership shall be signed upon the spaces provided by the personal representative, receiver, trustee, sheriff, or other representative, or successor in interest of the person whose title or interest is so transferred in lieu of that person. Every personal representative, receiver, trustee, sheriff, or other representative or successor hereinabove referred to shall file with the director of finance a notice of any transfer by sale, lease, or otherwise by the person, of the vehicle, together with evidence satisfactory to the director of finance of all facts entitling the person to make the transfer. Upon notice given to the director of finance that transfer by operation of law of the title or interest of a legal owner or

a registered owner has been effected pursuant to any provision of law, the director of finance shall send to the legal owner or the registered owner or both a notice by registered mail of the action and requesting the delivery to the director of finance of the certificate of ownership or the certificate of registration, as the case may be, within ten days after date of mailing of the notice, and any person who refuses or neglects to deliver the same to the director of finance pursuant to the notice shall be guilty of a misdemeanor and punished as provided in section 286-61.

(g) Nothing in the foregoing subsections shall prevent a legal owner from assigning the title or interest in or to a vehicle registered under this part to another legal owner at any time without the consent of and without affecting the interest of the holder of the certificate of registration thereof. Upon filing with the director of finance [ef] a certificate of ownership endorsed by the legal owner and a transferee of legal ownership, the director of finance shall, regardless of whether the certificate of registration has expired, enter the name of the new legal owner upon the records of the director's office and shall forthwith issue a new certificate of ownership to the new legal owner in the form for original registration. Upon so doing, the director of finance shall send to the registered owner a notice by mail of the action.

(h) Any person who refuses or neglects to deliver a certificate of ownership to a transferee entitled thereto under this part[.] shall be punished as provided in section 286-61.

(i) Every dealer, upon transferring a motor vehicle, whether by sale, lease, or otherwise, shall immediately give notice of the transfer to the director of finance upon the official form provided by the director of finance. Each notice shall contain the date of the transfer, the names and addresses of the transferor and transferee, and a description of the vehicle as may be called for in the official form.

(j) Every person, other than a dealer, upon transferring a motor vehicle, whether by sale, lease, or otherwise, shall within ten days give notice of the transfer to the director of finance upon the official form provided by the director of finance. Every notice shall contain the date of transfer, the names and addresses of the transferor and transferee, and a description of the vehicle as may be called for in the official form. Any person who violates this subsection shall be fined no more than \$100.

(k) Whenever the registered owner of any motor vehicle or any licensed dealer has given notice to the director of finance of a transfer of the title or interest in the motor vehicle, as provided in subsection (i) or (j), and has delivered the certificate of ownership bearing the transferor's signature to the transferee as required by subsection (a), the transferor shall be relieved from any liability, civil or criminal, from the date the transferor delivers the motor vehicle into the transferee's possession, which the transferor might otherwise subsequently incur by reason solely of being the registered owner of the vehicle.

(l) A licensed dealer who has forwarded a properly endorsed certificate of ownership to the director of finance shall be relieved of any civil liability[.] from the date the transferor delivers the motor vehicle into the transferee's possession, which the transferor might otherwise subsequently incur by reason solely of being the registered owner of the vehicle; provided that a specific written authorization to forward the certificate has been obtained from the transferee.

(m) Any person who falsely or fraudulently gives notice to the director of finance of a transfer of title or interest in a motor vehicle shall be subject to the penalty provided in section 286-61.

(n) Any organization that receives a motor vehicle as a charitable donation shall be deemed, upon receipt of the motor vehicle, to be a transferee for purposes of this section and shall be subject to all of the applicable rights, responsibilities, and liabilities of a transferee under this section.

(o) Proof by the transferor that the transferor has filed the notice form in subsection (i) or (j) shall serve as a complete defense to any action brought against the transferor for an act or omission, civil or criminal, arising from the use, operation, or abandonment of the vehicle by another person after the transferor's filing of the notice form; provided that a copy of the form shall serve as proof of the filing of the form.

(p) A transferor who submits false or fraudulent information to complete the provisions of this section requiring action by the transferor shall be fined not less than \$500 and not more than \$1,000."

SECTION 3. No later than July 1, 2026, the judiciary shall:

- (1) Determine whether it is necessary to either:
 - (A) Create a new court form; or
 - (B) Modify the judiciary's website to provide more information, relating to transferors responding to actions arising from the use, operation, or abandonment of transferred vehicles; and
- (2) If the judiciary answers paragraph (1) in the affirmative, create the new forms or modify the website accordingly.

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 29, 2025.)

ACT 110

S.B. NO. 752

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 insurers doing business in the State are required to provide written notice to their customers on cancellation, but the current notice requirement of ten days is unrealistic given the state of the property casualty insurance market in Hawaii. Requiring insurers to give notice at least twenty days before policy cancellation ensures that policyholders have sufficient time to secure alternative coverage and mitigates potential disruptions.

The legislature also finds that extending the notice period promotes greater clarity and fairness in insurer-policyholder relationships by establishing clear expectations and legal assurances, thereby enabling consumers to make informed decisions regarding their insurance coverage. Recognizing the operational adjustments required to meet these new standards, this Act provides for phased implementation to allow insurers sufficient time to adapt. By enacting this measure, the legislature emphasizes the importance of consumer protection while fostering transparency, accountability, and fairness in the insurance industry.

The purpose of this Act is to increase the notice period for a property insurer to notify a policyholder of a cancellation, including cancellation due to

nonpayment, of a policy of insurance on property used for residential purposes, including multi-family residential purposes.

SECTION 2. Section 431:10-226.5, Hawaii Revised Statutes, is amended to read as follows:

“[§431:10-226.5]] Notice of cancellation or nonrenewal]- In]; notice of cancellation or nonrenewal for policies of property insurance. (a) Except as provided in subsection (b), in the case of cancellation of a policy, the insurer shall give written notice to the insured not fewer than ten days ~~[prior to]~~ before the effective date of cancellation. For nonrenewal of a policy, the insurer shall give written notice to the insured not fewer than thirty days ~~[prior to]~~ before the effective date of nonrenewal. If under title 24 or a policy, a longer time period is required for a notice of cancellation or nonrenewal for the policy, the longer period shall be applicable. Cancellation or nonrenewal shall not be deemed valid unless evidence of mailing the written notice is provided.

(b) This subsection shall only apply to policies of insurance on property used for residential purposes, including multi-family residential properties. In the case of cancellation of a policy, the property insurer shall give written notice to the insured not fewer than twenty days before the effective date of cancellation. In the case of cancellation of a policy due to nonpayment of premium or material misrepresentation, the property insurer shall give written notice to the insured not fewer than ten days before the effective date of cancellation. For nonrenewal of a policy, the property insurer shall give written notice to the insured not fewer than thirty days before the effective date of nonrenewal. If under title 24 or a policy, a longer time period is required for a notice of cancellation or nonrenewal for the policy, the longer period shall be applicable; provided that the longer period shall be applicable only to the insurer. Cancellation or nonrenewal shall not be deemed valid unless evidence of mailing the written notice is provided.”

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. 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 article I, section 10, of the United States Constitution or the Hawaii State Constitution.

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, 2026.

(Approved May 29, 2025.)

SECTION 1. The legislature finds that the statewide parking program for persons with disabilities, was established to provide individuals with mobility disabilities the ability to travel and park in accessible parking spaces via the use

of parking placards. However, improper use and insufficient enforcement impact access for legitimate program participants.

The legislature further finds that adoption of electric vehicles is a vital step in the State's efforts to combat climate change, reach the 2045 mandated carbon neutrality, and create a more sustainable future. The legislature has made efforts to encourage and facilitate the adoption of electric vehicles with tax credits and with designated charging parking spaces. These parking spaces not only encourage the adoption of electric vehicles but are a vital component to personal and statewide use. The ability to park in an electric vehicle space allows individuals to make sure they can continue to use their vehicle with ease and have the security to make it to their next destination with adequate fuel.

The legislature concludes that the use of these spaces by non-electric vehicles not only takes away an incentive granted to electric vehicle drivers but can imperil their transportation use by not allowing them the opportunity to recharge.

Therefore, the purpose of this Act is to authorize the counties to adopt ordinances to enforce the accessible parking space design requirements for parking for disabled persons and parking for electric vehicles and any respective administrative rules to ensure unimpeded access for program participants.

SECTION 2. Chapter 291, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

“§291- Requirement to provide parking for persons with disabilities; ordinances to enforce. (a) Each county may adopt ordinances to:

- (1) Enforce the design and construction requirements of this part, and any administrative rules adopted pursuant to this part, pertaining to the provision of parking spaces and access to parking spaces reserved for persons with disabilities, including but not limited to the number, location, design, and signage of these parking spaces; and
- (2) Establish penalties for failure to comply with ordinances adopted pursuant to this section.

(b) An official appointed by a county may enter the property of a place of public accommodation to enforce any applicable ordinances adopted pursuant to this section.

(c) For the purposes of this section, “place of public accommodation” has the same meaning as in section 489-2.”

SECTION 3. Section 291-73, Hawaii Revised Statutes, is amended to read as follows:

“[§291-73] Ordinances to enforce authorized. (a) Each county may adopt ordinances to enforce the requirements of section 291-71, including the establishment of penalties for failure to comply with the requirements of that section or maintain electric vehicle charging systems in working order.

(b) Any official appointed by a county may enter the property of a place of public accommodation to enforce any applicable ordinances adopted pursuant to this section.

(c) For the purposes of this section, “place of public accommodation” has the same meaning as in section 489-2.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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

(Approved May 29, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 112

S.B. NO. 1009

A Bill for an Act Relating to Parking.

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

SECTION 1. The legislature finds that the statewide parking program for persons with disabilities was established to issue disability parking permits to applicants who are certified by a physician or advance practice registered nurse. A vehicle displaying a disability parking permit is authorized to park in spaces designed and reserved for persons with mobility disabilities. However, improper use and insufficient enforcement impact access for legitimate program participants.

The legislature further finds that adoption of electric vehicles is a vital step in the State's efforts to combat climate change, reach the 2045 mandated carbon neutrality, and create a more sustainable future. The legislature has made efforts to encourage and facilitate the adoption of electric vehicles with tax credits and designated charging parking spaces. These parking spaces not only encourage the adoption of electric vehicles but are a vital component to personal and statewide use. The ability to park in an electric vehicle space allows individuals to make sure they can continue to use their vehicle with ease and have the security to make it to their next destination with adequate fuel. The use of these spaces by non-electric vehicles not only takes away an incentive granted to electric vehicle drivers, but can imperil their transportation use by not allowing them the opportunity to recharge.

Therefore, the purpose of this Act is to:

- (1) Establish a state reserved parking space enforcement fine for the unauthorized use of parking spaces reserved for persons with disabilities or electric vehicles;
- (2) Specify that a fine shall not be imposed on a person who parks in a parking space reserved for electric vehicles if the charging system is inoperable or broken; and
- (3) Require fifty per cent of the fines be deposited into the safe routes to school program special fund and fifty per cent of the fines be deposited into the general fund.

SECTION 2. Section 291-57, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) Any person who uses a parking space reserved for persons with disabilities who:

- (1) Fails to properly display a disability parking permit;
- (2) Displays an invalid disability parking permit;
- (3) Uses a disability parking permit that was not issued to that person or to any passengers occupying the vehicle in the parking space; or
- (4) With or without a disability parking permit:
 - (A) Parks in an access aisle; or

(B) Obstructs the ingress or egress to a parking space reserved for a person with a disability[;], shall be guilty of a traffic infraction under chapter 291D ~~[and shall]~~, be fined ~~[no]~~ not less than \$250 nor more than \$500, and pay any costs incurred by the court related to assessing the fine; provided that a person with a disability who has been issued a valid disability parking permit that is currently in effect, and who has failed to display the disability parking permit while parking in a space reserved for persons with disabilities, shall pay a fine of ~~[no]~~ not less than \$25 nor more than \$100 and any costs incurred by the court related to assessing the fine. In addition to any other applicable penalties and fines, any person who violates this subsection shall be assessed an additional state reserved parking space enforcement fine of \$100; provided that a person with a disability who has been issued a valid disability parking permit that is currently in effect, and who has failed to display the disability parking permit while parking in a space reserved for persons with disabilities, shall not be assessed the state reserved parking space enforcement fine. The state reserved parking space enforcement fine shall be enforced and collected by the district courts. Fifty per cent of all fines collected shall be deposited into the state general fund and fifty per cent of all fines collected shall be deposited into the safe routes to school program special fund established pursuant to section 291C-4.

(b) Any person who uses a parking space reserved for persons with disabilities and refuses or fails to present an identification card issued under this chapter or the rules adopted thereunder to an enforcement officer upon request shall be guilty of a traffic infraction under chapter 291D ~~[and shall]~~, be fined ~~[no]~~ not less than \$250 nor more than \$500[;], and pay any costs incurred by the court related to assessing the fine. In addition to any other applicable penalties and fines, any person who violates this subsection shall be assessed an additional state reserved parking space enforcement fine of \$100. The state reserved parking space enforcement fine shall be enforced and collected by the district courts. Fifty per cent of all fines collected shall be deposited into the state general fund and fifty per cent of all fines collected shall be deposited into the safe routes to school program special fund established pursuant to section 291C-4.”

SECTION 3. Section 291-72, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any person who parks a non-electric vehicle in a space designated and marked as reserved for electric vehicles or parks any vehicle in a parking space equipped with an electric vehicle charging system while not actively charging shall ~~[be]~~:

- (1) ~~Be~~ guilty of a traffic infraction under chapter 291D ~~[and shall be]~~;
 - (2) ~~Be~~ fined not less than \$50 nor more than \$100[;]; and ~~[shall pay]~~
 - (3) ~~Pay~~ any costs incurred by the court related to assessing the fine[;];
- provided that a fine shall not be imposed on a person who parks in a space designated and marked as reserved for electric vehicles if the electric vehicle charging system is visibly inoperable or broken, as determined by an enforcement officer upon visual inspection. The enforcement officer shall document the inoperability of the charging system in their report.

In addition to any other applicable penalties and fines, any person who violates this subsection shall be assessed an additional state reserved parking space enforcement fine of \$50. The state reserved parking space enforcement fine shall be enforced and collected by the district courts. Fifty per cent of all fines collected shall be deposited into the state general fund and fifty per cent of all fines collected shall be deposited into the safe routes to school program special fund established pursuant to section 291C-4.”

SECTION 4. Section 291C-4, Hawaii Revised Statutes, is amended to read as follows:

“§291C-4 Safe routes to school program special fund; establishment. There ~~[is]~~ shall be established in the state treasury the safe routes to school program special fund, into which shall be deposited:

- (1) Assessments collected for speeding in a school zone, pursuant to section 291C-104; ~~[and]~~
- (2) Safe routes to school program surcharges collected in accordance with sections 291-16 and 291C-5~~[-]; and~~
- (3) Moneys collected from state reserved parking space enforcement fines pursuant to sections 291-57 and 291-72.”

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 29, 2025.)

ACT 113

S.B. NO. 855

A Bill for an Act Relating to Hawaii Retirement Savings Act.

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

SECTION 1. The purpose of this Act is to:

- (1) Clarify the definition of “covered employer” in the Hawaii Retirement Savings Act;
- (2) Amend and align provisions of the Hawaii retirement savings program, the state-facilitated payroll-deduction retirement savings plan for private sector employees in Hawaii who do not have access to employer-sponsored retirement plans, to require automatic enrollment unless the employee opts out; and
- (3) Repeal the limit on the total fees and expenses that can be spent for the program each year.

SECTION 2. Section 389-2, Hawaii Revised Statutes, is amended by amending the definition of “covered employer” to read as follows:

““Covered employer” means any person who is in business in the State and has one or more individuals in employment. “Covered employer” does not include:

- (1) The United States;
- (2) The State or any of its political subdivisions; or
- (3) ~~[A person]~~ Any employer that has ~~[been maintaining]~~ offered or maintained a retirement plan for some or all employees ~~[during]~~ at any time in the preceding two years ~~[a retirement plan]~~ that is tax-qualified under or is described in and satisfies the requirements of section 401(a), 401(k), 403(a), 403(b), 408(k), or 408(p) of the Internal Revenue Code.”

SECTION 3. Section 389-4, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

- “ (a) The board shall have powers and duties in accordance with law to:
 - (1) Establish, implement, and maintain the program;

- (2) Cause the program and arrangements and accounts established under the program to be designed, established, and operated:
 - (A) In accordance with best practices for retirement savings vehicles;
 - (B) To encourage participation, saving, sound investment practices, and appropriate selection of default investments;
 - (C) To maximize simplicity and ease of administration for employers;
 - (D) To minimize costs, including by collective investment and other measures to achieve economies of scale and other efficiencies in program design and administration;
 - (E) To promote portability of benefits; and
 - (F) To avoid preemption of the program by federal law;
- (3) Arrange for collective, common, and pooled investment of assets of the program;
- (4) Determine the eligibility of an employer, employee, or other individual to participate in the program;
- (5) Ensure the program's compliance with all applicable laws and regulations;
- (6) Establish procedures for the timely and fair resolution of participant and other disputes related to accounts or program operation;
- (7) Develop and implement:
 - (A) An investment policy that defines the program's investment objectives and that is consistent with the objectives of the program; and
 - (B) Other policies and procedures consistent with those investment objectives;
- (8) Cause expenses incurred to initiate, implement, maintain, and administer the program to be paid from the program and other available sources;
- (9) Establish and collect application, account, and administrative fees;
- (10) Accept grants, gifts, donations, legislative appropriations, loans, and other moneys from the State, any unit of federal, state, or local government, or any other person to defray the costs of administering and operating the program;
- (11) Enter into contracts pursuant to chapter 103D for services that the board deems necessary to carry out the purposes of this chapter, including:
 - (A) Services of private and public financial institutions, depositories, consultants, actuaries, counsel, auditors, investment advisors, investment administrators, investment management firms, other investment firms, third-party administrators, other professionals and service providers;
 - (B) Research, technical, financial, administrative, and other services; and
 - (C) Services of other state agencies to assist the board in the exercise of its powers and duties;
- (12) Develop and implement an outreach plan to gain input and disseminate information regarding the program and retirement savings in general;
- (13) Cause moneys to be held and invested and reinvested under the program;

- (14) Ensure that all contributions to individual retirement accounts under the program may be used only to:
 - (A) Pay benefits to participants under the program;
 - (B) Pay the cost of administering the program; and
 - (C) Make investments for the benefit of the program; provided that no assets of the program shall be transferred to the general fund of the State or to any other fund of the State or otherwise encumbered or used for any purpose other than those specified in this paragraph;
- (15) Provide for the payment of costs of administration and operation of the program;
- (16) Evaluate the need for and, if the board deems necessary, procure:
 - (A) Insurance against any and all loss in connection with the property, assets, or activities of the program; and
 - (B) Pooled private insurance;
- (17) Indemnify, including procurement of insurance if and as needed for this purpose, each board member from personal loss or liability resulting from the member's action or inaction as a board member;
- (18) Collaborate with and evaluate the role of financial advisors or other financial professionals, including in assisting and providing guidance for covered employees; ~~and~~
- (19) Reimburse, when appropriate, the general fund of the State of Hawaii for the initial expenses incurred for initiating, implementing, maintaining, and administering the program; and
- (20) Take any other action the board deems reasonably necessary to carry out the purpose of this chapter.

(b) The board may develop and disseminate information designed to educate covered employees about the impacts of ~~[opting in to]~~ the program on take-home pay, savings strategies, and the benefits of planning and saving for retirement to help covered employees in deciding whether to participate and at what level participation may be appropriate."

SECTION 4. Section 389-5, Hawaii Revised Statutes, is amended as follows:

1. By amending its title to read:

~~"[H]§389-5[H] Hawaii retirement savings program; due diligence; establishment; payroll deduction [upon election to contribute]."~~

2. By amending subsections (d) through (f) to read:

~~"(d) [Any covered employee may elect to contribute a portion of the employee's salary or wages to an individual retirement account provided by the program through payroll deduction.] Each covered employer shall enroll its covered employees in the program and withhold and remit payroll deduction contributions from each covered employee's paycheck unless the covered employee has elected not to participate.~~

(e) Beginning on a date to be determined by the board pursuant to subsection (a), a covered employer shall:

- (1) ~~[Allow a]~~ Automatically enroll covered ~~[employee to enroll]~~ employees into the program after ~~[providing]~~ the covered employer provides the [covered employee] employees with a written notice of the [employee's] right of the employees to opt [in;] out; and

- (2) For any covered employee who ~~[has opted in to]~~ is enrolled into the program[;] and has not opted out:
 - (A) Withhold the covered employee's contribution amount from the employee's salary or wages; and
 - (B) Transmit the covered employee's payroll deduction contribution to the program on the earliest date the amount withheld can reasonably be segregated from the covered employer's assets, but no later than the fifteenth day of the calendar month following the month in which the covered employee's contribution amounts are withheld.
- (f) The program shall establish for each enrolled employee a Roth IRA, into which the contributions deducted from ~~[an]~~ the employee's payroll shall be deposited. The board may add an option for all participants ~~[to affirmatively elect]~~ to contribute to a traditional IRA in addition to or in lieu of a Roth IRA."

SECTION 5. Section 389-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The program manager shall keep total fees and expenses as low as practicable[; ~~provided that the total fees and expenses of the program each year shall not exceed seventy-five basis points of the total assets of the program; provided further that this limit shall not apply during the initial three-year period following the establishment of the program]~~."

SECTION 6. Section 389-14, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any covered employer who fails to enroll a covered employee into the program in accordance with section 389-5(e)(1) without equitable justification shall be liable:

- (1) To the covered employee, in an amount equal to the contribution amount that would have been made by the employee into the program and interest at a rate of six per cent per year on the contribution amount, beginning from the date the contribution would have been made into the account; provided that the sum of the contribution amount and interest thereto shall be transmitted by the covered employer to the program to be paid into the covered employee's IRA; and
- (2) A penalty of:
 - (A) \$25 for each month the covered employee was not enrolled in the program; and
 - (B) \$50 for each month the covered employee continues to be unenrolled in the program after the date on which a penalty has been assessed with respect to the covered employee who ~~[had elected to participate]~~ should have been enrolled in the program."

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 May 29, 2025.)

A Bill for an Act Relating to Viral Hepatitis.

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

SECTION 1. The legislature finds that the department of health reports that hepatitis B and C viral infections are associated with earlier deaths and higher death rates in Hawaii. From 2000 to 2020, yearly mortality rates associated with hepatitis B were higher in Hawaii compared to the entire United States, with death rates three times higher in 2019 alone. These death rates were notably higher among Asian and Pacific Islander residents compared to the rest of the State. Furthermore, from 2018 to 2021, eighty-eight per cent of Hawaii residents with hepatitis C died before reaching average life expectancy for the rest of the State. These deaths continue to occur in Hawaii despite the availability of effective tools to prevent, treat, and even cure these infections. To address the burden of viral hepatitis in Hawaii, the department of health has successfully leveraged community and state partnerships to convene the “Hep Free 2030: The Hawai‘i Hepatitis Elimination Strategy 2020-2030.” The coalition has made progress towards eliminating viral hepatitis by focusing on five priority areas: awareness and education; access to services; advocacy at all levels; equity in everything; and data for decision-making. In 2021, the legislature adopted House Concurrent Resolution No. 59, H.D. 1, which found that continued coordination and ongoing efforts are needed to further implement the statewide strategy to eliminate viral hepatitis types A, B, and C in Hawaii. However, there has been no state funding dedicated to the prevention, management, and treatment of viral hepatitis infections.

Accordingly, the purpose of this Act is to expand the State’s capacity to address preventable morbidity and mortality from viral hepatitis among Hawaii residents through established and innovative public health interventions.

SECTION 2. Chapter 325, Hawaii Revised Statutes, is amended by adding four new sections to part V to be appropriately designated and to read as follows:

“§325- Definitions. As used in this part, “department” means the department of health.

§325- Hepatitis prevention program. (a) The department may establish and administer a hepatitis prevention program to prevent morbidity and mortality among Hawaii residents due to hepatitis B and hepatitis C.

- (b) The hepatitis prevention program shall prioritize:
 - (1) Hepatitis awareness and education;
 - (2) Increasing access to services;
 - (3) Assuring health equity and addressing the social determinants of health as they relate to hepatitis; and
 - (4) The collection, analysis, and reporting of relevant data to support hepatitis prevention and treatment.

§325- Awareness and education. The department shall develop and implement throughout the State an educational program for the purpose of informing the community how to identify and prevent hepatitis and aid in its early diagnosis. In furtherance of the hepatitis prevention program, the department may assist and cooperate with any or all territorial, state, and national organizations conducting educational programs for the prevention and control of hepatitis.

§325- Prevention plan; screening; treatment support. The department shall develop a statewide, comprehensive hepatitis prevention plan. The plan shall include hepatitis screening and services to support individuals with hepatitis to access care and treatment. The department may work with other government agencies, health care providers, health insurers, and community stakeholders to improve overall rates of screening, diagnosis, and treatment of hepatitis.”

SECTION 3. Section 325-92, Hawaii Revised Statutes, is amended to read as follows:

“~~§§325-92~~ Prenatal hepatitis B screening and treatment of newborns. The department ~~[of health]~~ may adopt rules necessary to provide appropriate hepatitis B screening of pregnant women, including reporting and follow-up procedures for newborns of hepatitis B carrier mothers. ~~[The department may provide medications necessary for the treatment of newborns of indigent and medically indigent carrier mothers.]~~”

SECTION 4. Section 325-91, Hawaii Revised Statutes, is repealed.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$545,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the establishment and implementation of the hepatitis prevention program, including the establishment of the following positions within the department of health:

- (1) One full-time equivalent (1.0 FTE) program specialist V position;
- (2) One full-time equivalent (1.0 FTE) epidemiological specialist position; and
- (3) One full-time equivalent (1.0 FTE) office assistant III position.

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

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

SECTION 7. This Act shall take effect on July 1, 2025.

(Approved May 29, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 115

S.B. NO. 1454

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. Chapter 387, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

“§387-A Order of wage payment violation; appeal; judicial review. (a) When the department, as a result of the department’s own investigation, finds

that a violation of this chapter or rules adopted under this chapter has been committed and not corrected, the department shall issue an order of wage payment violation to the employer in violation. The order shall include any amount assessed pursuant to section 387-12(a).

(b) The order of wage payment violation shall be final and conclusive unless the employer files a written notice of appeal with the director within twenty days after a copy of the order of wage payment violation has been sent to the employer.

(c) A hearing on the written notice of appeal shall be held pursuant to chapter 91, by a hearings officer appointed by the director, within thirty days of the filing of the notice of appeal. A decision stating the findings of fact and conclusions of law shall be issued by the hearings officer within thirty days after the conclusion of the hearing.

(d) Any party to an appeal under this chapter may obtain judicial review of the decision issued by the hearings officer in the manner provided under chapter 91.

§387-B Remittance of penalties. Until the order of wage payment violation becomes final, the director may withdraw or modify the order of wage payment violation or remit all or any part of a penalty assessed if good cause is shown; provided that the employer in default complies with this chapter and the rules adopted under this chapter.

§387-C Enforcement of the order of wage payment violation. The director may file a certified copy of the final order of wage payment violation in any court of competent jurisdiction in the jurisdiction in which the employer does business. 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; provided that there shall be no appeal from the judgment.”

SECTION 2. Section 371-12.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established in the state treasury the labor law enforcement special fund into which shall be deposited:

- (1) All penalties collected pursuant to section 387-C;
- (2) All penalties collected pursuant to section 387-12(a)(2);
- ~~[(4)]~~ (3) All penalties collected pursuant to section 388-9.7;
- ~~[(2)]~~ (4) All penalties collected pursuant to section 388-10;
- ~~[(3)]~~ (5) All civil penalties assessed pursuant to section 396-10;
- ~~[(4)]~~ (6) Moneys appropriated by the legislature to the fund; and
- ~~[(5)]~~ (7) Any income and capital gains earned by the fund.”

SECTION 3. Section 387-1, Hawaii Revised Statutes, is amended by amending the definition of “wage” to read as follows:

““Wage” means (except as the department may provide under section 387-11) legal tender of the United States or checks on banks convertible into cash on demand at full face value thereof as compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission, or other basis of calculation, and, in addition thereto, the reasonable cost, as determined by the department, to the employer of furnishing an employee with board, lodging, or other facilities if [sueh] the board, lodging,

or other facilities are customarily furnished by [such] the employer to the employer's employees. Except for the purposes of the last sentence of section 387-2, "wage" shall not include tips or gratuities of any kind."

SECTION 4. Section 387-12, Hawaii Revised Statutes, is amended to read as follows:

"§387-12 Penalties; collection of unpaid wages; injunctions; etc. (a) Civil. Any employer who fails to pay wages in accordance with this chapter without equitable justification or violates this chapter or the rules adopted under this chapter shall be liable:

- (1) To the employee, in addition to the wages legally proven to be due, for a sum equal to the amount of unpaid wages and interest at a rate of six per cent per year from the date that the wages were due; and
- (2) For a penalty of not less than \$500 or \$100 for each violation, whichever is greater. The penalty shall be deposited into the labor law enforcement special fund under section 371-12.5.

~~[(a)]~~ (b) Criminal.

- (1) Any person divulging information in violation of section 387-8;
- (2) Any employer who wilfully violates this chapter or [øf] any rule, regulation, or order issued under the authority of this chapter; or
- (3) Any employer or the employer's agent or any officer or agent of a corporation who discharges or in any other manner discriminates against any employee because the employee has made a complaint to the employee's employer, to the director, or to any other person that the employee has not been paid wages in accordance with this chapter, or has instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any [such] proceedings,

shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than \$500 nor more than \$5,000, or by imprisonment for a period not to exceed one year, or by both fine and imprisonment; and

- (4) Any employer or the employer's agent or any officer or agent of a corporation who pays or agrees to pay any employee compensation less than that which the employee is entitled to under this chapter, shall be guilty of a class C felony and, notwithstanding section 706-640, be subject to a fine of not less than \$500 per offense; provided that each violation shall be deemed a separate offense.

~~[(b) Liability to employee. — Any employer who violates any provision of sections 387-2 and 387-3 shall be liable to the employee or employees affected in the amount of their unpaid minimum wages or unpaid overtime compensation, and in case of wilful violation in an additional equal amount as liquidated damages.]~~

(c) Collection suits; attorney's fee; assignments; relief from costs. Action to recover [such] the liability may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of oneself or themselves and other employees similarly situated, or the employee or employees may designate an agent or representative to maintain action for and in behalf of all employees similarly situated. The court in [such] the action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, in the event the plaintiff or plaintiffs prevail, allow a reasonable attorney's fee to be paid by the defendant and costs of the action. At the request of any person paid less

than the amount to which the person is entitled under this chapter, the director may take an assignment in trust for the assigning employee of the full amount to which the employee is entitled under this subsection and may bring any legal or administrative action necessary to collect the claim, and the employer shall be required to pay the costs and [such] reasonable [attorney's] attorneys' fees as may be allowed by the court or administrative agency in the event the director prevails. The director shall not be required to pay the filing fee or other costs in connection with [such] the action, including the opposing party's attorney's fees and costs. The director, in case of suit, may join various claimants against the same employer in one cause of action. The right provided by this subsection to bring an action by or on behalf of any employee, and the right of any employee to become a party plaintiff to [any such] the action, shall terminate upon the filing of a complaint or commencement of an administrative proceeding by the director in an action in which restraint is sought of any further delay in the payment of unpaid minimum wages, or the amount of unpaid overtime compensation owing to the employee under section 387-2 or 387-3 by an employer liable therefor under this section.

(d) Injunctions.

- (1) Whenever it appears to the director that any employer is engaged in any act or practice [which] that constitutes or will constitute a violation of this chapter, or of any regulation, the director may [in], at the director's discretion, bring an action in the circuit court of the circuit in which [it is charged] the act or practice complained of occurred to enjoin the act or practice and to enforce compliance with this chapter or with the regulation, and upon a proper showing, a permanent or temporary injunction or decree or restraining order shall be granted without bond.
- (2) The circuit courts shall have jurisdiction, for cause shown, to restrain any withholding of payment of minimum wages or overtime compensation found by the court to be due to employees under section 387-2 or 387-3.

(e) Restitution of illegal deductions; effect of. Whenever in the course of an inspection made for the purposes of this chapter it is determined that there has been an illegal deduction of wages under chapter 388, the director or the director's authorized representative may secure restitution of [such] the deductions. If the restitution is made, no prosecution under chapter 388 shall be instituted or maintained."

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. In codifying the new sections added by section 1 and referenced in section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating or referring to the new sections in this Act.

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

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

(Approved May 29, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 116

S.B. NO. 1367

A Bill for an Act Relating to Installment Loans.

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

SECTION 1. Section 480J-1, Hawaii Revised Statutes, is amended by amending the definition of “installment lender” or “lender” to read as follows:

““Installment lender” or “lender” means any person ~~not exempt under section 480J-32~~ who is in the business of offering or making ~~[a consumer]~~ an installment loan, who arranges ~~[a consumer]~~ an installment loan for a third party~~;~~ required by this chapter to be licensed, or who acts as an agent for a third party ~~[, regardless of whether the third party is exempt from licensure under this chapter or whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party,]~~ required by this chapter to be licensed with respect to the third party’s offering, making, or arranging of installment loans, through any method including mail, telephone, the Internet, or any electronic means.”

SECTION 2. Section 480J-2, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Each installment loan transaction and renewal shall meet the following requirements:

- (1) Any transaction and renewal shall be documented in a written agreement pursuant to section 480J-3;
- (2) The total amount of the installment loan shall not be greater than \$1,500 pursuant to section 480J-5(a);
- (3) The total amount of loan charges an installment lender may charge, collect, or receive in connection with an installment loan shall not exceed fifty per cent of the principal loan amount;
- (4) Subject to paragraph (3), a monthly maintenance fee may be charged by the lender~~;~~ provided that thirty days shall equal one month and for any fraction of a month the fee shall be prorated on a daily basis not to exceed the following:
 - (A) \$25 monthly fee on a loan of an original principal loan amount up to \$299.99; provided further that a fraction of a month shall use a daily factor of 83 cents per day;
 - (B) \$30 monthly fee on a loan of an original principal loan amount of at least \$300 and up to \$699.99; provided further that a fraction of a month shall use a daily factor of \$1 per day; and
 - (C) \$35 monthly fee on a loan of an original principal loan amount of at least \$700 and greater; provided further that a fraction of a month shall use a daily factor of \$1.17 per day;

- provided further that the monthly maintenance fee shall not be added to the loan balance upon which the interest is charged; provided further that an installment lender shall not charge, collect, or receive a monthly maintenance fee if the borrower is a person on active duty in the armed forces of the United States or a dependent of that person;
- (5) The minimum contracted repayment term of the installment loan shall be two months if the contracted loan amount is \$500 or less, or four months if the contracted loan amount is \$500.01 or more; provided that, for purposes of meeting the required minimum contracted repayment term, an installment lender may calculate one month as twenty-eight days or longer;
 - (6) All repayment schedule due dates shall be dates upon which an installment lender is open for business to the public at the place of business where the installment loan was made;
 - (7) An installment lender shall accept prepayment in full or in part from a consumer prior to the loan due date and shall not charge the consumer a fee or penalty if the consumer opts to prepay the loan; provided that to make a prepayment, all past due interest and fees shall be paid first;
 - (8) The loan amount shall be fully amortized over the term of the loan, and maintenance fees shall be applied in arrears on a monthly basis;
 - (9) A consumer's repayment obligations shall not be secured by a lien on any real or personal property;
 - (10) An installment lender may offer to a consumer the option to make a payment through the consumer's debit card and may charge not more than a \$1 convenience fee; provided that the installment lender shall be prohibited from requiring this form of payment. The form of payment decision shall rest with the consumer. The installment lender shall not charge the consumer a non-sufficient funds fee for rejected payments through the use of the consumer's debit card. This \$1 convenience fee shall not be considered loan charges.
 - [409] (11) An installment lender shall not charge a consumer any loan charges for an installment loan, other than the fees permitted by this chapter;
 - [41] (12) The written agreement required under section 480J-3 shall not require a consumer to purchase add-on products, such as credit insurance; and
 - [42] (13) The maximum contracted repayment term of the installment loan shall be twelve months."

2. By amending subsection (c) to read:

"(c) For each cash or in-person payment made by a consumer, a lender shall give the consumer a written receipt with the lender's name and address, payment date, amount paid, ~~[consumer's name]~~ and sufficient information to identify the account to which the payment is applied."

SECTION 3. Section 480J-5, Hawaii Revised Statutes, is amended to read as follows:

"[H]§480J-5 [H] Maximum loan amount; prohibition against multiple loans. (a) A lender shall not lend an amount greater than \$1,500 nor shall the amount financed exceed \$1,500 by any one lender at any time to a consumer.

(b) Except as otherwise provided in section 480J-8, an installment lender shall take reasonable measures to ensure that no consumer has more than one installment loan outstanding at a time from any of the following:

- (1) The installment lender;
- (2) A person related to the installment lender by common ownership or control;
- (3) A person in whom the installment lender has any financial interest of ten per cent or more; or
- (4) Any employee or agent of the installment lender.

(c) An installment lender that receives written or electronic confirmation from each consumer that the consumer does not have any outstanding installment loans from the entities listed in subsection (b) as of the date the consumer enters into an installment loan with the installment lender shall be deemed to have met the requirements of this section.

(d) If a consumer's spouse obtains an installment loan voluntarily and separately from the consumer, and subsequently the consumer obtains an installment loan voluntarily and separately from the consumer's spouse, where neither the consumer nor the consumer's spouse are coborrowers with each other on either loan, and the consumer's action is documented in writing, either in the written agreement required under section 480J-3 or in a subsequent agreement, signed by the consumer, and retained by the lender, the secondary transaction shall not be considered a violation of this section.

~~[(e) Upon a consumer's payment in full of any installment loan, an installment lender shall wait a period of three days before the lender may make another installment loan to the same consumer.]~~

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, 2025; provided that this Act shall be repealed on June 30, 2030, and sections 480J-2 and 480J-5, Hawaii Revised Statutes, and the definition of "installment lender" or "lender" in section 480J-1, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective date of this Act.

(Approved May 29, 2025.)

ACT 117

S.B. NO. 1413

A Bill for an Act Relating to the Hawaii Public Housing Authority.

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

SECTION 1. Chapter 356D, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

"§356D- Disposition of abandoned or seized property. (a) The authority may sell, donate, or otherwise dispose of property abandoned or seized in or around any federal public housing project upon compliance with the requirements of this section.

(b) The authority shall send notice by certified mail, at least five calendar days before disposition of the abandoned or seized property, to the address of the owner of the property abandoned or seized if the owner is known or can be determined. The notice shall apprise the owner of the identity and location of the property abandoned or seized and of the intent of the authority to sell, donate, or otherwise dispose of the property. If the identity or the address of the owner is unknown or cannot be determined, the notice shall be posted on the premises on which the property was abandoned or seized.

(c) If the abandoned or seized property has an estimated value of \$500 or more per item, as estimated at the discretion of the authority, the authority shall give public notice of the disposition at least once statewide or in a publication of local circulation in the county in which the property was abandoned or seized; provided that the disposition shall not take place fewer than five days after the publication date of the notice of intent to sell, donate, or otherwise dispose of the property.

(d) The sale of abandoned or seized property having an estimated value of \$500 or more per item, as estimated at the discretion of the authority, shall be by public auction through oral offers in the county in which the property was abandoned or seized. If no bid is received, the property may be sold, donated, or otherwise disposed of as the authority deems appropriate.

(e) Any person entitled to the abandoned or seized property may repossess the property before its disposition upon proof of entitlement and payment of all unpaid rent, debts, charges, and fines owed to the authority and all handling, storage, appraisal, advertising, and other expenses incurred in connection with the proposed disposition of the abandoned or seized property; provided that storage fees shall be not less than \$25 per day.

(f) The requirement of public notice and public auction pursuant to subsections (c) and (d) shall not apply when the value of the abandoned or seized property is less than \$500 per item. The property may be sold, donated, or otherwise disposed of as the authority deems appropriate.

(g) The proceeds of the sale of abandoned or seized property, after deduction of all unpaid rent, debts, charges, and fines owed to the authority, and all expenses of handling, storage, appraisal, advertising, and other expenses, shall be first offset against any amounts owed by the owner to the State. Any amount remaining shall be held in trust for the owner of the property for thirty days, after which time the proceeds shall be paid into the authority's appropriate special fund.

(h) The State and its officers, employees, and agents shall not be liable to the owner of abandoned or seized property for actions taken pursuant to this section."

SECTION 2. New statutory material is underscored.¹

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

(Approved May 29, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 118

S.B. NO. 1469

A Bill for an Act Relating to Tax Collections.

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

SECTION 1. Section 235-111, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) General rule. The amount of income taxes imposed by this chapter (also the amount of income taxes imposed by any preceding law of the State) and the liability of any employer in respect of wages, shall be assessed or levied and the overpayment, if any, shall be credited within three years after filing of the return for the taxable year, or within three years of the due date prescribed for the filing of the return, whichever is later. No proceeding in court without assessment for the collection of the taxes or the enforcement of the liability shall be begun after the expiration of the period. Where the assessment of the tax imposed by this chapter has been made within the period of limitation applicable thereto, the tax may be collected by levy or by a proceeding in court under chapter 231; provided that the levy is made or the proceeding was begun within fifteen years after the assessment of the tax. For any tax that has been assessed ~~[prior to]~~ before July 1, 2009, the levy or proceeding shall be barred after June 30, 2024.

Notwithstanding any other provision to the contrary in this section, the limitation on collection after assessment in this section shall be suspended for the period:

- (1) The taxpayer agrees to suspend the period;
- (2) The assets of the taxpayer are in control or custody of a court in any proceeding before any court of the United States or any state, and for six months thereafter;
- (3) An offer in compromise under section 231-3(10) is pending; ~~[and]~~
- (4) During which the taxpayer is outside the State for a continuous period of at least six months; provided that if at the time of the taxpayer's return to the State the period of limitations on collection after assessment would expire before the expiration of six months from the date of the taxpayer's return, the period shall not expire before the expiration of the six months~~[-]; and~~
- (5) An appeal of the assessment is pending before the taxation board of review or the tax appeal court, beginning on the date the notice of appeal is filed and concluding on the date a final decision is issued or the case is withdrawn or dismissed.”

SECTION 2. Section 237-40, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) General rule. The amount of excise taxes imposed by this chapter shall be assessed or levied within three years after the annual return was filed, or within three years of the due date prescribed for the filing of the return, whichever is later, and no proceeding in court without assessment for the collection of any of the taxes shall be begun after the expiration of the period. Where the assessment of the tax imposed by this chapter has been made within the period of limitation applicable thereto, the tax may be collected by levy or by a proceeding in court under chapter 231; provided that the levy is made or the proceeding was begun within fifteen years after the assessment of the tax.

For any tax that has been assessed [~~prior to~~] before July 1, 2009, the levy or proceeding shall be barred after June 30, 2024.

Notwithstanding any other provision to the contrary in this section, the limitation on collection after assessment in this section shall be suspended for the period:

- (1) The taxpayer agrees to suspend the period;
- (2) The assets of the taxpayer are in control or custody of a court in any proceeding before any court of the United States or any state, and for six months thereafter;
- (3) An offer in compromise under section 231-3(10) is pending; [~~and~~]
- (4) During which the taxpayer is outside the State if the period of absence is for a continuous period of at least six months; provided that if at the time of the taxpayer's return to the State the period of limitations on collection after assessment would expire before the expiration of six months from the date of the taxpayer's return, the period shall not expire before the expiration of the six months[-]; and
- (5) An appeal of the assessment is pending before the taxation board of review or the tax appeal court, beginning on the date the notice of appeal is filed and concluding on the date a final decision is issued or the case is withdrawn or dismissed."

SECTION 3. Section 237D-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Except as otherwise provided by this section, the amount of taxes imposed by this chapter shall be assessed or levied within three years after the annual return was filed, or within three years of the due date prescribed for the filing of the return, whichever is later, and no proceeding in court without assessment for the collection of any of the taxes shall be begun after the expiration of the period. Where the assessment of the tax imposed by this chapter has been made within the period of limitation applicable thereto, the tax may be collected by levy or by a proceeding in court under chapter 231; provided that the levy is made or the proceeding was begun within fifteen years after the assessment of the tax. For any tax that has been assessed [~~prior to~~] before July 1, 2009, the levy or proceeding shall be barred after June 30, 2024.

Notwithstanding any other provision to the contrary in this section, the limitation on collection after assessment in this section shall be suspended for the period:

- (1) The taxpayer agrees to suspend the period;
- (2) The assets of the taxpayer are in control or custody of a court in any proceeding before any court of the United States or any state, and for six months thereafter;
- (3) An offer in compromise under section 231-3(10) is pending; [~~and~~]
- (4) During which the taxpayer is outside the State if the period of absence is for a continuous period of at least six months; provided that if at the time of the taxpayer's return to the State the period of limitations on collection after assessment would expire before the expiration of six months from the date of the taxpayer's return, the period shall not expire before the expiration of the six months[-]; and

- (5) An appeal of the assessment is pending before the taxation board of review or the tax appeal court, beginning on the date the notice of appeal is filed and concluding on the date a final decision is issued or the case is withdrawn or dismissed.”

SECTION 4. Section 238-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Where the assessment of the tax imposed by this chapter has been made within the period of limitation applicable thereto, the tax may be collected by levy or by a proceeding in court under chapter 231; provided that the levy is made or the proceeding was begun within fifteen years after the assessment of the tax. For any tax that has been assessed ~~[prior to]~~ before July 1, 2009, the levy or proceeding shall be barred after June 30, 2024.

Notwithstanding any other provision to the contrary in this section, the limitation on collection after assessment in this section shall be suspended for the period:

- (1) The taxpayer agrees to suspend the period;
- (2) The assets of the taxpayer are in control or custody of a court in any proceeding before any court of the United States or any state, and for six months thereafter;
- (3) An offer in compromise under section 231-3(10) is pending; ~~[and]~~
- (4) During which the taxpayer is outside the State if the period of absence is for a continuous period of at least six months; provided that if at the time of the taxpayer’s return to the State the period of limitations on collection after assessment would expire before the expiration of six months from the date of the taxpayer’s return, the period shall not expire before the expiration of the six months[-]; and
- (5) An appeal of the assessment is pending before the taxation board of review or the tax appeal court, beginning on the date the notice of appeal is filed and concluding on the date a final decision is issued or the case is withdrawn or dismissed.”

SECTION 5. Section 243-14, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The amount of license taxes imposed by this chapter shall be assessed or levied, or the overpayment, if any, shall be credited within three years after filing of the monthly statement, or within three years of the due date prescribed for the filing of the statement, whichever is later. No proceeding in court without assessment for the collection of the taxes or the enforcement of the liability shall begin after the expiration of the three-year period. Where the assessment of the tax imposed by this chapter has been made within the period of limitation applicable thereto, the tax may be collected by levy or by a proceeding in court under chapter 231; provided that the levy is made or the proceeding was begun within fifteen years after the assessment of the tax. For any tax that has been assessed ~~[prior to]~~ before July 1, 2009, the levy or proceeding shall be barred after June 30, 2024.

Notwithstanding any other provision to the contrary in this section, the limitation on collection after assessment in this section shall be suspended for the period:

- (1) The taxpayer agrees to suspend the period;
- (2) The assets of the taxpayer are in control or custody of a court in any proceeding before any court of the United States or any state, and for six months thereafter;
- (3) An offer in compromise under section 231-3(10) is pending; ~~and~~
- (4) During which the taxpayer is outside the State if the period of absence is for a continuous period of at least six months; provided that if at the time of the taxpayer's return to the State the period of limitations on collection after assessment would expire before the expiration of six months from the date of the taxpayer's return, the period shall not expire before the expiration of the six months[-]; and
- (5) An appeal of the assessment is pending before the taxation board of review or the tax appeal court, beginning on the date the notice of appeal is filed and concluding on the date a final decision is issued or the case is withdrawn or dismissed.

As to all tax payments for which a refund or credit is not authorized by this section (including, without prejudice to the generality of the foregoing, cases of unconstitutionality), the remedies provided by appeal or by section 40-35 are exclusive."

SECTION 6. Section 247-6.5, Hawaii Revised Statutes, is amended to read as follows:

"§247-6.5 Limitation period for assessment, levy, collection, or credit.

The amount of conveyance taxes imposed by this chapter shall be assessed or levied, and the overpayment, if any, shall be credited within three years after filing of the certificate prescribed by section 247-6. No proceeding in court without assessment for the collection of the taxes shall be begun after the expiration of the three-year period. Where the assessment of the tax imposed by this chapter has been made within the period of limitation applicable thereto, the tax may be collected by levy or by a proceeding in court under chapter 231; provided that the levy is made or the proceeding was begun within fifteen years after the assessment of the tax. For any tax that has been assessed ~~prior to~~ before July 1, 2009, the levy or proceeding shall be barred after June 30, 2024.

Notwithstanding any other provision to the contrary in this section, the limitation on collection after assessment in this section shall be suspended for the period:

- (1) The taxpayer agrees to suspend the period;
- (2) The assets of the taxpayer are in control or custody of a court in any proceeding before any court of the United States or any state, and for six months thereafter;
- (3) An offer in compromise under section 231-3(10) is pending; ~~and~~
- (4) During which the taxpayer is outside the State if the period of absence is for a continuous period of at least six months; provided that if at the time of the taxpayer's return to the State the period of limitations on collection after assessment would expire before the expiration of six months from the date of the taxpayer's return, the period shall not expire before the expiration of the six months[-]; and

- (5) An appeal of the assessment is pending before the taxation board of review or the tax appeal court, beginning on the date the notice of appeal is filed and concluding on the date a final decision is issued or the case is withdrawn or dismissed.

In the case of a false or fraudulent certificate filed with the intent to evade tax, or of a failure to file a certificate, the tax may be assessed or levied at any time.”

SECTION 7. Section 251-8, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Except as otherwise provided by this section, the amount of surcharge taxes imposed by this chapter shall be assessed or levied within three years after the annual return was filed, or within three years of the due date prescribed for the filing of the return, whichever is later, and no proceeding in court without assessment for the collection of any ~~[such]~~ surcharge taxes shall begin after the expiration of the period. Where the assessment of the tax imposed by this chapter has been made within the period of limitation applicable thereto, the tax may be collected by levy or by a proceeding in court under chapter 231; provided that the levy is made or the proceeding was begun within fifteen years after the assessment of the tax. For any tax that has been assessed ~~[prior to]~~ before July 1, 2009, the levy or proceeding shall be barred after June 30, 2024.

Notwithstanding any other provision to the contrary in this section, the limitation on collection after assessment in this section shall be suspended for the period:

- (1) The taxpayer agrees to suspend the period;
- (2) The assets of the taxpayer are in control or custody of a court in any proceeding before any court of the United States or any state, and for six months thereafter;
- (3) An offer in compromise under section 231-3(10) is pending; ~~[and]~~
- (4) During which the taxpayer is outside the State if the period of absence is for a continuous period of at least six months; provided that if at the time of the taxpayer’s return to the State the period of limitations on collection after assessment would expire before the expiration of six months from the date of the taxpayer’s return, the period shall not expire before the expiration of the six months~~[-];~~ and
- (5) An appeal of the assessment is pending before the taxation board of review or the tax appeal court, beginning on the date the notice of appeal is filed and concluding on the date a final decision is issued or the case is withdrawn or dismissed.”

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

SECTION 9. This Act shall take effect upon its approval and shall suspend the statute of limitations on collections of assessments that were on appeal before the effective date of this Act, from the filing date of the notices of appeal to the conclusion, dismissal, or withdrawal of the appeals.

(Approved May 29, 2025.)

A Bill for an Act Relating to Veterans Cemeteries.

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

SECTION 1. The purpose of this Act is to establish the veterans cemeteries board, composed of representatives from federal, state, and county departments and agencies, to provide veterans cemeteries in the State with guidance, education, technical assistance, and other support to ensure compliance with standards set by the National Cemetery Administration of the United States Department of Veterans Affairs.

SECTION 2. Chapter 363, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§363- Veterans cemeteries board. (a) There shall be established the veterans cemeteries board within the office in the department of defense for administrative purposes only. The veterans cemeteries board shall:

- (1) Identify compliance issues faced by veterans cemeteries in the State, the resources needed, and the challenges encountered by departments or agencies that manage veterans cemeteries, and work collaboratively to resolve any issues;
- (2) Devise solutions to address the issues identified in paragraph (1) and implement the solutions collaboratively with the state and county departments and agencies represented on the board;
- (3) Seek resources, including funding, legislative initiatives, and inter-governmental program support; and
- (4) Interact with and invite interested community agencies, organizations, stakeholders, and veterans and citizens to participate in discussions and board meetings.

(b) The veterans cemeteries board shall consist of the following members:

- (1) The director, or the director’s designee, who shall serve as the chairperson of the board;
- (2) A representative of the National Memorial Cemetery of the Pacific, by invitation of the director;
- (3) The director of the department within the county of Hawaii that is responsible for operating and maintaining the county’s veterans cemeteries, or the director’s designee;
- (4) The director of the department within the county of Kauai that is responsible for operating and maintaining the county’s veterans cemeteries, or the director’s designee;
- (5) The director of the department within the county of Maui that is responsible for operating and maintaining the county’s veterans cemeteries, or the director’s designee; and
- (6) The cemetery operations manager of the Hawaii state veterans cemetery, or the manager’s designee.

The members of the veterans cemeteries board shall serve without compensation but may be reimbursed for necessary expenses, including travel expenses, incurred in the performance of their duties. A majority of the members of the veterans cemeteries board shall constitute a quorum for the conduct of the business of the board. A majority vote of the members present at a meeting at which a quorum is established shall be necessary to validate any action of the veterans cemeteries board.

(c) The veterans cemeteries board shall develop strategies and make recommendations to meet compliance standards set by the National Cemetery Administration of the United States Department of Veterans Affairs. In developing the recommendations, the veterans cemeteries board shall create, develop, and adopt a statewide framework, which shall include:

- (1) A clear understanding of the compliance standards for cemetery grounds and maintenance set by the National Cemetery Administration;
 - (2) Strategies and recommendations for grounds and maintenance best practices to address the various challenges and conditions of each cemetery location; and
 - (3) A standardized system of data collection and information sharing to support the intergovernmental efforts of the board.
- (d) The office shall provide necessary staff and other support required by the veterans cemeteries board for the performance of its duties.
- (e) The veterans cemeteries board shall submit a report of the board's findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of each regular session."

SECTION 3. New statutory material is underscored.¹

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

(Approved May 29, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 120

S.B. NO. 336

A Bill for an Act Relating to the Defense of State Employees.

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

SECTION 1. The legislature finds that Act 44, Session Laws of Hawaii 2022 (Act 44), clarified the personal liability requirements for professionally licensed or certified employees of the State. However, the legislature notes that Act 44 did not clarify the circumstances under which the State has a duty to defend professionally licensed or certified state employees. Act 44 also did not establish a procedure that would allow the attorney general to confidentially withdraw from representing a professionally licensed or certified state employee. The legislature believes that the prejudice that the professionally licensed or certified state employee would suffer from the public disclosure of the attorney general's reasons for withdrawing from representation outweighs the public's right to access said information.

Accordingly, the purpose of this Act is to:

- (1) Declare that the State has a duty to defend professionally licensed or certified state employees from civil actions when the employee's actions were within the scope of employment and were not grossly negligent or wanton, as long as the employee is cooperating with the State's defense;
- (2) Clarify that professionally licensed or certified state employees may employ their own attorneys at their own expense;

- (3) Require the attorney general to work with the professionally licensed or certified state employee to amicably transfer representation to the successor counsel chosen by the employee if the State declines to defend the employee from a civil action on certain grounds; and
- (4) Require the attorney general to file a confidential motion to withdraw as counsel if the attorney general and professionally licensed or certified state employee cannot amicably transfer representation to the successor counsel.

SECTION 2. Chapter 662, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§662- Defense of professionally licensed or certified state employees; decision not to defend. (a) The attorney general, on behalf of the State, shall defend any civil action or proceeding brought in any court against any professionally licensed or certified employee of the State for damage to property or personal injury, including death, resulting from the act or omission of the professionally licensed or certified state employee while acting within the scope of the employee’s employment; provided that the attorney general shall have no obligation to defend when the civil action or proceeding results from the professionally licensed or certified state employee’s gross negligence or wanton act or omission, or if the employee does not provide all information and assistance that the attorney general deems necessary to the defense of the employee.

(b) The professionally licensed or certified state employee may employ an attorney at the employee’s own expense, in lieu of the attorney general, to defend any civil action or proceeding brought in any court against the employee.

(c) If the attorney general declines to defend a civil action or proceeding against a professionally licensed or certified state employee who was acting within the scope of the employee’s employment on the grounds that the civil action or proceeding results from the employee’s gross negligence or wanton act or omission or that the employee is not providing all information and assistance that the attorney general deems necessary, the attorney general shall work with the professionally licensed or certified state employee to amicably transfer representation to the successor counsel chosen by the professionally licensed or certified state employee.

(d) If the attorney general and the professionally licensed or certified state employee cannot amicably transfer representation to the successor counsel, the attorney general shall file a motion to withdraw as counsel not less than thirty days before the close of discovery in the action or proceeding.

(e) Any motion to withdraw as counsel, and all related pleadings, records, notices, exhibits, and other evidence regarding the motion, shall be designated as confidential and shall be submitted by means of a confidential information form or other appropriate manner pursuant to court rules.

(f) After the attorney general’s motion to withdraw as counsel is filed, the professionally licensed or certified state employee shall have not less than thirty days to respond to the motion.

(g) Upon the filing of the attorney general’s motion to withdraw as counsel, the court shall conduct a hearing regarding the attorney general’s duty to defend the professionally licensed or certified state employee in the civil action or proceeding.

(h) At any proceeding regarding the motion to withdraw as counsel, only the court, court personnel, attorney general, employees of and counsel retained by the department of the attorney general, professionally licensed or certified state employee and the employee’s attorney, if retained, and other individuals approved by the court may be present.”

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

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved May 29, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 121

S.B. NO. 295

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

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

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

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

- (1) Except as provided in paragraph (2), for a first conviction for a violation of the temporary restraining order, the person shall serve a mandatory minimum jail sentence of [~~forty-eight hours~~] five days and be fined no less than [~~\$150~~] \$300 nor more than \$500;
- (2) For a first conviction for a violation of the temporary restraining order, if the person has a prior conviction for any of the following felonies:
 - (A) Section 707-701 relating to murder in the first degree;
 - (B) Section 707-701.5 relating to murder in the second degree;
 - (C) Section 707-710 relating to assault in the first degree;
 - (D) Section 707-711 relating to assault in the second degree;
 - (E) Section 707-720 relating to kidnapping;
 - (F) Section 707-721 relating to unlawful imprisonment in the first degree;
 - (G) Section 707-730 relating to sexual assault in the first degree;
 - (H) Section 707-731 relating to sexual assault in the second degree;
 - (I) Section 707-732 relating to sexual assault in the third degree;
 - (J) Section 707-733.6 relating to continuous sexual assault of a minor under the age of fourteen years;
 - (K) Section 707-750 relating to promoting child abuse in the first degree;
 - (L) Section 708-810 relating to burglary in the first degree;
 - (M) Section 708-811 relating to burglary in the second degree;

- (N) Section 709-906 relating to abuse of family or household members; or
- (O) Section 711-1106.4 relating to aggravated harassment by stalking;

and if any of these offenses has been committed against a family or household member as defined in section 586-1, the person shall serve a mandatory minimum term of imprisonment of ~~[fifteen]~~ thirty days and be fined no less than ~~[\$150]~~ \$350 nor more than \$600; and

- (3) For the second and any subsequent conviction for a violation of the temporary restraining order, the person shall serve a mandatory minimum jail sentence of ~~[thirty]~~ forty-five days and be fined no less than ~~[\$250]~~ \$500 nor more than \$1,000;

provided that the court shall not sentence a defendant to pay a fine ~~[unless]~~ if the court makes an on-the-record determination that the defendant is or will be ~~[able]~~ unable to pay the fine.

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

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

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

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

- (1) For a first conviction for violation of the order for protection[:
 - (A) ~~That is in the nature of non-domestic abuse, the person may be sentenced to a jail sentence of forty-eight hours and be fined no more than \$150; or~~
 - (B) ~~That is in the nature of domestic abuse],~~ the person shall be sentenced to a mandatory minimum jail sentence of no less than ~~[forty-eight hours]~~ five days and be fined no less than ~~[\$150]~~ \$300 nor more than \$500;

provided that any conviction for violation of a temporary restraining order under section 586-4(e), issued under the same judicial case number as the order for protection, shall be treated as a prior violation of an order for protection; and

- (2) For ~~[a]~~ the second and any subsequent conviction for violation of the order for protection[:
 - (A) ~~That is in the nature of non-domestic abuse, and occurs after a first conviction for violation of the same order that was in the~~

nature of non-domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of no less than forty-eight hours and be fined no more than \$250;

- (B) ~~That is in the nature of domestic abuse, and] that occurs after a first conviction for violation of the same order [that was in the nature of domestic abuse,] or conviction for a violation of the temporary restraining order under section 586-4(e), issued under the same judicial case number as the order for protection, the person shall be sentenced to a mandatory minimum jail sentence of no less than [thirty] forty-five days and be fined no less than [\$250] \$500 nor more than \$1,000;~~
- ~~(C) That is in the nature of non-domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of no less than forty-eight hours and be fined no more than \$250; or~~
- (D) That is in the nature of domestic abuse, and occurs after a first conviction for violation of the same order that is in the nature of non-domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of no less than forty-eight hours and be fined no more than \$150; and

- (3) For any subsequent violation that occurs after a second conviction for violation of the same order for protection, the person shall be sentenced to a mandatory minimum jail sentence of not less than thirty days and be fined not less than \$250 nor more than \$1,000;]

provided that the court shall not sentence a defendant to pay a fine [unless] if the court makes an on-the-record determination that the defendant is or will be [able] unable to pay the fine.

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

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

SECTION 3. 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 May 29, 2025.)

A Bill for an Act Relating to Sentencing of Minor Defendants.

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

SECTION 1. The legislature finds that children are different from adults and that these differences must be taken into account when children are being sentenced for adult crimes. As stated by the United States Supreme Court in *Miller v. Alabama*, 567 U.S. 460 (2012), “only a relatively small proportion of adolescents” who engage in illegal activity “develop entrenched patterns of problem behavior”, and “developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds”, including “parts of the brain involved in behavior control”. Children are more vulnerable to negative influences and outside pressures, including from their family and peers, and they have limited control over their own environment and lack the ability to extricate themselves from horrific, crime-producing settings. The United States Supreme Court has also emphasized that “the distinctive attributes of youth diminish the penological justifications of imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes”. The legislature further acknowledges recent research demonstrating high rates of adverse childhood experiences and childhood trauma among children tried as adults. Specifically, children tried as adults have often been victims of physical, emotional, and sexual abuse, and come from broken homes where domestic violence, substance abuse, mental illness, and incarceration are common.

Accordingly, the purpose of this Act is to allow courts to depart from mandatory minimum and sentencing enhancements when sentencing minor defendants if the court believes the reduction is warranted given certain factors.

SECTION 2. Chapter 706, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§706- Discretion when sentencing a defendant for an offense committed while a minor. (1) If a person is convicted as an adult for an offense that the person committed when the person was a minor, in addition to any other factor that the court is required to consider before sentencing the person, the court shall consider the following factors:

- (a) The person’s exposure to an adverse childhood experience or early childhood trauma, including involvement in the child welfare or foster care systems;
- (b) The person’s status as a victim of human trafficking or abuse at the time of the offense;
- (c) The differences between minor and adult offenders, including but not limited to the diminished culpability of minors as compared to that of adults and the typical characteristics of youth;
- (d) The level of participation in the offense and the impact of peer or familial pressure;

- (e) The person’s intellectual capacity and any underlying mental health conditions; and
- (f) Any other factors the court deems relevant.
- (2) Notwithstanding any other provision of law, after considering the factors set forth in subsection (1), the court may, in its discretion, reduce any mandatory minimum period of incarceration or depart from any mandatory sentencing enhancement that the person is required to serve if the court determines that the reduction or departure is warranted given the person’s age, trauma history, and prospects for rehabilitation.
- (3) For the purposes of this section, “minor” means any person under the age of eighteen years.”

SECTION 3. New statutory material is underscored.¹

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

(Approved May 29, 2025.)

Note

- 1. Edited pursuant to HRS §23G-16.5.

ACT 123

S.B. NO. 1464

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, ~~[2023,]~~ 2024, 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, ~~[2023,]~~ 2024, 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, [2023,] 2024, 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, [2023,] 2024, 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, 2024; and
- (2) Section 3 shall apply to decedents dying or taxable transfers occurring after December 31, 2024.

(Approved May 29, 2025.)

ACT 124

H.B. NO. 228

A Bill for an Act Relating to License Plates.

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

SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§286- License plate flipping devices; prohibited. (a) No person shall operate a motor vehicle with, possess, purchase, install, sell, offer for sale, or otherwise distribute a license plate flipping device. This section shall apply to any motor vehicle operated on public roadways in the State, regardless of the jurisdiction of registration. Each act described in this subsection shall constitute a separate and distinct violation, regardless of whether multiple acts occur simultaneously or are committed in connection with other violations.

(b) Notwithstanding any other provisions of this chapter, any person who violates this section shall be fined no less than \$750 but no more than \$1,000 for each separate violation. Each instance of a violation shall constitute a separate offense.

(c) For the purposes of this section, “license plate flipping device” means a manual, electric, or mechanical device designed or adapted to be installed on a motor vehicle that:

- (1) Switches between two or more license plates for the purpose of allowing a motor vehicle operator to change the license plate displayed on the vehicle; or
- (2) Hides a license plate from view by flipping the license plate so that the plate number is not visible.”¹

§286- Obstruction of a license plate; prohibited. The use of any cover or shield installed over a vehicle’s license plate, regardless of transparency or intent, shall be prohibited. Any person who violates this section shall be fined no less than \$500 and no more than \$1,000 for each offense. Each day of violation shall constitute a separate offense. For the purposes of this section, “cover” or “shield” means any device, material, or film—whether clear, tinted, mirrored, reflective, or otherwise that is installed over or affixed to a license plate, and is intended to alter or interfere with the visibility, legibility, or identification of the license plate by law enforcement or traffic enforcement systems.”

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.²

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

(Approved May 29, 2025.)

Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Shoreline Management Areas.

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

SECTION 1. Section 205A-22, Hawaii Revised Statutes, is amended by amending the definitions of “special management area minor permit” and “special management area use permit” to read as follows:

““Special management area minor permit” means an action by the authority authorizing development [~~the valuation of which is not in excess of \$500,000 and which~~] that has no substantial adverse environmental or ecological effect, taking into account potential cumulative effects[~~-. and the valuation of which is not in excess of:~~

- (1) \$750,000, with inflation adjustments every five years starting from the effective date of this Act by the lead agency in accordance with the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor, if the development is not situated on a shoreline parcel or parcel that is impacted by waves, storm surges, high tide, or shoreline erosion; or
- (2) \$500,000, if the development is situated on a shoreline parcel or parcel that is impacted by waves, storm surges, high tide, or shoreline erosion.

“Special management area use permit” means an action [by]:

- (1) By the authority authorizing development, the valuation of which exceeds [~~\$500,000~~] \$750,000, with inflation adjustment every five years starting from the effective date of this Act by the lead agency in accordance with the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor; or [which]
- (2) That may have a substantial adverse environmental or ecological effect, taking into account potential cumulative effects.”

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 29, 2025.)

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 coffee is the State’s second most lucrative agricultural crop, valued by the United States Department of Agriculture at up to \$64,300,000 annually, with additional upstream and downstream impacts that include employment, land preservation, and tourism.

The legislature further finds that Hawaii-grown coffee is among the highest priced coffee sold anywhere in the world, largely due to the high cost of

production and its reputation for outstanding quality. As such, the State's coffee industry is susceptible to fraud when less expensive coffees are falsely labeled as originating from Hawaii. Currently, state law imposes penalties for the false labeling (counterfeiting) of Hawaii-grown coffee in cherry and parchment form, but the fraud of coffee counterfeiting has been almost exclusively committed in roasted coffee products. Coffee counterfeiting undermines Hawaii's coffee farmers by misrepresenting an increase in supply, thereby creating downward price pressure and value depreciation in the marketplace. Additionally, further harm occurs when inferior products are introduced into the supply chain, thereby undermining Hawaii's hard-fought brand identity for high quality crops.

Accordingly, the purpose of this Act is to deter coffee counterfeiting by expanding the offense of false labeling of Hawaii-grown coffee to include roasted coffee and enhancing the penalties for the false labeling of Hawaii-grown coffee with regard to its geographic origin through the imposition of a mandatory minimum fine and specification that each act of false labeling is a distinct and separate offense.

SECTION 2. Section 708-871.5, Hawaii Revised Statutes, is amended to read as follows:

“[H]§708-871.5[H] False labeling of Hawaii-grown coffee. (1) A person commits the offense of false labeling of Hawaii-grown coffee if the person knowingly transports, distributes, advertises, sells, or possesses with the intent to sell Hawaii-grown green coffee, cherry coffee, [ø] parchment coffee, or roasted coffee that is falsely labeled with regard to the geographic origin of the Hawaii-grown coffee.

(2) For the purposes of this section:

“Cherry coffee” means the unprocessed fruit of the coffee plant.

“Geographic origin” means the geographic areas designated as follows:

- (a) Hamakua is the Hamakua district on the island of Hawaii, as designated by the State of Hawaii tax map;
- (b) Hawaii is the State of Hawaii;
- (c) Kau is the Kau district on the island of Hawaii, as designated by the State of Hawaii tax map;
- (d) Kauai is the island of Kauai;
- (e) Kona is the north Kona and south Kona districts on the island of Hawaii, as designated by the State of Hawaii tax map;
- (f) Maui is the island of Maui;
- (g) Molokai is the island of Molokai; and
- (h) Oahu is the island of Oahu.

“Green coffee” means the agricultural commodity comprised of green coffee beans.

“Parchment coffee” means the dried product that remains when coffee cherries are processed by removing the coffee seeds from the pulp.

“Roasted coffee” means a product that results from heating the cherry coffee seeds to augment aroma and flavor.

(3) False labeling of Hawaii-grown coffee is a class C felony. In addition to any penalties imposed pursuant to section 706-605, the court shall impose on any defendant convicted of false labeling of Hawaii-grown coffee a mandatory minimum fine of \$7,500 for each separate offense. Each act of false labeling of Hawaii-grown coffee shall constitute a distinct and separate offense. The mandatory minimum fine imposed shall not be suspended or waived.”

ACT 127

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, 2025.
(Approved May 29, 2025.)

ACT 127

H.B. NO. 1439

A Bill for an Act Making Appropriations for Public Employment Cost Items.
Be It Enacted by the Legislature of the State of Hawaii:

PART I

SECTION 1. 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 2025-2027, 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 excluded from collective bargaining:

	<u>FY 2025-2026</u>	<u>FY 2026-2027</u>
State ethics commission	\$64,679	\$80,087
Office of the auditor	\$159,636	\$219,447
Office of the legislative reference bureau	\$161,009	\$231,876
Office of the ombudsman	\$93,860	\$90,489
Senate	\$317,725	\$673,818
House of representatives	\$346,685	\$735,235

SECTION 2. Funds appropriated by this part shall be allotted to the head of the respective chamber or legislative agency for expenditure for the purposes of this part.

PART II

SECTION 3. Cost items and cost adjustments provided in this Act for any legislative officer or employee whose compensation is paid, in whole or in part, from federal, special, or other funds shall be paid wholly or proportionately, as the case may be, from the respective funds.

SECTION 4. Funds appropriated by this Act that are not expended or encumbered by the end of the fiscal year for which the appropriation is made shall lapse as of those dates.

SECTION 5. This Act shall take effect on July 1, 2025.
(Approved May 29, 2025.)

ACT 128

H.B. NO. 1316

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 people of Hawaii have significant concerns about the effects of over-tourism, including impacts to the environment, and particularly the proliferation of rental kayaks and stand-up paddleboards statewide. The legislature further finds that it is beneficial for the residents and natural resources of the State to regulate commercial rentals where a state park is the location of the watercraft activity. The legislature additionally finds that Wailua river state park on Kauai, Kealakekua bay state historical park on Hawaii island, and Ahupuaa O Kahana state park on Oahu are the only navigable waters within a state park.

Therefore, the purpose of this Act is to require:

- (1) The registration and numbering of rental vessels before they are rented or leased, or offered for rent or lease, to the public for transiting the navigable waters of a state park; and
- (2) The registration fees to be deposited into the state parks special fund.

SECTION 2. Chapter 184, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§184- Registration required for rental vessels; registration number; fees. (a) Beginning January 1, 2026, no person shall rent or lease, or offer for rent or lease, a vessel to the public for transiting the navigable waters of a state park, unless the rental vessel is registered and numbered with the division of state parks of the department in accordance with rules adopted by the department pursuant to chapter 91 or authorized by a special use permit.

(b) Beginning January 1, 2026, every rental vessel rented or leased, or offered for rent or lease, to the public for transiting the navigable waters of a state park shall have a registration number affixed to the rental vessel.

(c) The department may adopt rules pursuant to chapter 91 to establish conditions of use for rental vessels transiting the navigable waters of a state park and reasonable fees for the initial registration, annual renewal registration, and ancillary decals of those rental vessels, to be deposited to the credit of the state parks special fund.

(d) For the purposes of this section, “vessel” has the same meaning as in section 200-6 and includes but is not limited to barges, boats, canoes, catamarans, charter boats, cruisers, ferryboats, fishing boats, flatboats, floating cabanas, houseboats, jet skis, kayaks, motor vessels, motorboats, party boats, powerboats, rafts, rowboats, sailboats, scows, ships, stand-up paddleboards, towboats, tugs, wind-surfers, or any similar buoyant devices permitting or capable of free flotation.”

SECTION 3. Section 184-3.4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established within the state treasury a fund to be known as the state parks special fund, into which shall be deposited all proceeds collected by the state parks programs involving park user fees, any leases or concession agreements, any fees collected pursuant to section 184-, the sale of any article

purchased from the department to benefit the state parks programs, or any gifts or contributions; provided that proceeds derived from the operation of Iolani Palace shall be used to supplement its educational and interpretive programs.”

SECTION 4. New statutory material is underscored.¹

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

(Approved May 29, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 129

H.B. NO. 226

A Bill for an Act Relating to Windshield Tinting.

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

SECTION 1. The legislature finds that darker tints on car windows have a measurable impact on reducing heat trapped in a car’s interior. The legislature additionally finds that the current light transmittance limit of thirty-five per cent for glazing on car windows is inadequate to address the increased temperatures caused by climate change.

The purpose of this Act is to:

- (1) Prohibit a person from installing, mounting, adhering, affixing, or using any sun screening device in conjunction with the glazing material of a motor vehicle with mirrored or high reflective finishes that produce a red, yellow, amber, or blue appearance;
- (2) Require all drivers and passengers of motor vehicles with applied tint to fully roll down their windows when stopped by a law enforcement officer at a traffic stop, subject to certain exceptions;
- (3) Clarify the light transmittance levels on sun screening devices used in conjunction with glazing material for front side windows and wing windows;
- (4) Exempt rear windows, including rear windshields on certain vehicles, and side windows to the rear of the driver on sedans from sun screening device requirements;
- (5) Increase the minimum and maximum fines for violating sun screening device requirements; and
- (6) Make the absence of the certificate certifying that a sunscreen device complies with the law in a vehicle prima facie evidence that an installer is noncompliant with the law.

SECTION 2. Section 291-21.5, Hawaii Revised Statutes, is amended to read as follows:

“§291-21.5 Regulation of motor vehicle sun screening devices; penalty.

- (a) No person shall operate, permit the operation of, cause to be operated, or park any motor vehicle on a public highway if the glazing material of the motor vehicle:

- (1) Does not meet the requirements of the Federal Motor Vehicle Safety Standards 205 in effect at the time of its manufacture; or
- (2) Is used in conjunction with sun screening devices not exempted from this section by subsection ~~[(d) hereof.] (e).~~
- (b) No person shall install, mount, adhere, affix, or use any sun screening device or combination of devices in conjunction with the glazing material of a motor vehicle ~~[which]~~:
 - (1) That does not meet the requirements of the Federal Motor Vehicle Safety Standards 205 in effect at the time of the glazing material's manufacture except as provided in this section[-]; and
 - (2) With mirrored or high reflective finishes that produce a red, yellow, amber, or blue appearances as viewed from the exterior of the motor vehicle.

Any person who violates this section shall be liable for the removal of any sun screening device applied contrary to this section.

(c) A safety inspection required under section ~~[286-25]~~ 286-26 shall include a test to ensure that the glazing material and any sun screening devices meet the requirements specified in this section.

(d) Notwithstanding subsection (e), all drivers and passengers of motor vehicles with applied tint shall fully roll down their windows when stopped by a law enforcement officer at a traffic stop. This subsection shall not apply to individuals unable to do so due to physical disability or mechanical failure; provided that the driver communicates or cooperates through other means reasonably available. A driver's or passenger's failure to comply with this subsection may be cited as a noncriminal traffic infraction.

~~[(d)] (e)~~ This section shall not apply to:

- (1) Rearview mirrors;
- (2) Adjustable nontransparent sun visors ~~[which]~~ that are mounted forward of the side windows and are not attached to the glazing material;
- (3) Signs, stickers, or other materials ~~[which]~~ that are displayed in a seven-inch square in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other materials ~~[which]~~ that are displayed in a five-inch square in the lower corner of the windshield nearest the driver;
- (4) Rear trunk lid handle or hinges;
- (5) Window wipers and window wiper motors;
- (6) Transparent sun screening film materials ~~[which]~~ that are installed, affixed, or applied along the top edge of the windshield so long as ~~[such]~~ the materials do not encroach upon the AS-1 portion of the windshield as provided by Federal Motor Vehicle Safety Standard 205 or no lower than four inches below the top of the windshield, when measured from the middle point of the bottom edge of the top windshield moulding if no AS-1 markings can be found in the left or right upper margin of the windshield;
- (7) Sun screening devices for front side wing vents and windows ~~[which]~~ that, when used in conjunction with the glazing material, have a light transmittance of no less than thirty-five per cent plus or minus six per cent;
- (8) Sun screening devices for front side windows and wing windows necessary for driving visibility ~~[which]~~ that are adjacent to the ~~[rear of the]~~ driver and ~~[for rear windows]~~ necessary for driving ~~[visibility]~~

- ~~which,~~ that, when used in conjunction with the glazing material, have a light transmittance of no less than thirty-five per cent plus or minus six per cent;
- (9) ~~[Side]~~ Rear windows ~~[which are], including the rear windshield on sedans, vans, minivans, trucks, buses, or other motor vehicles; and side windows to the rear of the driver [and rear windows] on sedans, vans, minivans, trucks, or buses; provided that the vehicles are equipped with rearview mirrors on both sides;~~
 - (10) Privacy drapes, curtains, or blinds, or any combination, installed on the interior of motor homes; or
 - (11) Transparent sun screening materials, when applied to the AS-1 portion of the windshield, ~~[which meets]~~ that meet the requirements of Federal Motor Vehicle Safety Standard 205.
- ~~[(e)]~~ (f) Any person who violates this section shall be fined:
- (1) ~~[Not]~~ No less than ~~[\$250]~~ \$300 ~~[or]~~ and no more than ~~[\$500]~~ \$550 for each separate offense if the person is the owner of the motor vehicle ~~[which]~~ that is in violation; and
 - (2) ~~[Not]~~ No less than ~~[\$500 or]~~ \$700 and no more than ~~[\$1,000]~~ \$1,200 for each separate offense if the person or business entity is the installer of any sun screening device ~~[which]~~ that does not meet the requirements of this section. The installer shall also reinstall sun protective devices ~~[which]~~ that comply with this section, free of charge, or reimburse the motor vehicle owner for the cost of installing sun protective devices by another installer ~~[which]~~ that comply with this section.

The receipt from the installer in the possession of the person in the motor vehicle at the time of the issuance of the citation shall be prima facie evidence of the identity of the installer. The installer shall issue a certificate to the vehicle owner at the time the sunscreen device is installed certifying that the device complies with law. Failure of an installer to issue the required certificate shall be considered a violation of this section. The certificate shall be stored in the motor vehicle at all times. The absence of the certificate in the vehicle at the time of citation shall constitute prima facie evidence of installer noncompliance.

(g) The department of transportation may adopt rules pursuant to chapter 91 to establish standard criteria or visual references for the enforcement of tint color and reflectivity prohibitions."

SECTION 3. The department of transportation shall notify all licensed motor vehicle inspection stations of the changes made by this Act no later than ninety days after the effective date 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. 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 29, 2025.)

ACT 130

S.B. NO. 344

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 skateboard accidents on roadways and streets can result in serious injury to the skateboard user, including head trauma. According to an article published in the *Journal of Oral and Maxillofacial Surgery*, “Injuries to the Head and Face from Skateboarding: A 10-Year Analysis From National Electronic Injury Surveillance System Hospitals”, from 2009 to 2018, there were an estimated 100,201 emergency room visits nationwide related to trauma to the head and face while skateboarding. The article concluded that “[a] substantial number of [emergency department] visits were a result of skateboarding-related facial trauma. Given the neurologic outcomes of head trauma and functional consequences of facial fractures, especially among adolescents, our findings suggest that injury prevention programs and more aggressive helmet use may be necessary to reduce morbidity and hospitalization”.

The legislature further finds that existing laws in the State protect bicyclists under the age of sixteen by requiring operators to wear a helmet. Additionally, the legislature notes that other states require helmets for minors, including California, New York, and Oregon. Extension of similar safety provisions for bicyclists to skateboard riders will provide additional protection for all roadway users.

Accordingly, the purpose of this Act is to require the use of a safety helmet by anyone under the age of eighteen while riding a skateboard on public property.

SECTION 2. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to part XII to be appropriately designated and to read as follows:

“§291C- Skateboards; helmet required. (a) No person under eighteen years of age shall operate a skateboard upon a street, roadway, or bikeway, or any other public property, unless the person is wearing a properly fitted and fastened helmet that:

- (1) Is designed to fit the user;
- (2) Is designed to protect against head trauma; and
- (3) Has been tested by a nationally recognized agency, such as the National Highway Traffic Safety Administration, National Safety Council, or Children’s Safety Network.

(b) This section shall not be construed to legalize the use of skateboards in violation of any county ordinance.

(c) For the purposes of this section, “skateboard” means a short board that is on wheels that a person stands on to move along a surface or to perform tricks.”

SECTION 3. New statutory material is underscored.¹

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

(Approved May 29, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to the State Foundation on Culture and the Arts.

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

SECTION 1. The legislature finds that the mission of the state foundation on culture and the arts is to promote, perpetuate, preserve, and encourage culture and the arts as central to the quality of life and people of the State. One of the foundation's strategic priorities includes increasing public accessibility to arts and culture.

The foundation administers the state art museum and the art in public places and relocatable works of art programs, using the works of art special fund created pursuant to section 103-8.5, Hawaii Revised Statutes, and also issues grants through its foundation grants program. The museum and these programs aim to support, promote, and recognize the excellence of the State's diverse artists; create, display, and maintain in public places and the state art museum a collection of works of art that represent the diversity and excellence of the State's artistic expression; and provide the fullest possible access to the highest quality aesthetic and educational experiences available to all the citizens of the State.

The legislature further finds that the performing arts also represent various mediums that express creativity through singing, dancing, theatre, and musical performances. To ensure a wide range of artistic creativity and expression in the State, performing arts should also be recognized as a medium to provide the State's residents and visitors with creative, educational, and aesthetic performances that tell meaningful stories and provide engaging experiences.

The purpose of this Act is to further the foundation's endeavors by:

- (1) Establishing the performing arts grants program, under the foundation's existing foundation grant program, to support performing arts in the State;
- (2) Establishing the performing arts grants special fund;
- (3) Clarifying the scope of the foundation's responsibilities to include the coordination, planning, promotion, marketing, and execution of performing arts events;
- (4) Amending the funding sources for the state art museum;
- (5) Amending the amounts required to be transferred into the works of art special fund, including an annual transfer amount, and amending the allowable expenditures from the works of art special fund;
- (6) Appropriating general funds and federal funds for the operations of the state foundation on culture and the arts; and
- (7) Appropriating general funds to provide grants under the performing arts grants program.

SECTION 2. Chapter 9, Hawaii Revised Statutes, is amended by adding two new sections to part II to be appropriately designated and to read as follows:

“§9- Performing arts grants program. (a) There is established a performing arts grants program, to be placed in the foundation for administrative purposes, to provide grants for the coordination, planning, promotion, marketing, and execution of performing arts events.

(b) The foundation shall administer the performing arts grants program in accordance with this part.

(c) The foundation shall submit an annual report to the legislature, no later than twenty days prior to the convening of the regular session of 2026 and every regular session thereafter, on performing arts grants awarded and the outcomes of each performing arts event that received a grant.

§9- Performing arts grants special fund. (a) There is established in the state treasury the performing arts grants special fund, to be administered by the foundation. The revenues of the special fund shall consist of:

- (1) Appropriations made by the legislature;
- (2) Revenues or moneys derived from the foundation's operations;
- (3) Grants, gifts, and donations received by the foundation; and
- (4) All interest earned on moneys deposited in the fund.

The special fund shall be used for the coordination, planning, promotion, marketing, and execution of performing arts events.

(b) The foundation shall oversee and administer grants for the coordination, planning, promotion, marketing, and execution of performing arts events. Applications for grants shall be made to the foundation and contain any information as the foundation shall require. At minimum, the applicant shall provide:

- (1) The name of the requesting organization and individual;
 - (2) The purpose of the grant;
 - (3) The service to be supported by the grant;
 - (4) The target group to be benefited;
 - (5) The costs of the grant; and
 - (6) Acknowledgment the grant will be used for activities that are consistent with the purposes of this chapter.
- (c) Grants shall only be awarded if:
- (1) The applicant has applied for or received all applicable licenses and permits required to conduct the work for which a grant is awarded;
 - (2) The applicant agrees to comply with applicable federal, state, and county laws;
 - (3) All activities and improvements undertaken with funds received shall comply with all applicable federal, state, and county statutes and ordinances, including applicable building codes and agency rules; and
 - (4) The applicant will indemnify and hold harmless the foundation, the State, and its officers, agents, and employees from and against any and all claims arising out of or resulting from activities carried out or projects undertaken with funds provided hereunder.

Every grant shall be monitored by the foundation to ensure compliance with this chapter and the purposes and intent of the grant and shall be evaluated annually to determine whether the grant attained the intended results in the manner contemplated."

SECTION 3. Section 9-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: "“Performing arts” includes arts or skills that are intended to be performed before an audience, including but not limited to dance, singing, musical performances, and theater.”

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

““Arts” includes music, dance, painting, drawing, sculpture, architecture, drama, poetry, prose, crafts, industrial design, interior design, fashion design, photography, television, motion picture art, unique or decorative plants, landscaping, and all other performing arts and creative activity of imagination and beauty.”

SECTION 4. Section 9-21, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§9-21]]~~ **Purpose.** The foundation shall administer the art in public places and relocatable works of art programs, ~~[pursuant to section 103-8.5,]~~ performing arts grants program, and the state art museum to achieve the following purposes:

- (1) Replace in public state buildings the natural beauty displaced in construction with works of art expressive of the State’s cultural, creative, and traditional arts of its various ethnic groups;
- (2) Support, promote, and recognize excellence of the State’s diverse cultural, creative, and traditional artists; and
- (3) Create, display, and maintain in public places and the state art museum a collection of works of art, and coordinate, plan, promote, market, and execute performing arts events, that:
 - (A) ~~[Represents]~~ Represent the diversity and excellence of the State’s artistic expression; and
 - (B) ~~[Provides]~~ Provide to all the citizens of the State the fullest possible access to the highest quality aesthetic and educational experiences available.”

SECTION 5. Section 9-22, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§9-22]]~~ **State art museum; establishment.** The state art museum is established within the foundation. The operations of the state art museum shall be funded and supported ~~[by the works of art special fund, pursuant to section 103-8.5,]~~ by:

- (1) Appropriations from the legislature;
- (2) Federal grants and subsidies;
- (3) Voluntary contributions; and
- (4) Funds received pursuant to section 9-3(7).”

SECTION 6. Section 103-8.5, Hawaii Revised Statutes, is amended to read as follows:

“**§103-8.5 Works of art special fund.** (a) There is created a works of art special fund, into which shall be transferred the annual transfer amount, as defined in subsection (i), made available from one per cent of all state fund appropriations for capital improvements designated for the construction cost element[; each year; provided that this transfer shall apply only to general obligation bond fund capital improvement appropriations that are designated for the construction or renovation of state buildings. The one per cent transfer requirement shall not apply to appropriations from the passenger facility charge special fund established by section 261-5.5 and the rental motor vehicle customer facility charge special fund established under section 261-5.6.

(b) The works of art special fund shall be used solely for ~~[the following purposes:~~

- (1) ~~Costs~~ costs related to the acquisition, planning, design, and construction of works of art~~[- including any consultant or staff services 'required to carry out the art in public places and relocate-able works of art programs;~~
- (2) ~~Site modifications, display, and interpretive work necessary for the exhibition of works of art;~~
- (3) ~~Upkeep services, including maintenance, repair, and restoration of works of art;~~
- (4) ~~Storing and transporting works of art.] and related appurtenances.~~

(c) The one per cent amount, which is included in all general obligation bond fund capital improvement appropriations, shall be calculated at the time ~~[the appropriation bills are signed into law.]~~ that each appropriation becomes available. The ~~[moneys shall]~~ comptroller shall cause one per cent of each general obligation bond fund capital improvement appropriation designated for the construction or renovation of state buildings to be transferred into a general obligation bond fund appropriation the legislature may make specifically for deposits to the works of art special fund [upon] after availability of moneys from the appropriations. Each agency receiving capital improvement appropriations shall calculate the one per cent amount and transfer the ~~[moneys]~~ appropriation into a general obligation bond fund appropriation the legislature may make specifically for deposits to the works of art special fund.

(d) The comptroller and the state foundation on culture and the arts shall decide on the specific art objects to acquire, giving first consideration to placing appropriate pieces of art at the locations of the original appropriation.

The selection of, commissioning artists for, reviewing of design, execution, and placement of, and the acceptance of works of art shall be the responsibility of the comptroller and the state foundation on culture and the arts in consultation with the affected agency or department.

Expenditures from the works of art special fund shall be made by the comptroller.

- (e) The comptroller shall:
 - (1) Provide each agency receiving capital improvement appropriations with information regarding items that shall be included and excluded from the one per cent amount;
 - (2) Ensure that each agency calculates its one per cent amount correctly; ~~[and]~~
 - (3) Ensure that each agency transfers the correct amount of each appropriation to a separate appropriation made for deposits to the works of art special fund [in a timely manner]; and
 - (4) Transfer to the works of art special fund the annual transfer amount, as defined in subsection (i), from an appropriation the legislature may make for deposits to the works of art special fund.

(f) The legislature may appropriate \$1,000 of general obligation bond funds for deposits to the works of art special fund for each fiscal year. The appropriation will facilitate the ability of the comptroller to:

- (1) Receive transfers of appropriation of one per cent of each general obligation bond fund capital improvement appropriation designated for the construction cost element for the construction or renovation of state buildings; and
- (2) Convey the annual transfer amount from the appropriation to the works of art special fund.

(g) The balance of the appropriation described in subsection (f) that is not transferred to the works of art special fund shall lapse to the general obligation bond fund on June 30 of each fiscal year.

~~[(f)] (h)~~ The comptroller and the executive director shall track amounts [due from each agency under the one per cent requirement as provided in this section.] transferred to the works of art special fund, the use of all transferred amounts, and the timing of the use of all transferred amounts by appropriation and date of transfer.²

(i) For the purposes of this section, “annual transfer amount” means the amount determined each fiscal year that is the lesser of:

- (1) \$3,000,000; or
- (2) \$15,000,000 reduced by the unencumbered balance of the works of art special fund at the end of the prior fiscal year.”

SECTION 7. The following sums or so much thereof as may be necessary for fiscal year 2025-2026 are appropriated or authorized, as the case may be, from moneys in the treasury received from general revenues and federal funds to be expended by the state foundation on culture and the arts to finance the positions and other cost items listed below. The letter symbols used with the specific appropriations indicate the source of financing and have the following meaning: (A) general revenues, (N) federal funds.

Prog ID/Org	Position Title/Program Description	Position #	MOF	FTE (P)	FY 26
AGS 881 LA	Secretary II	16047	A	0.50	23,502
AGS 881 LA	Administrative Services Assistant	21199	A	0.75	47,322
AGS 881 LA	Administrative Services Assistant	21199	N	0.25	15,774
AGS 881 LA	Arts Program Specialist III	26529	A	1.00	71,016
AGS 881 LA	Arts Program Specialist IV	27869	A	1.00	71,016
AGS 881 LA	Accountant IV	31184	A	0.75	67,365
AGS 881 LA	Accountant IV	31184	N	0.25	22,455
AGS 881 LA	Arts Program Specialist II	32873	N	1.00	56,064
AGS 881 LA	Arts Program Specialist III	39045	N	1.00	58,296
AGS 881 LA	Arts Program Specialist II	36841	A	1.00	73,836
AGS 881 LA	Information Specialist III	45697	A	0.75	47,322
AGS 881 LA	Information Specialist III	45697	N	0.25	15,774
AGS 881 LA	Account Clerk III	45700	A	0.75	31,356
AGS 881 LA	Account Clerk III	45700	N	0.25	10,452
AGS 881 LA	Arts Program Specialist III	47047	N	1.00	60,660
AGS 881 LA	Arts Program Specialist III	48120	A	1.00	63,096
AGS 881 LA	Arts Program Specialist II	52285	A	1.00	56,064
AGS 881 LA	Arts Program Specialist II	52286	A	1.00	56,064
AGS 881 LA	Arts Program Specialist II	52287	A	1.00	58,203

Prog ID/Org	Position Title/Program Description	Position #	MOF	FTE (P)	FY 26
AGS 881 LA	Arts Program Specialist III	52288	A	1.00	63,096
AGS 881 LA	Arts Program Specialist III	52290	A	1.00	65,664
AGS 881 LA	Executive Director, SFCA	100256	A	0.75	110,781
AGS 881 LA	Executive Director, SFCA	100256	N	0.25	36,927
AGS 881 LA	Arts Program Specialist II	112785	A	1.00	59,748
AGS 881 LA	Arts Program Specialist II	112788	A	1.00	63,096
AGS 881 LA	Arts Program Specialist III	122671	A	1.00	60,660
AGS 881 LA	Collective Bargaining		A		13,518
AGS 881 LA	Fringe Benefits		N		184,576
AGS 881 LA	Adjustment		A		6,978
AGS 881 LA	Adjustment		N		8,719
AGS 881 LA	Hawaii State Art Museum		A		1,857,580
AGS 881 LA	Interpretive Work		A		425,000
AGS 881 LA	Operating		A		201,923
AGS 881 LA	Consultant Services		A		35,000
AGS 881 LA	Registration		A		34,000
AGS 881 LA	Upkeep Services		A		29,530
AGS 881 LA	Display		A		285,580
AGS 881 LA	Transportation		A		19,085
		Total	A	16.25	3,997,401
			N	4.25	469,697

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to provide grants under the performing arts grants program.

The sums appropriated shall be expended by the state foundation on culture and the arts for the purposes of this Act.

SECTION 9. There is appropriated out of the general obligation bond funds of the State of Hawaii the sum of \$1,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to provide for the annual transfer amount to the works of art special fund pursuant to section 103-8.5, Hawaii Revised Statutes.

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

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.³

SECTION 11. This Act shall take effect upon its approval; provided that sections 7, 8, and 9 shall take effect on July 1, 2025.

(Approved May 29, 2025.)

Notes

1. Should be stricken.
2. Should be underscored.
3. Edited pursuant to HRS §23G-16.5.

ACT 132

S.B. NO. 1571

A Bill for an Act Relating to Tourism.

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 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 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 or bicultural school-home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work study assistants, alternative school 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] 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 corrections and rehabilitation, with the approval of the governor; two administrative 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]~~ 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 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]~~ 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 or project development director, policy director, special assistant to the director, and limited English proficiency project 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;
- (36) In the social services division of the department of human services, the business technology analyst;
- (37) The executive director and staff of the 911 board;
- ~~[(38)]~~ Senior software developers in the department of taxation;
- ~~[(39)]~~ In the department of law enforcement, five Commission on Accreditation for Law Enforcement Agencies, Inc., coordinator positions;
- ~~[(40)]~~ The state fire marshal; ~~and~~
- ~~[(41)]~~ The administrator for the law enforcement standards board[-]; and
- (42) All positions filled by the Hawaii tourism authority within the department of business, economic development, and tourism.

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. Section 201B-1, Hawaii Revised Statutes, is amended by amending the definition of “convention center facility” to read as follows:

““Convention center facility” or “convention center” means any combination of land, buildings, and improvements thereon, acquired or developed by the State, and includes exhibition halls, meeting rooms, a plenary session hall, and support space that reflect a ~~[Hawaiian]~~ Hawaii sense of place; any other structure or facility required or useful for the operation of a convention center, including commercial, office, community service, parking, garage, and other supporting service structures; and, all necessary, useful, and related equipment, furnishings, and appurtenances.”

SECTION 3. Section 201B-2, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:
 - (b) The authority shall be headed by ~~[a policy-making]~~ an advisory board of directors that shall consist of twelve members; provided that:
 - (1) The members shall be appointed by the governor as provided in section 26-34, except as provided by this section;
 - (2) The members shall include at least one representative each from the city and county of Honolulu and the counties of Hawaii, Kauai, and Maui;
 - (3) ~~[Three members]~~ One member shall be appointed by ~~[the governor from a list of three names submitted for each appointment by]~~ the president of the senate, and ~~[three members]~~ one member shall be appointed by ~~[the governor from a list of three names submitted for each appointment by]~~ the speaker of the house of representatives; ~~provided that if fewer than three names are submitted for each appointment, the governor may disregard the list;~~
 - (4) At least six members shall have knowledge, experience, and expertise in the area of accommodations, transportation, retail, entertainment, or attractions, and at least one member appointed by the governor shall have knowledge, experience, and expertise in the area of Hawaiian cultural practices; ~~provided that no more than three members shall represent, be employed by, or be under contract to any sector of the industry represented on the board;~~
 - (5) ~~[One member shall be the director of business, economic development, and tourism, or the director's designee, who shall be an ex officio voting member;]~~ At least one member shall represent a tourism-impacted entity;
 - (6) The governor shall make appointments to ensure the fulfillment of all requirements of paragraphs (2) and (4); provided that upon the occurrence of a vacancy subject to paragraph (3), the governor shall notify the president of the senate and the speaker of the house of representatives of any unfulfilled requirements pursuant to paragraphs (2) and (4), and the president of the senate or the speaker of the house of representatives, as appropriate, shall ~~[submit nominees]~~ appoint a member who [fulfill] fulfills those requirements; and
 - (7) No person who has served as a member of the board of directors of the Hawaii Visitors and Convention Bureau shall be eligible to sit as a member of the board of directors of the Hawaii tourism authority until at least two years have expired between the person's termination from service on the Hawaii Visitors and Convention Bureau board and the person's appointment to the authority's board of directors.”

2. By amending subsection (f) to read:

“(f) The board shall ~~[appoint one person]~~ submit a nominee to the governor who shall transmit a governor’s message with the name of the nominee to the senate within ten days of receipt, and shall, subject to the advice and consent of the senate, appoint the nominee to serve as president and chief executive officer, exempt from chapters 76 and 88, who shall oversee the authority staff; provided ~~[further]~~ that the compensation package shall not include private sector moneys or other contributions. Notwithstanding any law to the contrary, the president and chief executive officer shall report to the governor.

The board shall set the president and chief executive officer’s duties, responsibilities, holidays, vacations, leaves, hours of work, and working conditions. It may grant other benefits as it deems necessary. The board shall set the length of the president and chief executive officer’s term of service pursuant to written contract.”

SECTION 4. Section 201B-3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as otherwise ~~[limited by this chapter,]~~ provided by law, 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; 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 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 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) 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;
- (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.”

SECTION 5. 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 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, adequately serviced visitor industry and related developments that are sensitive to neighboring communities and activities;
- (5) Develop the industry in a manner that will:
 - (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]~~ Allow the formation of 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 implement-

- ing 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 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 May 29, 2025.)

ACT 133

H.B. NO. 1406

A Bill for an Act Relating to Government Procedures.

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

SECTION 1. (a) There shall be established within the house of representatives the Simplifying Permitting for Enhanced Economic Development (SPEED) task force to identify actions taken, challenges encountered, and legislative measures necessary to facilitate, expedite, and coordinate state and inter-governmental development permit processes.

(b) The speaker of the house of representatives shall appoint one member of the house of representatives to serve as chairperson of the task force.

(c) The membership of the task force shall include representatives of the following bodies, to be designated by the body's head or, in the case of a board or commission, by the chairperson:

- (1) The office of the governor;
- (2) The Hawaii state senate;
- (3) The department of business, economic development, and tourism;

- (4) The commission on water resource management of the department of land and natural resources;
 - (5) The Hawaii community development authority;
 - (6) The Hawaii housing finance and development corporation;
 - (7) The land use commission;
 - (8) The office of planning and sustainable development;
 - (9) The Hawaii state energy office;
 - (10) The public utilities commission;
 - (11) The small business regulatory review board;
 - (12) The state historic preservation division of the department of land and natural resources;
 - (13) The wastewater branch of the department of health; and
 - (14) The state building code council of the department of accounting and general services.
- (d) The task force shall invite the following individuals to participate in the task force:
- (1) Representatives from each of the offices of the State's Congressional delegation;
 - (2) Representatives from each of the county planning and permitting departments; and
 - (3) An individual having knowledge, experience, and expertise in the area of labor.
- (e) Members shall be designated no later than August 1, 2025.
- (f) The task force shall hold its first meeting no later than sixty days after the finalization of its members or October 1, 2025, whichever is earlier.
- (g) The members of the task force shall serve without compensation for their service on the task force.
- (h) The task force shall cease to exist on June 30, 2027.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the staffing and administrative costs of the Simplifying Permitting for Enhanced Economic Development (SPEED) task force.

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

SECTION 3. This Act shall take effect upon its approval; provided that section 2 shall take effect on July 1, 2025.

(Approved May 29, 2025.)

ACT 134

H.B. NO. 1293

A Bill for an Act Relating to Department of Education Procurement.

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

SECTION 1. The legislature finds that as the largest department in the State with two hundred ninety-five schools and forty-two thousand salaried and part-time employees, the department of education must procure voluminous amounts of goods and services to run its operation. However, the department's small purchase procurement capacity is limited to under \$25,000 per twelve-

month period, positioning the department as the only state department to not receive an increase threshold of \$100,000 for small purchase procurement.

The legislature further finds that the department of education is mandated to provide at least thirty per cent locally sourced foods to Hawaii's public schools by 2030. Increasing the department's small purchase procurement capacity for local edible produce and packaged food products will assist the department in fulfilling its mandate to provide locally sourced foods for the State's public schools.

The purpose of this Act is to temporarily adjust the department of education's small purchase procurement capacity by exempting purchases of local edible produce and packaged food products of less than \$250,000 from the electronic procurement system requirement and instead requiring no less than three written quotes for those purchases.

SECTION 2. Chapter 302A, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

“§302A- Local edible produce and packaged food products procurement; small purchases. Notwithstanding section 103D-305(c) and any other law to the contrary, procurements of less than \$250,000 for local edible produce and packaged food products for the department shall be exempt from the requirement to conduct procurements through an electronic system and shall instead be subject to no less than three written quotes; provided that if the department is unable to receive the required number of written notifications as required by this section, written justification shall be provided and kept by the department.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2025, and shall be repealed on June 30, 2028.

(Approved May 30, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 135

H.B. NO. 961

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 out of the two hundred fifty-eight public elementary, middle, intermediate, and high schools throughout the State, only seventy-five schools have a full-time or part-time librarian position filled to support student learning in 2025.

The purpose of this Act is to:

- (1) Establish a two-year pilot program for two full-time equivalent (2.0 FTE) certified librarians to provide rotating support services to schools in one school complex on Oahu and one school complex on a neighbor island; and
- (2) Appropriate funds for the positions.

SECTION 2. (a) There is established within the department of education a two-year pilot program for two full-time equivalent (2.0 FTE) certified librarians to provide rotating support services to one school complex on Oahu and one school complex on a neighbor island. The department of education shall determine which school complexes shall be part of the pilot program.

(b) The department of education shall submit a report to the legislature no later than twenty days prior to the convening of the regular sessions of 2026 and 2027. Each report shall include findings and recommendations, including any proposed legislation, about the pilot project established pursuant to subsection (a). The report submitted prior to the convening of the regular session of 2027 shall make a recommendation as to whether the pilot project should be extended.

(c) The pilot program 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 \$132,308 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the establishment of two full-time equivalent (2.0 FTE) twelve-month state office-level teacher positions under the department of education for the pilot program established pursuant to section 2 of this Act; provided that the funds appropriated shall be allocated as follows:

- (1) \$66,154 for one full-time equivalent (1.0 FTE) twelve-month state office-level teacher position, to be filled by a certified librarian, for a school complex on Oahu; and
- (2) \$66,154 for one full-time equivalent (1.0 FTE) twelve-month state office-level teacher position, to be filled by a certified librarian, for a school complex on a neighbor island.

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved May 30, 2025.)

ACT 136

S.B. NO. 532

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 school health assistants may administer medications to students who require certain medications in public schools. However, due to increasing vacancies for school health assistants, many schools experience challenges in meeting the needs of students who are prescribed medications or may benefit from receiving medications in emergency situations while on campus. This lapse of continued care may risk the health and safety of students who rely on the timely administration of certain medications.

To ensure the health and safety of students, other school staff who volunteer to administer medication can be effective substitutes once these individuals complete training and general instruction on medication administration. Therefore, requiring volunteers to complete training that includes correctly interpreting the health care provider's orders; identifying the correct student; identifying the correct route of administration, either oral, nasal, or topical; confirming the correct dose; administering medications at the right time of

day; and documenting medication administration, can ensure accountability and the necessary safeguards for student health.

Accordingly, the purpose of this Act is to authorize public school employees or agents who have completed appropriate training to administer medication for students consistent with standards applicable to school health assistants.

SECTION 2. Section 302A-853, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) School health assistants, and public school employees and agents trained by a health care professional employed or contracted by the department, may assist students by administering oral, nasal, and topical medication, and in emergency situations, other premeasured medication; provided that:

- (1) If the student receiving the medication is a minor, a parent or guardian requests and authorizes the administration of medication;
- (2) The medication has been prescribed by a [licensed] physician[, as defined in section 334-1, or by a practitioner] or physician assistant licensed pursuant to chapter 453, an advanced practice registered nurse with prescriptive authority[;] licensed pursuant to chapter 457, or by another licensed health care practitioner with prescriptive authority;
- (3) The administration of the medication is with the approval of a health care professional within the department, department of health, or health care service as defined in section 323D-2 pursuant to a written agreement with the department; and
- (4) The administration of the medication is necessary for the health of the student and for the student’s attendance at school.”

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 30, 2025.)

ACT 137

H.B. NO. 110

A Bill for an Act Relating to Local Agricultural Products.

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

SECTION 1. The legislature finds that supporting local agriculture and strengthening local food systems are a matter of statewide concern that can improve the resilience of Hawaii’s economy, environment, culture, and public health. The legislature further finds that setting clear and ambitious target goals for the purchase of locally grown food ensures that the State plays its role in supporting local farmers and guarantees that revenue derived from local produce remains in the State and feeds local people. Act 175, Session Laws of Hawaii 2021 (Act 175), established a programmatic goal for the department of education to provide a minimum of thirty per cent locally sourced food in Hawaii public school meals by 2030. In addition, the legislature also passed Act 176, Session Laws of Hawaii 2021, and Act 144, Session Laws of Hawaii 2022, which established five-year benchmarks ensuring a certain percentage of produce that is purchased by the department of education, department of health, department of public safety

(now the department of corrections and rehabilitation), department of defense, and university of Hawaii system is locally grown.

The legislature also finds that the existing goals set different standards for various state departments. Specifically, pursuant to Act 175, Session Laws of Hawaii 2021, the programmatic goal for the department of education is to locally source at least thirty per cent of food served in public schools by 2030, which is higher than other state departments. The legislature believes that the goals to provide locally-sourced food should increase at a consistent and predictable pace across all pertinent state departments to avoid any confusion between departments; however, the legislature recognizes that benchmark goals for certain departments should be assessed on a more frequent basis than the department of education.

The purpose of this Act is to resolve some of the discrepancies between the locally sourced food benchmarks for the department of education and those of other state entities.

SECTION 2. Section 27-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department of education, department of health, department of corrections and rehabilitation, department of defense, and [University] university of Hawaii system shall each ensure that a certain percentage of the food purchased for public schools, youth campuses, public hospitals, public prisons, and any purchases made directly by the [University] university of Hawaii for use in its academic programs, as applicable, is fresh local agricultural products and local value-added, processed, agricultural, or food products, as follows:

- (1) By January 1, 2025, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of ten per cent of the total food purchased during each calendar year, as measured by the per cent of total food cost; provided that the department of education shall be exempt from the requirements of this paragraph;
- (2) By January 1, 2030, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of eighteen per cent of the total food purchased during each calendar year, as measured by the per cent of total food cost; provided that the department of education shall be exempt from the requirements of this paragraph and instead shall be subject to the requirements in section 302A-405.6(a);
- (3) By January 1, 2035, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of twenty-six per cent of the total food purchased during each calendar year, as measured by the per cent of total food cost; provided that the department of education shall be exempt from the requirements of this paragraph;
- (4) By January 1, 2040, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of thirty-four per cent of the total food purchased during each calendar year, as measured by the per cent of total food cost;
- (5) By January 1, 2045, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of forty-two per cent of the total food purchased during each calendar year, as measured by the per cent of total food cost; and

- (6) By January 1, 2050, fresh local agricultural products and local value-added, processed, agricultural, or food products shall constitute a minimum of fifty per cent of the total food purchased during each calendar year, as measured by the per cent of total food cost.”

SECTION 3. Section 302A-405.6, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

~~“[§302A-405.6]] Farm to school meals. (a) [By 2030, the department shall meet the local farm-to-school meal goal that thirty per cent of food served in public schools shall consist of locally sourced products, as measured by the percentage of the total cost of food.]~~ The department shall ensure that by January 1, 2030, fresh local agricultural products and local value-added processed, agricultural, or food products shall constitute a minimum of thirty per cent of the total food purchased during each calendar year, as measured by the per cent of total food cost.”

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 30, 2025.)

ACT 138

H.B. NO. 1170

A Bill for an Act Relating to the University of Hawaii Resident Tuition Fee.

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

SECTION 1. The legislature finds that facilitating postsecondary education and training for all interested high school graduates is a matter of state-wide concern. Postsecondary options assist graduates by preparing them for jobs and career pathways that typically pay higher wages, which enables them to achieve their educational and career goals and afford the State’s high cost of living. Increased enrollment and completion of postsecondary education and training will increase the State’s human capital.

The legislature further finds that the university of Hawaii amended its administrative rules to streamline the enrollment process for all applicants for admission into the university of Hawaii system; however, the current statutory requirements regarding residency for tuition purposes pose challenges for some local graduating high school seniors or recent graduates. Specifically, some students experiencing homelessness have difficulty providing evidence of bona fide residency as required by statute, and students who have complex family situations may be incorrectly considered nonresidents. The legislature further finds that recognizing local high school graduates as residents to qualify for resident tuition fees would facilitate the enrollment of these students at one of the university of Hawaii’s campuses.

Accordingly, the purpose of this Act is to simplify the residency determination for the State’s high school graduates to enroll in postsecondary education and training at the university of Hawaii by considering graduates of the State’s high schools to be residents for tuition purposes.

SECTION 2. Section 304A-402, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§304A-402]]~~ Residence for tuition purposes; basic rule. The board of regents shall adopt the necessary rules defining residence for tuition purposes herein; provided that the basic rule shall be that a student shall qualify for the resident tuition fee only if ~~[the following criteria are met]:~~

(1) Both the following criteria are met:

~~[(1)]~~ (A) The adult student, or in the case of a minor student, the student's parents or guardians, has or have been a bona fide resident of this State for at least twelve consecutive months next preceding the student's first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus; and

~~[(2)]~~ (B) The adult or minor student has not been claimed as a dependent for tax purposes for at least twelve months next preceding the student's first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus by the student's parents or guardians who are nonresidents of the State; provided that this provision shall not apply in cases where the parent claiming the student as a dependent is entitled to do so under a child support order or agreement issued or entered into in conjunction with a divorce proceeding or legal separation agreement and the other parent and the student meet the criteria set forth in ~~[paragraph (1)]~~ subparagraph (A); or

(2) The adult or minor student:

(A) Graduated from a high school in the State within two years preceding the student's first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus; and

(B) Will enroll in an undergraduate degree 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 July 1, 2025.

(Approved May 30, 2025.)

ACT 139

S.B. NO. 1300

A Bill for an Act Relating to School Meals.

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

SECTION 1. The legislature finds that Hawaii's working families face significant economic challenges, including the rising cost of living, inflation, and limited affordable options for basic needs. Access to nutritious meals is essential for the overall well-being of Hawaii's people. Further, for students, access to healthy meals is critical to academic success and achievement. However, for some students, school meals may be their only consistent source of food.

The legislature also finds that Aloha United Way released the asset limited, income constrained, employed (ALICE) report in January 2025, which identified that, while twelve per cent of households in the State are below the

poverty line, twenty-nine per cent are identified as ALICE households. ALICE households are defined as households with incomes above the federal poverty level but continue to struggle with the bare-minimum costs of basic necessities such as housing, childcare, food, transportation, health care, and a smartphone plan, plus taxes. The report also found that forty-six per cent of ALICE households experience consistent food insecurity.

The legislature further finds that subsidizing the meal costs for students whose family income is not more than three hundred per cent of the federal poverty level will have the benefit of providing support to families in need. Additionally, subsidized meal costs for these students will allow students to focus on their academic careers, extracurricular activities, and life goals. Meal subsidies at department of education schools will allow more students to achieve a high-quality education while ensuring adequate nutrition for physical development and mental well-being.

Accordingly, the purpose of this Act is to:

- (1) Beginning with the 2025-2026 school year, expand free school meal coverage to students who currently qualify for reduced-price lunch;
- (2) Beginning with the 2026-2027 school year, expand free school meal coverage to students whose family income is not more than three hundred per cent of the federal poverty level; and
- (3) Appropriate funds to the department of education to subsidize meal costs for students eligible for reduced priced-meals and whose family income is not more than three hundred per cent of the federal poverty level.

SECTION 2. Section 302A-404, Hawaii Revised Statutes, is amended to read as follows:

“§302A-404 School meals. (a) School meals shall be made available under the school meals program in every school where the students are required to eat meals at school.

(b) Beginning with the 2025-2026 school year, students who qualify for reduced-price meals under the National School Lunch Program shall receive free school meals.

(c) Beginning with the 2026-2027 school year, free school meals shall be provided to every student enrolled in a department school whose family income is not more than three hundred per cent of the federal poverty level, regardless of a student's eligibility for participation in the federal school meals program.

~~[(b)]~~ (d) No student shall be denied a meal solely for failure to pay[:

- ~~(1) Within the first twenty-one days of the first semester of a school year while the student's application for free or reduced lunch is being processed; or~~
- ~~(2) Within seven days after a student's meal fund account reaches a zero or negative balance].~~

~~[(e)]~~ (e) The department may adopt rules or policies governing the collection of funds for student meal accounts with a negative fund balance; provided that no rule or policy shall prohibit feeding a student [as required pursuant to subsection (b);] or otherwise conflict with subsection (d).

(f) It is the intent of this section not to jeopardize the receipt of any federal aid and, only to the extent necessary to effectuate this intent, the governor may modify strict provisions of this section, but shall promptly report any modification with the governor's reasons therefore to the next succeeding session of the legislature for review.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$565,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for meal subsidies for students eligible for reduced-price meals.

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

SECTION 4. 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 for fiscal year 2026-2027 for meal subsidies for students at department of education schools whose family income is not more than three hundred per cent of the federal poverty level.

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

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, 2025.

(Approved May 30, 2025.)

ACT 140

H.B. NO. 862

A Bill for an Act Relating to Transportation Services.

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

SECTION 1. The legislature finds that the availability of school bus services is essential to student attendance. School bus services are particularly crucial for families who live in rural and remote areas, as well as students who come from socioeconomically disadvantaged communities. Currently, there is a nationwide shortage of school bus drivers. This shortage is impacting the State, forcing the suspension or partial suspension of school bus services to central Oahu and east Hawaii island. In the 2024-2025 school year, a total of one hundred thirty-eight routes were temporarily suspended, affecting nearly three thousand seven hundred twenty students who signed up for bus transportation.

The legislature further finds that, to address the shortage of school bus drivers in Hawaii, the governor issued an emergency proclamation in August 2024 to allow the department of transportation to grant exemptions for the use of vehicles other than school buses to transport students. Specifically, this and subsequent related emergency proclamations allow for the transport of students using vehicles other than school vehicles by drivers possessing a commercial driver's license with an endorsement authorizing the driving of vehicles carrying passengers. The legislature believes that making this exemption permanent may help alleviate the lack of school bus drivers.

The purpose of this Act is to ensure that certain provisions of the governor's August 2024 emergency proclamation on school bus services is placed into statute by authorizing the use of motorcoaches, small buses, and vans for school bus services; provided certain conditions are met.

SECTION 2. Section 286-102, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A person operating the following category or combination of categories of motor vehicles shall be examined as provided in section 286-108 and duly licensed by the examiner of drivers:

- (1) Mopeds;
- (2) Motorcycles, except for autocycles as described in paragraph (2) of the definition of “motorcycle” in section 286-2, and motor scooters;
- (3) Passenger cars of any gross vehicle weight rating, buses designed to transport fifteen or fewer occupants, trucks and vans having a gross vehicle weight rating of eighteen thousand pounds or less, and autocycles as described in paragraph (2) of the definition of “motorcycle” in section 286-2; and
- (4) All of the motor vehicles in category (3) and any vehicle that is not a commercial motor vehicle.

A school bus, small bus, motorcoach, or van operator shall be properly licensed to operate the category of vehicles that the operator operates as a school bus, small bus, motorcoach, or van and shall comply with the standards of the department of transportation as provided by rules adopted pursuant to section 286-181.”

SECTION 3. Section 286-181, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (b) through (e) to read:

“(b) The department of transportation shall grant exemptions for the use of vehicles other than school vehicles, including motorcoaches, small buses, and vans, when the department finds that compliance with this section is:

- (1) Impractical due to the unavailability of school vehicles; or
- (2) Impractical due to economic factors.

No exemption shall be granted for the qualifications of individuals driving a bus as defined in section 286-2 and ~~[such]~~ the individuals shall meet school vehicle driver qualifications.

- (c) The exemptions in subsection (b) shall be granted:

- (1) To the department of education to administer to ~~[public]~~ department schools based on criteria developed by the departments of transportation and education; provided that the department of education shall submit a report to the department of transportation at the end of each school year on the extent to which these exemptions were ~~[utilized;]~~ used;
- (2) To the state public charter school commission to administer public charter schools based on criteria developed by the departments of transportation and education; provided that the state public charter school commission shall submit a report to the department of transportation at the end of each school year on the extent to which these exemptions were used;
- ~~[(2)]~~ (3) To a board of independent schools, which is registered with the department of commerce and consumer affairs, to administer to private schools utilizing criteria developed by the departments of transportation and education; provided that the board shall submit a report to the department of transportation at the end of each school year on the extent to which these exemptions were utilized;
- ~~[(3)]~~ ~~Only for~~ (4) For the transport of pupils to and from school functions or school-related activities [but not], for transportation to and from a school[;], and for transportation to and from designated drop off locations and pick up locations established by the department of education, in consultation with the department of transportation;

~~[(4)]~~ (5) Only when each pupil being transported has obtained a written statement from the pupil's parent or legal guardian waiving the State's liability; and

~~[(5)]~~ (6) In accordance with the procedures and criteria established by rules of the department of transportation.

(d) ~~[The]~~ Notwithstanding any law to the contrary, the department of transportation may grant exemptions for the use of vehicles other than school vehicles ~~[for the transportation of students requiring special education and services], including the use of motorcoaches, small buses, and vans that may not meet school bus regulations but shall otherwise meet vehicle requirements and qualifications set forth in chapter 19-143, Hawaii Administrative Rules, for school bus services, when an adult staff chaperone escorts students being transported between designated locations off-campus and designated locations on-campus,~~ when the department of transportation finds that compliance with this section is impossible or impractical; provided that an adult staff chaperone provided by the department of education escorts students being transported between designated off-campus and designated on-campus locations; provided further that no exemption shall be granted for the qualifications of individuals driving a bus as defined in section 286-2 and [such] the individuals shall meet school vehicle driver qualifications.

(e) The department of transportation shall adopt safety rules and standards relating to school vehicles, equipment, and drivers, including but not limited to:

- (1) School vehicle and school vehicle equipment design, construction, and identification;
- (2) School vehicle driver qualification and training as required by law;
- (3) School vehicle operation;
- (4) School vehicle maintenance and maintenance records;
- (5) Special school vehicle safety inspections;
- (6) Criteria for passenger loading and unloading safety areas; and
- (7) Procedures and criteria for the granting of exemptions permitted under subsections (b), (c), and (d);

provided that the rules and standards shall permit the use of small buses ~~[or], vans [weighing less than ten thousand pounds], or motorcoaches~~ for the transportation of pupils of a public or private day care center, child care facility, headstart program, ~~[and] preschool, kindergarten, elementary, or secondary school, including any special school for children in the State with an accompanying adult staff chaperone escort provided by the department of education for students transported between designated locations off-campus and designated locations on-campus~~ or of school pupils and school staffs to and from school-related activities."

2. By amending subsection (i) to read:

"(i) As used in subsection (b), a school vehicle is unavailable when it:

- (1) Is being used during a specific time for contracted school-related transportation to and from school or related destinations;
- (2) Fails that day's inspection and has not been repaired;
- (3) Is already in transportation service; or
- (4) Is committed for transportation service~~;~~ or
- (5) ~~Does not meet the requests of a school for a motorcoach with undercarriage storage compartments and public address system; provided that the use of the motorcoach shall be used solely for the transportation of middle, intermediate, or high school student groups to and from school-related events or activities. As used in this paragraph, "motorcoach" means a vehicle that carries more~~

~~than twenty-five passengers, has a gross vehicle weight rating of at least 26,000 pounds, and is no more than fifteen years old].”~~

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 30, 2025.)

ACT 141

H.B. NO. 133

A Bill for an Act Relating to Surfing.

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

SECTION 1. The legislature finds that surfing is of significant cultural, social, and economic value to the people of the State, as well as the many visitors who travel to the State for surfing. In recognition of surfing as a part of the State’s history and its long-standing cultural roots in Hawaii, surfing was sanctioned by the department of education and approved by the board of education as a high school sport in 2016. However, only one of five local athletic leagues have sponsored surfing. The lack of interscholastic surfing programs limits opportunities for inspired students to pursue competitive surfing.

The legislature further finds that surfing is a significant economic driver for the State. Surfing has grown into an important industry in the State, bringing in tourists from all over the world. The State is also known for hosting prestigious surf contests that attract numerous competitors and spectators who are interested in viewing the sport in person. An economic impact study on the 2010 Vans Triple Crown of Surfing, held on the north shore of Oahu, estimated that the event generated \$20,900,000 in spending. Devoting resources to surfing programs in the State’s schools will perpetuate the sport of surfing in the State and continue to entice tourists across the globe to visit the State to spectate or experience surfing firsthand.

The purpose of this Act is to appropriate funds to the department of education to support the establishment of surfing as an interscholastic sport.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$685,870 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to support the establishment of surfing as an interscholastic sport.

The sums 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, 2025.

(Approved May 30, 2025.)

ACT 142

H.B. NO. 1098

A Bill for an Act Relating to Crimes Against Protective Services Workers.

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

SECTION 1. Section 707-711, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of assault in the second degree if the person:

- (a) Intentionally, knowingly, or recklessly causes substantial bodily injury to another;
- (b) Recklessly causes serious bodily injury to another;
- (c) Intentionally or knowingly causes bodily injury to a correctional worker, as defined in section 710-1031(2), who is engaged in the performance of duty or who is within a correctional facility;
- (d) Intentionally or knowingly causes bodily injury to another with a dangerous instrument;
- (e) Intentionally or knowingly causes bodily injury to an educational worker who is engaged in the performance of duty or who is within an educational facility. For the purposes of this paragraph, “educational worker” means any administrator, specialist, counselor, teacher, or employee of the department of education or an employee of a charter school; a person who is a volunteer, as defined in section 90-1, in a school program, activity, or function that is established, sanctioned, or approved by the department of education; or a person hired by the department of education on a contractual basis and engaged in carrying out an educational function;
- (f) Intentionally or knowingly causes bodily injury to any emergency medical services provider who is engaged in the performance of duty. For the purposes of this paragraph, “emergency medical services provider” means emergency medical services personnel, as defined in section 321-222, and physicians, physician’s assistants, nurses, nurse practitioners, certified registered nurse anesthetists, respiratory therapists, laboratory technicians, radiology technicians, and social workers, providing services in the emergency room of a hospital;
- (g) Intentionally or knowingly causes bodily injury to a person employed at a state-operated or -contracted mental health facility. For the purposes of this paragraph, “a person employed at a state-operated or -contracted mental health facility” includes health care professionals as defined in section 451D-2, administrators, orderlies, security personnel, volunteers, and any other person who is engaged in the performance of a duty at a state-operated or -contracted mental health facility;
- (h) Intentionally or knowingly causes bodily injury to a person who:
 - (i) The defendant has been restrained from, by order of any court, including an ex parte order, contacting, threatening, or physically abusing pursuant to chapter 586; or

- (ii) Is being protected by a police officer ordering the defendant to leave the premises of that protected person pursuant to section 709-906(4), during the effective period of that order;
- (i) Intentionally or knowingly causes bodily injury to any firefighter or water safety officer who is engaged in the performance of duty. For the purposes of this paragraph, “firefighter” has the same meaning as in section 710-1012 and “water safety officer” means any public servant employed by the United States, the State, or any county as a lifeguard or person authorized to conduct water rescue or ocean safety functions;
- (j) Intentionally or knowingly causes bodily injury to a person who is engaged in the performance of duty at a health care facility as defined in section 323D-2. For purposes of this paragraph, “a person who is engaged in the performance of duty at a health care facility” includes health care professionals as defined in section 451D-2, physician assistants, surgical assistants, advanced practice registered nurses, nurse aides, respiratory therapists, laboratory technicians, and radiology technicians;
- (k) Intentionally or knowingly causes bodily injury to a person who is engaged in providing home health care services, as defined in section 431:10H-201;
- (l) Intentionally or knowingly causes bodily injury to a person[;] employed or contracted to work by a mutual benefit society, as defined in section 432:1-104, to provide case management services to an individual in a hospital, health care provider’s office, or home, while that person is engaged in the performance of those services;
- (m) Intentionally or knowingly causes bodily injury to a person who is sixty years of age or older and the age of the injured person is known or reasonably should be known to the person causing the injury; [Ø]
- (n) Intentionally or knowingly causes bodily injury to a sports official who is engaged in the lawful discharge of the sports official’s duties. For the purposes of this paragraph, “sports official” and “lawful discharge of the sports official’s duties” have the same meaning as in section 706-605.6[;]; or
- (o) Intentionally or knowingly causes bodily injury to any protective services worker who is engaged in the performance of the worker’s duties. For purposes of this paragraph, “protective services worker” means any administrator, specialist, social worker, case manager, or aide employed by the department of human services to investigate or provide services in response to reports of child abuse or neglect, or to investigate or provide services in response to reports of abuse or neglect of a vulnerable adult.”

SECTION 2. Section 707-716, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of terroristic threatening in the first degree if the person commits terroristic threatening:

- (a) By threatening another person on more than one occasion for the same or a similar purpose;

- (b) By threats made in a common scheme against different persons;
- (c) Against a public servant arising out of the performance of the public servant's official duties. For the purposes of this paragraph, "public servant" includes but is not limited to an educational worker[-] or protective services worker. "Educational worker" [has] and "protective services worker" have the same [meaning] meanings as defined in section 707-711;
- (d) Against any emergency medical services provider who is engaged in the performance of duty. For purposes of this paragraph, "emergency medical services provider" means emergency medical services personnel, as defined in section 321-222, and physicians, physician's assistants, nurses, nurse practitioners, certified registered nurse anesthetists, respiratory therapists, laboratory technicians, radiology technicians, and social workers, providing services in the emergency room of a hospital;
- (e) With the use of a dangerous instrument or a simulated firearm. For purposes of this section, "simulated firearm" means any object that:
 - (i) Substantially resembles a firearm;
 - (ii) Can reasonably be perceived to be a firearm; or
 - (iii) Is used or brandished as a firearm; or
- (f) By threatening a person who:
 - (i) The defendant has been restrained from, by order of any court, including an ex parte order, contacting, threatening, or physically abusing pursuant to chapter 586; or
 - (ii) Is being protected by a police officer ordering the defendant to leave the premises of that protected person pursuant to section 709-906(4), during the effective period of that order."

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 May 30, 2025.)

ACT 143

H.B. NO. 712

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 the federal 340B drug pricing program (340B program) is essential for providing health care access to low-income and uninsured populations. The 340B program requires drug manufacturers to offer significant discounts on outpatient medications to eligible nonprofit hospitals and safety net providers, rural hospitals, community health centers, and Native Hawaiian health centers.

The legislature further finds that the 340B program helps stretch limited resources, allowing hospitals to reinvest savings into essential community ben-

efits. These benefits include financial assistance for low-income patients, free wellness visits, screenings, vaccinations, transportation to appointments, health education classes, and workforce development programs. In Hawaii, the 340B program also supports unique services such as integrating Native Hawaiian health practices into patient care.

The legislature also finds that, despite the 340B program's importance, drug manufacturers have consistently tried to undermine the benefits provided by the program by limiting the use of contract pharmacies by 340B covered entities, which has made it particularly difficult for patients living in rural areas of the State. Contract pharmacies play a vital role in ensuring that patients can access medications, especially in rural areas where many hospitals do not have an in-house pharmacy. For example, more than eighty per cent of rural 340B hospitals nationwide rely on contract pharmacies to dispense medication to patients who might otherwise go without essential treatments.

The legislature additionally finds that contract pharmacies are crucial in Hawaii, where geographic barriers make access to health care difficult for many residents. By partnering with pharmacies in those communities, hospitals can ensure that patients in remote areas receive their prescribed medications without the need to travel long distances. This is especially important for those requiring specialty drugs, which are often available only through specific pharmacy channels.

The legislature further finds that the current restrictions imposed by drug manufacturers not only limit a patient's access to affordable medication, but also jeopardize the financial savings that hospitals depend on to provide these critical services. Hospitals use the difference between the 340B discounted drug price and the reimbursement from insurance to reinvest in their operations, expand services, and support underserved communities. Without access to contract pharmacies, hospitals face reduced savings, which could result in cutbacks to essential health care programs.

Accordingly, the purpose of this Act is to preserve the integrity of the 340B drug pricing program by:

- (1) Prohibiting drug manufacturers from denying, restricting, or prohibiting the acquisition, shipping, or delivery of a 340B drug to a pharmacy under contract with any 340B covered entity in the State;
- (2) Authorizing 340B covered entities and the attorney general to bring a civil action for enforcement within four years of a violation;
- (3) Requiring 340B covered entities to report certain information annually to the hospital trade association operating in the State; and
- (4) Requiring the hospital trade association operating in the State to prepare and publicly post annual reports aggregating information provided by all 340B covered entities.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER 340B DRUG DISCOUNT PROGRAM

§ -1 Definitions. As used in this chapter:

“340B covered entity” means an entity that participates in the federal 340B drug pricing program authorized by title 42 United States Code section 256b (section 340B of the Public Health Service Act).

“340B drug” means a prescription drug that is purchased by a 340B covered entity through the federal 340B drug pricing program authorized by

title 42 United States Code section 256b (section 340B of the Public Health Service Act) and is dispensed by a pharmacy.

“Contract pharmacy” means a pharmacy with which a 340B covered entity has contracted to dispense 340B drugs on behalf of the 340B covered entity to patients of the 340B covered entity, whether distributed in person, via mail, or by other means.

“Covered entity” has the same meaning as defined in title 42 United States Code section 256b(a)(4).

“Manufacturer” has the same meaning as defined in section 328-112.

“Pharmacy” has the same meaning as defined in section 461-1.

§ -2 Drug manufacturers; discriminatory acts prohibited. (a) No manufacturer, or any agent or affiliate of a manufacturer, shall deny, restrict, or prohibit, either directly or indirectly, the acquisition of a 340B drug by, or shipping or delivery of a 340B drug to, a pharmacy that is under contract with a 340B covered entity and is authorized under the contract to receive and dispense 340B drugs on behalf of the 340B covered entity unless the receipt is prohibited by the United States Department of Health and Human Services.

(b) Nothing in this section shall deny, restrict, or prohibit a manufacturer from requiring a 340B covered entity to provide claims data for the manufacturer’s 340B drugs dispensed through a contract pharmacy arrangement; provided that the claims data is necessary to investigate potential diversion, duplicate discounts, or whether a transaction is eligible for a rebate under applicable arrangements between a drug manufacturer and a third-party payor; provided further that any request for claims data by a manufacturer shall be limited to claims submitted no more than three years prior to the date of the request. Any claims data provided pursuant to this subsection shall be shared in a manner that is fully compliant with the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, and any other applicable privacy laws. Nothing in this subsection shall be construed to supersede or conflict with any applicable federal laws, rules, or regulations governing the 340B program.

(c) No person other than a 340B covered entity or the attorney general may bring a civil action based upon a violation of this section.

§ -3 Suits by private entities; injunctive relief only. Any 340B covered entity that is injured in its business or property by a violation of section -2 may bring a civil action to enjoin the violation. If a judgment is awarded in favor of the 340B covered entity, the 340B covered entity shall be awarded reasonable attorney’s fees together with the costs of the suit.

§ -4 Attorney general enforcement; remedies. (a) The attorney general may bring a civil action to enjoin a violation of section -2.

(b) Any manufacturer, or any agent or affiliate of a manufacturer, that violates section -2 shall be fined no less than \$500 and no more than \$2,500 for each violation. The fine shall be collected in a civil action brought by the attorney general on behalf of the State. The penalties provided in this section shall be cumulative to the remedies or penalties available under all other laws of the State. Each day that a violation of section -2 occurs shall constitute a separate violation.

(c) In an action brought by the attorney general, the court may award disgorgement and any other equitable relief that it considers appropriate.

§ -5 Limitation of actions. Any action to enforce a cause of action arising under this chapter shall be barred unless commenced within four years

after the cause of action accrues. For the purposes of this section, a cause of action for a continuing violation is deemed to accrue at any time during the period of the violation.

§ -6 Reporting. (a) Beginning on July 1, 2026, and no later than July 1 each year thereafter, each 340B covered entity shall report to the hospital trade association operating in the State the following information regarding the 340B covered entity's use of contract pharmacies in the 340B program:

- (1) Delineated by form of insurance or third-party payor type, including but not limited to medicaid, medicare, commercial insurance, and uninsured:
 - (A) Aggregated acquisition costs paid for all 340B drugs dispensed at contract pharmacies, including the metric that was used to calculate 340B profits;
 - (B) Aggregated payments received from insurers or third-party payers for all 340B drugs dispensed at a contract pharmacy; and
 - (C) The total number of prescriptions filled with 340B drugs at contract pharmacies; and
- (2) Total number of contract pharmacies, including the number of contract pharmacies located outside of the State and the states in which out-of-state contract pharmacies are located.

(b) An officer of the 340B covered entity shall certify the completeness and accuracy of the report submitted pursuant to subsection (a).

(c) The hospital trade association located in the State shall use the information described in subsection (a) to prepare an annual report detailing aggregate information received from all 340B covered entities in the State. No later than October 1, 2027, and each year thereafter, the hospital trade association located in the State shall make the report publicly available, including posting the report on a publicly accessible website."

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved May 30, 2025.)

ACT 144

H.B. NO. 1179

A Bill for an Act Relating to Rural Emergency Hospitals.

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

SECTION 1. The legislature finds that the federal government has recently authorized the creation of rural emergency hospitals, a new type of medicare provider meant to help address the concerning increase in rural hospital closures nationwide. Rural emergency hospitals provide rural communities with emergency department services, observation care, and tailored outpatient medical and health services, including laboratory and imaging services. By adopting the rural emergency hospital designation, a hospital can focus on these important services while eliminating certain high-cost services that the community is not utilizing, such as inpatient care. This focus allows the hospital to allocate its limited resources to better address needs of the community the hospital serves.

The legislature further finds that the creation of the rural emergency hospital designation may be beneficial to the financial health of certain hospitals and the communities they serve. By adopting a rural emergency hospital designation,

a hospital can take advantage of medicare reimbursement policies that allow the hospital to adapt to community needs while sustaining budget requirements. Specifically, rural emergency hospitals receive a fixed monthly payment equal to about \$3,200,000 annually. In addition, medicare payments for outpatient services such as diagnostic services are five per cent higher for rural emergency hospitals. Significantly, patients do not pay additional fees or premiums for receiving services at a rural emergency hospital. States can also determine their own ways to support rural emergency hospitals through medicaid and commercial reimbursement policies.

The legislature also finds that although the cessation of inpatient services may seem like a loss for a community, for many rural hospitals the volume of inpatient care is extremely low. For example, Lanai community hospital is a critical access hospital that averages less than one patient per day in its acute inpatient care beds. This low volume illustrates that people are seeking inpatient care at other locations. Despite this low volume, hospitals that maintain inpatient care services must still pay the increasingly high costs of staffing, equipment, and supplies needed to maintain inpatient care.

Besides inpatient care, Lanai community hospital currently provides emergency services along with thousands of days of nursing and skilled nursing care. Importantly, if Lanai community hospital becomes a rural emergency hospital, it would be able to surrender its inpatient licensed beds and allow the hospital to expand its availability of long-term care and skilled nursing beds, which are sorely needed by the community. The legislature notes that each rural emergency hospital is responsible for meeting higher-level patient care needs by having transfer agreements with local trauma centers.

The legislature finds that the federal government designed the rural emergency hospital designation for hospitals like Lanai community hospital, to allow those hospitals to best meet the health care needs of their communities by emphasizing emergency services, long-term care, and skilled nursing.

The legislature also finds that hospitals must first be recognized as a rural emergency hospital at the state level before they can pursue the new rural emergency hospital designation with the federal Centers for Medicare and Medicaid Services. A state can address licensure through the enactment of legislation, which should also ensure that the medicaid policy protections that currently support hospitals and the services the hospitals provide will continue after those facilities attain a rural emergency hospital designation.

Accordingly, the purpose of this Act is to:

- (1) Provide a statutory framework for the licensure of rural emergency hospitals at the state level; and
- (2) Clarify medicaid reimbursement policies for hospitals transitioning from a critical access hospital designation to a rural emergency hospital designation.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§321- Rural emergency hospitals; licensing. (a) The department of health may license a hospital as a rural emergency hospital if the hospital:

- (1) Elects to receive the medicare designation as a rural emergency hospital;
- (2) Provides emergency treatment and stabilization services for an average length of stay of twenty-four hours or less;
- (3) Meets the requirements of title 42 United States Code section 1395x(kkk)(2); and

- (4) Passes inspection and receives a recommendation from the department to the federal Centers for Medicare and Medicaid Services to operate as a rural emergency hospital.

(b) For the purposes of this section, “rural emergency hospital” means a hospital licensed under this section that was previously designated and operating as a critical access hospital as of December 27, 2020.”

SECTION 3. Section 346D-1.5, Hawaii Revised Statutes, is amended to read as follows:

“§346D-1.5 Medicaid reimbursement equity. Not later than July 1, 2008, there shall be no distinction between hospital-based and nonhospital-based reimbursement rates for institutionalized long-term care under medicaid. Reimbursement for institutionalized intermediate care facilities and institutionalized skilled nursing facilities shall be based solely on the level of care rather than the location. This section shall not apply to critical access hospitals. Reimbursement rates for facilities that convert from a critical access hospital to another facility type after April 1, 2025, may maintain a distinction after the facility’s conversion.”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

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

(Approved May 30, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 145

H.B. NO. 1091

A Bill for an Act Relating to Sewer Transmission Lines.

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

SECTION 1. Section 46-20.1, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Upon demand by the department of Hawaiian home lands, each county shall accept the license or dedication and ownership of any and all sewer transmission lines and other sewerage facilities servicing Hawaiian home lands and that are not subject to subsection (a), as may be identified by the department of Hawaiian home lands; provided that:

- (1) Any sewer lines or other sewerage facilities:
 - (A) Not subject to subsection (a);
 - (B) Existing before [] July 7, 2014[]; and
 - (C) That the appropriate county determines are not in substantial compliance with environmental laws, rules, and regulations pertaining to the dedication or license of the sewers to the counties at the time of their construction,
 shall be brought into compliance with those laws, rules, and regulations by the department of Hawaiian home lands ~~[prior to]~~ before acceptance by the county; provided further that all sewer transmis-

sion lines and related sewerage facilities servicing Hawaiian home lands brought into compliance shall be accepted by a county within sixty days after the receipt by the appropriate county agency of a completed application for maintenance request; and

- (2) Sewer transmission lines and other sewerage facilities completed after ~~[[~~July 7, 2014,~~]]~~ shall comply with all applicable federal, state, and county environmental, design, and construction requirements ~~[prior to]~~ before acceptance by a county.”

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, 2025.)

ACT 146

S.B. NO. 597

A Bill for an Act Relating to Administrative Drivers License Revocation.

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

SECTION 1. The legislature finds that extending the deadlines for the administrative driver’s license revocation office to issue its initial decision, regarding whether to revoke the driver’s license of an individual suspected of operating a vehicle under the influence of an intoxicant, is in the best interests of public health, safety, and welfare.

Each year, hundreds of people across Hawaii are injured and dozens are killed in motor vehicle collisions involving a driver who tests positive for drugs or alcohol. Effective law enforcement can help to deter would-be offenders from operating a vehicle under the influence of an intoxicant, and part of that enforcement effort includes testing any breath or blood samples provided by drivers suspected of operating a vehicle under the influence of an intoxicant. Aside from criminal cases, these test results, if obtained within the time period set by statute, may also be used by the administrative driver’s license revocation office to potentially revoke the person’s driver’s license. The sooner the administrative driver’s license revocation office can issue its initial decision regarding a potential license revocation, the sooner those individuals can be kept off the road or required to install an ignition interlock device if they wish to continue driving.

The legislature acknowledges that while it is certainly important for the administrative driver’s license revocation office to issue these decisions quickly, Hawaii is one of the few states that has a statutory deadline for decisions to be issued. Of those states that do have a deadline set by statute, the deadlines appear to be significantly longer than Hawaii’s deadline. Oregon, for example, requires their administrative driver’s license revocation office to issue decisions within thirty days from arrest, or sixty days from the time positive blood test results are received. Notably, Oregon has in-state labs that can test blood for the presence of drugs, while Hawaii does not.

The legislature further finds that a 2024 nationwide survey of toxicology laboratories, conducted by The Center for Forensic Science Research & Education, found that fifty per cent of the labs reported testing for alcohol within fifteen days or less, while only fourteen per cent complete their testing in under

six days. When testing for drugs other than alcohol, the timeframe varies greatly. Thirty-two per cent of labs reported testing in thirty days or less, while another thirty-two per cent complete their testing within thirty-one to sixty days. Only fourteen per cent reported testing for drugs within twenty days or less. These timeframes do not include the time needed for a specimen to be shipped to the lab, which is an additional factor for law enforcement agencies in Hawaii, especially those in the counties of Maui, Kauai, and Hawaii who need to ship all of their blood and urine specimens to Honolulu. Any specimens to be tested for drugs are then shipped from Honolulu to the continental United States.

The legislature concludes that establishing more reasonable deadlines for the administrative driver's license revocation office to issue its decisions, which account for technological realities and align with national timeframes for testing specimens for drugs and alcohol, would enable the administrative driver's license revocation office to issue decisions that are based on physical evidence, resulting in more just and reliable outcomes.

Therefore, the purpose of this Act is to extend the written review decision deadline for the issuance of a notice of administrative revocation of a license to operate a vehicle.

SECTION 2. Section 291E-37, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The director [~~automatically~~] shall automatically review the issuance of a notice of administrative revocation and shall issue a written decision administratively revoking the license and privilege to operate a vehicle or rescinding the notice of administrative revocation. The written review decision shall be mailed to the respondent, or to the parent or guardian of the respondent if the respondent is under the age of eighteen, no later than:

- (1) [~~Eight~~] Fourteen days after the date the notice was issued in a case involving an alcohol related offense; or
- (2) [~~Twenty-two~~] Twenty-eight days after the date the notice was issued in a case involving a drug related offense.”

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 30, 2025.)

ACT 147

S.B. NO. 281

A Bill for an Act Relating to Torture.

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

SECTION 1. The legislature finds that many forms of cruel and degrading sadism are inadequately addressed under existing criminal law. Some acts occur during aggravated kidnappings or following repeated assaults. Other acts, such as starvation or electrocution, may inflict immense suffering without technically causing bodily injury. The common denominator for torture is the pervasive physical and psychological control exercised over the victim by the abuser.

Accordingly, the purpose of this Act is to establish the offense of torture as a class A felony in the State.

SECTION 2. Chapter 707, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§707- Torture. (1) Any person who knowingly:

- (a) Causes serious bodily injury to another person within the actor’s custody or physical control;
- (b) Causes serious bodily injury or substantial bodily injury to another person, and the actor has previously engaged in a pattern or practice of physically abusing the other person; or
- (c) Subjects a minor or vulnerable person to any of the following acts, or to any substantially similar act, on three or more occasions within a period of two years:
 - (i) Strangling the minor or vulnerable person;
 - (ii) Biting, branding, burning, cutting, or electrocuting the minor or vulnerable person;
 - (iii) Suspending the minor or vulnerable person by the wrists, ankles, arms, legs, hair, or other part of the body;
 - (iv) Depriving the minor or vulnerable person of necessary food, water, or clothing;
 - (v) Restricting basic and necessary bodily functions required for the personal hygiene of the minor or vulnerable person;
 - (vi) Forcing the minor or vulnerable person to remain in an area unsuitable for human habitation, such as areas where urine or feces are actively present;
 - (vii) Forcing the minor or vulnerable person to ingest mind-altering drugs that have not been prescribed by a physician for the minor or vulnerable person, non-potable water, urine, excrement, or poison; or
 - (viii) Exposing the minor or vulnerable person to extreme temperatures without adequate clothing,

shall be guilty of the offense of torture.

(2) Proof that the victim suffered pain is not an element of a violation of subsection (1)(c).

(3) For purposes of this section:

“Custody or physical control” means the forcible restriction of a person’s movements or the forcible confinement of the person so as to interfere with that person’s liberty, without that person’s consent or without lawful authority.

“Deprives” or “restricts” means to withhold in a manner that materially endangers the physical or mental health of a minor or vulnerable person.

“Minor” means a person under the age of eighteen years.

“Pattern or practice” means two or more acts within a period of two years with a common state of mind.

“Vulnerable person” means a family or household member as defined in section 709-906, an incompetent person as defined in section 709-905, or a person who has a status as described in section 706-662(5)(b)(ii).

(4) Torture is a class A felony.

(5) Where the conduct consists of depriving the minor or vulnerable person of necessary food, water, or clothing, it shall be a defense that the deprivation was caused solely by poverty, destitution, or lack of financial means.”

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. 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. New statutory material is underscored.¹

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

(Approved May 30, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 148

S.B. NO. 1422

A Bill for an Act Relating to Non-General Funds of the Department of Health.

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

SECTION 1. Section 338-14.5, Hawaii Revised Statutes, is amended to read as follows:

“§338-14.5 Copies of certificate; fees. The fees for certified copies of birth, marriage, divorce, or death certificates issued by the department of health shall consist of \$10 for the first copy issued and \$4 for each copy issued thereafter. These fees shall be collected for each single request for certified copies. All fees received for the issuance of certified copies of birth, marriage, divorce, or death certificates shall be remitted to the director of health. Upon the receipt of remittances under this section, the director of health shall deposit:

- (1) \$1 for each certified copy to the credit of the spouse and child abuse special fund established under section 346-7.5;
- (2) \$1 for each certified copy to the credit of the spouse and child abuse special account established under section 601-3.6;
- (3) \$1 for each certified copy to the credit of the domestic violence and sexual assault special fund established under section 321-1.3; and
- (4) ~~[\$4]~~ The remainder of the fee for each certified copy to the credit of the vital statistics improvement special fund established under section 338-14.6~~;~~ and
- (5) ~~The remainder of the fee for each certified copy to the credit of the state general fund].”~~

SECTION 2. Section 338-14.6, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The fund shall consist of fees remitted pursuant to ~~[section]~~ sections 338-14.5[;] and 572-5. All realizations of the fund shall be subject to the conditions specified in subsection (b).”

SECTION 3. Section 572-5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) The department of health shall appoint, and at its pleasure remove, one or more suitable persons as agents authorized to grant marriage licenses under this chapter in each judicial circuit. The agents may issue licenses from any state facility when deemed necessary by the director. Any agent appointed under this subsection and receiving an application for a marriage license shall collect from the applicant for the license \$60, of which the agent, except those provided for in subsection (b), shall retain \$9 for the agent’s benefit and compensation and shall remit \$51 to the director of health. Upon the receipt of remittances under this subsection, the director of health shall deposit:

- (1) \$32 for each license issued to the credit of the general fund of the State;
- (2) \$4.50 for each license issued to the credit of the spouse and child abuse special fund established under section 346-7.5;
- (3) \$4.50 for each license issued to the credit of the spouse and child abuse special account established under section 601-3.6; and
- (4) \$10 for each license issued to the credit of the ~~[birth defects special fund established under section 321-426.]~~ vital statistics improvement special fund established under section 338-14.6.

(b) The department may appoint, as regular employees under the civil service and classification laws, the number of suitable persons as agents authorized to grant marriage licenses for whom provision has been made in the general appropriation act. In the case of these agents, the full amount collected from applicants shall be remitted to the director of health. Upon the receipt of remittances under this subsection, the director of health shall deposit:

- (1) \$41 for each license issued to the credit of the general fund of the State;
- (2) \$4.50 for each license issued to the credit of the spouse and child abuse special fund established under section 346-7.5;
- (3) \$4.50 for each license issued to the credit of the spouse and child abuse special account established under section 601-3.6; and
- (4) \$10 for each license issued to the credit of the ~~[birth defects special fund established under section 321-426.]~~ vital statistics improvement special fund established under section 338-14.6.”

SECTION 4. Section 321-426, Hawaii Revised Statutes, is repealed.

SECTION 5. Any unencumbered and unexpended balance existing as of the effective date of this Act in the birth defects special fund established under section 321-426, Hawaii Revised Statutes, shall be deposited into the vital statistics improvement special fund, established under section 338-14.6, Hawaii Revised Statutes.

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

SECTION 7. This Act shall take effect on July 1, 2025.

(Approved June 3, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Covered Offender Registration.

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

SECTION 1. The legislature finds that sex offenders present an extreme threat to public safety due to high rates of sexual recidivism. To mitigate this threat, Hawaii established covered offender registration laws to require the public release of relevant information concerning the presence of convicted sex offenders in the community.

The legislature further finds that there are certain gaps under the current registration laws for sexual offenses, including offenses committed against minors. For example, the public disclosure of registration information is not required for an offender who, while acting in a professional capacity, commits the offense of sexual assault in the fourth degree against a minor who is at least sixteen years of age. This omission would allow these sex offenders, who abused their position of trust, power, authority, or supervision to engage in sexual contact with a minor, to evade public detection and continue to prey upon children in the community.

Accordingly, the purpose of this Act is to amend the covered offender registration laws to:

- (1) Include offenders who commit the offense of:
 - (A) Sexual assault in the fourth degree by exposing the offender's genitals to another person under circumstances in which the offender's conduct is likely to alarm the other person or put the other person in fear of bodily injury;
 - (B) Sexual assault in the fourth degree against a minor who is at least sixteen years old while the offender is acting in a professional capacity;
 - (C) Incest;
 - (D) Sexual assault of an animal; or
 - (E) Use a computer in the commission of a separate crime, where-in the separate crime is a covered offense subject to covered offender registration laws;
- (2) Require public disclosure for covered offenses that are committed against minors, regardless of whether the conviction was for a first-time misdemeanor offense;
- (3) Clarify that a person who is required to report their location of residence in person every year under the covered offender registration requirements shall report during the thirty-day period following the offender's birthday, rather than the offender's actual date of birth; and
- (4) Specify how certain covered offenses are to be tiered for purposes of seeking termination of registration requirements.

SECTION 2. Section 846E-1, Hawaii Revised Statutes, is amended by amending the definition of "sexual offense" to read as follows:

"Sexual offense" means an offense that is:

- (1) Set forth in section 707-730(1), 707-731(1), 707-732(1), 707-733(1)(a), (b), or (d), 707-733.6, 707-741, 711-1109.8, 712-1200.5(4), 712-1202(1), or 712-1203(1), but excludes conduct that is criminal ~~[only because of the age of the victim, as provided in]~~ pursuant to section 707-

- 730(1)(b), ~~[or section]~~ 707-732(1)(b), or 707-741, if the perpetrator is under the age of eighteen[;], and also excludes conduct that is criminal pursuant to section 707-733(1)(b) or (d) if the perpetrator is under the age of twenty-five at the time of the offense;
- (2) An act defined in section 707-720 if the charging document for the offense for which there has been a conviction alleged intent to subject the victim to a sexual offense;
 - (3) An act that consists of:
 - (A) Criminal sexual conduct toward a minor, including but not limited to an offense set forth in section 707-759;
 - (B) Solicitation of a minor who is less than fourteen years old to engage in sexual conduct;
 - (C) Use of a minor in a sexual performance;
 - (D) Production, distribution, or possession of child pornography chargeable as a felony under section 707-750, 707-751, or 707-752;
 - (E) Electronic enticement of a child chargeable under section 707-756 or 707-757 if the offense was committed with the intent to promote or facilitate the commission of another covered offense as defined in this section; or
 - (F) Commercial sexual exploitation of a minor in violation of section 712-1209.1;
 - (4) A violation of privacy under section 711-1110.9;
 - (5) An act that consists of use of a computer in the commission of a separate crime under section 708-893, wherein the separate crime is a covered offense, as defined in this section;
 - ~~[(5)]~~ (6) An act, as described in chapter 705, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the offenses designated in paragraphs (1) through ~~[(4);]~~ (5);
 - ~~[(6)]~~ (7) A criminal offense that is comparable to or that exceeds a sexual offense as defined in paragraphs (1) through ~~[(5);]~~ (6); or
 - ~~[(7)]~~ (8) Any federal, military, out-of-state, tribal, or foreign conviction for any offense that under the laws of this State would be a sexual offense as defined in paragraphs (1) through ~~[(6);]~~ (7).”

SECTION 3. Section 846E-3, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) If a covered offender has been convicted of only one covered offense and that covered offense is a misdemeanor[;], and was not committed against a minor, the covered offender shall not be subject to the public access requirements set forth in this section.”

SECTION 4. Section 846E-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A person commits the offense of failure to comply with covered offender registration requirements if the person is required to register under this chapter and the person intentionally, knowingly, or recklessly:

- (1) Fails to register with the attorney general by providing to the attorney general or the Hawaii criminal justice data center the person’s registration information;
- (2) Fails to report in person every five years until June 30, 2009, and beginning on July 1, 2009, once every year, during the thirty-day period following the offender’s ~~[date of birth;]~~ birthday to the chief of

- police where the covered offender's residence is located, or to such other department or agency designated by the attorney general;
- (3) While reporting to the chief of police or such other department or agency designated by the attorney general, fails to correct information in the registry within the offender's knowledge that has changed or is inaccurate regarding information required by section 846E-2(d)(1) through (12);
 - (4) While reporting to the chief of police or such other department or agency designated by the attorney general, fails to provide new information that may be required by section 846E-2(d)(1) through (12);
 - (5) While reporting to the chief of police or such other department or agency designated by the attorney general, does not allow the police or other designated department or agency to take a current photograph of the person;
 - (6) Fails to register in person with the chief of police having jurisdiction of the area where the covered offender resides or is present within three working days whenever the provisions of section 846E-2(g) require the person to do so;
 - (7) Fails to notify the attorney general or the Hawaii criminal justice data center of a change of any of the covered offender's registration information in writing within three working days of the change;
 - (8) Provides false registration information to the attorney general, the Hawaii criminal justice data center, or a chief of police;
 - (9) Signs a statement verifying that all of the registration information is accurate and current when any of the registration information is not substantially accurate and current;
 - (10) Having failed to establish a new residence within the ten days while absent from the person's registered residence for ten or more days, fails to notify the attorney general in writing within three working days of the covered offender's current residence information;
 - (11) Fails to mail or deliver the periodic verification of registration information form to the attorney general within ten days of receipt, as required by section 846E-5; provided that it shall be an affirmative defense that the periodic verification form mailed to the covered offender was delivered when the covered offender was absent from the registered address and the covered offender had previously notified the Hawaii criminal justice data center that the covered offender would be absent during the period that the periodic verification form was delivered; or
 - (12) Fails to report to the chief of police where the covered offender resides, or to such other department or agency that may be designated by the attorney general in rules adopted pursuant to chapter 91, during the first week of the months of January, April, July, and October of every year, and verify and update the covered offender's registration information as required by section 846E-5(b)."

SECTION 5. Section 846E-10, Hawaii Revised Statutes, is amended to read as follows:

"§846E-10 Termination of registration requirements. (a) Tier 3 offenses. A covered offender whose covered offense is any of the following offenses shall register for life and, except as provided in subsection [(e), may] (f), shall not petition the court, in a civil proceeding, for termination of registration requirements:

- (1) Any offense set forth in section 707-730(1)(a), (b), (d), or (e); 707-731(1)(a) or (b); 707-732(1)(a), (b), or (g); or 707-733.6;
- (2) An offense set forth in section 707-720; provided that the offense involves kidnapping of a minor by someone other than a parent;
- (3) An offense that is an attempt, criminal solicitation, or criminal conspiracy to commit any of the offenses in paragraph (1) or (2);
- (4) Any criminal offense that is comparable to one of the offenses in paragraph (1), (2), or (3); or
- (5) Any federal, military, out-of-state, tribal, or foreign offense that is comparable to one of the offenses in paragraph (1), (2), or (3).

(b) A repeat covered offender shall register for life and, except as provided in subsection ~~[(e), may]~~ (f), shall not petition the court, in a civil proceeding, for termination of registration requirements.

(c) Tier 2 offenses. A covered offender who has maintained a clean record for the previous twenty-five years, excluding any time the offender was in custody or civilly committed, and who has substantially complied with the registration requirements of this chapter for the previous twenty-five years, or for the portion of that twenty-five years that this chapter has been applicable, and who is not a repeat covered offender may petition the court, in a civil proceeding, for termination of registration requirements; provided that the covered offender's most serious covered offense is one of the following:

- (1) Any offense set forth in section 707-730(1)(c), 707-731(1)(c)~~[-]~~ or (d), 707-732(1)(c), 707-750, 707-751, 712-1202, or 712-1203(1)(b), as section 712-1203(1)(b) read before its amendment pursuant to section 9 of Act 147, Session Laws of Hawaii 2008;
- (2) An offense set forth in section 707-720; provided that the charging document for the offense for which there has been a conviction alleged intent to subject the victim to a sexual offense;
- (3) An offense set forth in section 707-756 that includes an intent to promote or facilitate the commission of another felony covered offense as defined in section 846E-1;
- (4) An offense that is an attempt, criminal solicitation, or criminal conspiracy to commit any of the offenses in paragraph (1), (2), or (3);
- (5) Any criminal offense that is comparable to one of the offenses in paragraph (1), (2), (3), or (4); or
- (6) Any federal, military, out-of-state, tribal, or foreign offense that is comparable to one of the offenses in paragraph (1), (2), (3), or (4).

(d) Tier 1 offenses. A covered offender who has maintained a clean record for the previous ten years, excluding any time the offender was in custody or civilly committed, and who has substantially complied with the registration requirements of this chapter for the previous ten years, or for the portion of that ten years that this chapter has been applicable, and who is not a repeat covered offender may petition the court, in a civil proceeding, for termination of registration requirements; provided that the covered offender's most serious covered offense is one of the following:

- (1) Any offense set forth in section 707-732(1)(d), (e), or (f); 707-733(1)(a) ~~[-]~~, (b), or (d); 707-741; 707-752; 707-759; 711-1109.8; 711-1110.9; 712-1203(1); or 712-1209.1;
- (2) An offense set forth in section 707-721 or 707-722; provided that the offense involves unlawful imprisonment of a minor by someone other than a parent;

- (3) An offense set forth in section 707-757 that includes an intent to promote or facilitate the commission of another covered offense as defined in section 846E-1;
- (4) An offense that is an attempt, criminal solicitation, or criminal conspiracy to commit any of the offenses in paragraph (1), (2), or (3);
- (5) Any criminal offense that is comparable to one of the offenses in paragraph (1), (2), (3), or (4);
- (6) Any federal, military, out-of-state, tribal, or foreign offense that is comparable to one of the offenses in paragraph (1), (2), (3), or (4); or
- (7) Any other covered offense that is not specified in subsection (a) or (c) or paragraph (1), (2), (3), (4), (5), or (6).

(e) If the covered offender's most serious covered offense is set forth in section 708-893, then the designated tier of the separate crime as provided in section 708-893, shall set forth the covered offender's appropriate termination of registration requirements.

~~(e)~~ (f) Notwithstanding any other provisions in this section, any covered offender, forty years after the covered offender's date of release or sentencing, whichever is later, for the covered offender's most recent covered offense, may petition the court, in a civil proceeding, for termination of registration requirements.

~~(f)~~ (g) In the civil proceeding for termination of registration requirements, the State shall be represented by the attorney general; provided that the attorney general, with the prosecuting agency's consent, may designate the prosecuting agency that prosecuted the covered offender for the most recent covered offense within the State to represent the State. For covered offenders who have never been convicted of a covered offense within the State, the attorney general shall represent the State; provided that the attorney general, with the prosecuting agency's consent, may designate the prosecuting agency for the county in which the covered offender resides to represent the State. The court may order this termination upon substantial evidence and more than proof by a preponderance of the evidence that:

- (1) The covered offender has met the statutory requirements of eligibility to petition for termination;
- (2) The covered offender has substantially complied with registration requirements;
- (3) The covered offender is very unlikely to commit a covered offense ever again; and
- (4) Registration by the covered offender will not assist in protecting the safety of the public or any member thereof.

~~(g)~~ (h) A person who does not meet the criteria for registration as a covered offender under the laws of this State, but is subject to registration pursuant to section 846E-2(b), may petition the court, in a civil proceeding, for termination of registration requirements; provided that the person has maintained a clean record for the previous ten years, excluding any time the person was in custody or civilly committed; has substantially complied with the registration requirements of this chapter for the previous ten years; and was not designated a repeat covered offender in any state or jurisdiction. The attorney general shall represent the State; provided that the attorney general, with the prosecuting agency's consent, may designate the prosecuting agency for the county in which

the person resides to represent the State. The court may order this termination upon substantial evidence and more than proof by a preponderance of the evidence that:

- (1) The person has met the statutory requirements of eligibility to petition for termination;
- (2) The person has substantially complied with registration requirements;
- (3) The person is very unlikely to commit a covered offense; and
- (4) Registration by the person will not assist in protecting the safety of the public or any member thereof.

~~[(h)]~~ (i) A denial by the court for relief pursuant to a petition under this section shall preclude the filing of another petition for five years from the date of the most recent denial.”

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

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

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

(Approved June 3, 2025.)

ACT 150

S.B. NO. 479

A Bill for an Act Relating to the Hawaii ABLE Savings Program.

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

SECTION 1. The purpose of this Act is to:

- (1) Repeal statutory language that gives the director of finance discretion to use moneys in the Hawaii ABLE savings program trust fund if the director elects to accept deposits from contributors instead of sending deposits directly to the ABLE program manager;
- (2) Authorize the director of finance to expend moneys in the Hawaii ABLE savings program trust fund to provide incentive payments to ABLE account owners;
- (3) Make an appropriation to the department of budget and finance to fund incentive payments to ABLE account owners; and
- (4) Make an appropriation to the department of health to establish one full-time equivalent (1.0 FTE) permanent position to provide statewide outreach, advocacy, and relationship management for the Hawaii ABLE savings program.

SECTION 2. Section 256B-8, Hawaii Revised Statutes, is amended by amending its title and subsections (a) through (c) to read as follows:

~~“[H]§256B-8~~ **Hawaii ABLE savings program trust fund.** (a) There is established the Hawaii ABLE savings program trust fund within the state treasury ~~[of the State. The fund shall consist of]~~ into which shall be deposited:

- (1) Any moneys received from an ABLE savings program manager~~;~~
~~any];~~

- (2) Any moneys received from governmental or private grants~~[-and any general fund appropriations for];~~
 - (3) Any moneys appropriated by the legislature to the program~~[-];~~
 - (4) Any moneys deposited by contributors in accordance with this chapter that are not deposited directly with the program manager; and
 - (5) All interest derived from the deposit and investment of moneys in the trust fund.
- (b) ~~[The fund shall be used if the director elects to accept deposits from contributors, rather than have deposits sent directly to the program manager. The fund shall consist of any moneys deposited by contributors in accordance with this chapter which are not deposited directly with the program manager.]~~ All moneys in the trust fund shall be expended by the director to fulfill the purposes of this chapter, including to provide incentive payments to ABLE account owners as a means of encouraging the participation of eligible individuals and families to save funds; provided that the director shall maintain and keep separate records to account for any incentive program payments.
- (c) ~~[All interest derived from the deposit and investment of moneys in the savings program trust fund shall be credited to the fund.]~~ At the end of any fiscal year, all unexpended and unencumbered moneys in the savings program trust fund shall remain in the savings program trust fund and shall not be credited or transferred to the general fund or any other funds.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$75,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to be deposited into the Hawaii ABLE savings program trust fund.

SECTION 4. There is appropriated out of the Hawaii ABLE savings program trust fund the sum of \$13,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to provide incentive payments to ABLE account owners.

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

SECTION 5. There is appropriated out of the Hawaii ABLE savings program trust fund the sum of \$62,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to establish one full-time equivalent (1.0 FTE) permanent position within the state council on developmental disabilities to provide statewide outreach, advocacy, and relationship management for the Hawaii ABLE savings program.

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

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 July 1, 2025.

(Approved June 3, 2025.)

ACT 151

H.B. NO. 250

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 prior authorization is a health plan cost-control process that requires physicians, health care professionals, and hospitals to obtain advance approval from a health plan before a specific service to a patient is qualified for payment or coverage. Each health plan has its own policies and procedures that health care providers are required to navigate to have services they prescribe for their patients approved for payment before being provided to the patient. Each health plan uses its own standards and methods, the individual judgment of an employed medical director, or advice from a contracted firm for determining the medical necessity of the services prescribed, which are not transparent or clear to the prescribing clinician or health care provider.

The legislature further finds that there is emerging consensus among health care providers that prior authorization increases administrative burdens and costs. In the 2023 physician workforce report published by the university of Hawaii John A. Burns school of medicine, physicians voted prior authorization as their top concern regarding administrative burden. Furthermore, a physician survey conducted by the American Medical Association reported that ninety-five per cent of physicians attribute prior authorization to somewhat or significantly increased physician burnout, and that more than one in three physicians have staff who work exclusively on prior authorization. The survey also found that:

- (1) Eighty-three per cent of prior authorization denials were subsequently overturned by health plans;
- (2) Ninety-four per cent of respondents said that the prior authorization process always, often, or sometimes delays care;
- (3) Nineteen per cent of respondents said prior authorization resulted in a serious adverse event leading to a patient being hospitalized;
- (4) Thirteen per cent of respondents said prior authorization resulted in a serious adverse event leading to a life-threatening event or requiring intervention to prevent permanent impairment or damage; and
- (5) Seven per cent of respondents said prior authorization resulted in a serious adverse event leading to a patient's disability, permanent body damage, congenital anomaly, birth defect, or death.

The legislature believes that reducing the burdens of prior authorization will assist health care providers, thereby ensuring the health and safety of their patients.

Accordingly, the purpose of this Act is to:

- (1) Examine prior authorization practices in the State by requiring utilization review entities to report certain prior authorization data to the state health planning and development agency; and
- (2) Establish the health care appropriateness and necessity working group to make recommendations to improve and expedite the prior authorization process.

SECTION 2. Chapter 323D, Hawaii Revised Statutes, is amended by adding two new sections to part II to be appropriately designated and to read as follows:

“§323D- Prior authorization data; reporting. (a) Utilization review entities doing business in the State shall submit data to the state agency relating to prior authorization of health care services, in a format specified by the state agency. Reporting shall be annual for the preceding calendar year and shall be submitted no later than January 31 of the subsequent calendar year. The state agency shall post the format for reporting on its website no later than three months before the start of the reporting period.

(b) Protected health information as defined in title 45 Code of Federal Regulations section 160.103 shall not be submitted to the state agency unless:

- (1) The individual to whom the information relates authorizes the disclosure; or
- (2) Authorization is not required pursuant to title 45 Code of Federal Regulations section 164.512.

(c) The state agency shall compile the prior authorization data by provider of health insurance, health care setting, and line of business, and shall post a report of findings, including recommendations, on its website no later than March 1 of the year after the reporting period. If the state agency is unable to post the report of findings by March 1, the state agency shall notify the legislature in writing within ten days and include an estimated date of posting, reasons for the delay, and if applicable, a corrective action plan.

§323D- Health care appropriateness and necessity working group; established. (a) There is established the health care appropriateness and necessity working group within the state agency. The working group shall:

- (1) Determine by research and consensus:
 - (A) The most respected peer-reviewed national scientific standards;
 - (B) Clinical guidelines; and
 - (C) Appropriate use criteria published by federal agencies, academic institutions, and professional societies,
 that correspond to each of the most frequent clinical treatments, procedures, medications, diagnostic images, laboratory and diagnostic tests, or types of medical equipment prescribed by licensed physicians and other health care providers in the State that trigger prior authorization determinations by the utilization review entities;
- (2) Assess whether it is appropriate to require prior authorization for each considered clinical treatment, procedure, medication, diagnostic image, laboratory and diagnostic test, or type of medical equipment prescribed by licensed physicians and other health care providers;
- (3) Make recommendations on standards for third party reviewers related to the specialty expertise of those reviewing and for those discussing a patient's denial with the patient's health care provider;
- (4) Recommend appropriate time frames within which urgent and standard requests shall be decided;
- (5) Monitor anticipated federal developments related to prior authorization for health care services and consider these developments when making its recommendations;
- (6) Assess industry progress toward, and readiness to implement, any recommendations; and

- (7) Make recommendations on treatments for common chronic or long-term conditions for which prior authorization may remain valid for the duration of the treatment in the appropriate clinical setting.
- (b) The administrator of the state agency shall invite the following to be members of the working group:
 - (1) Five members representing the insurance industry, to be selected by the Hawaii Association of Health Plans;
 - (2) Five members representing licensed health care professionals, two of whom shall be selected by the Hawaii Medical Association, two of whom shall be selected by the Healthcare Association of Hawaii, and one of whom shall be selected by the center for nursing; and
 - (3) Five members representing consumers of health care or employers, two of whom shall be selected by the board of trustees of the Hawaii employer-union health benefits trust fund, one of whom shall be a consumer selected by the statewide health coordinating council, one of whom shall be selected by the Hawaii Primary Care Association, and one of whom shall be selected by Papa Ola Lokahi.

The members of the working group shall elect a chairperson and vice chairperson from amongst themselves. The director of health, insurance commissioner, and administrator of the med-QUEST division of the department of human services shall each appoint an ex-officio advisor for the working group.

(c) The working group shall submit a report of its findings and recommendations regarding information under subsection (a), including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2026 and each regular session thereafter.

(d) The recommendations of the working group shall be advisory only and not mandatory for health care facilities, health care professionals, insurers, and utilization review entities. The state agency shall promote the recommendations among health care facilities, health care professionals, insurers, and utilization review entities and shall publish annually in its report to the legislature the extent and impacts of its use in the State.

(e) The state agency shall seek transparency and agreement among health care facilities, health care professionals, insurers, utilization review entities, and consumers related to the most respected clinical, scientific, and efficacious standards, guidelines, and appropriate use criteria corresponding to medical treatments and services most commonly triggering prior authorization determinations to reduce uncertainty around common prior authorization processes, and also foster automation of prior authorization to the benefit of all. The state agency shall explore means of achieving statewide health sector agreement on means of automating prior authorization determinations that decrease delays and disruptions of medically necessary patient care in the near future.”

SECTION 3. Section 323D-2, Hawaii Revised Statutes, is amended by adding four new definitions to be appropriately inserted and to read as follows:

““Health care professional” has the same meaning as defined in section 431:26-101.

“Prior authorization” means the process by which a utilization review entity determines the medical necessity or medical appropriateness of otherwise covered health care services before the health care services are rendered. “Prior authorization” includes any health insurer’s or utilization review entity’s requirement that an insured or a health care facility or health care professional notify the insurer or utilization review entity before providing health care services to determine eligibility for payment or coverage.

“Prior authorization data” means data required for compliance with federal law and the regulations of the federal Centers for Medicare and Medicaid Services, including those promulgated under title 42 Code of Federal Regulations sections 422.122(c), 438.210(f), 440.230(e)(3), and 457.732(c).

“Utilization review entity” means an individual or entity that performs prior authorization for one or more of the following entities:

- (1) An insurer governed by chapter 431, article 10A; a mutual benefit society governed by chapter 432, article 1; a fraternal benefit society governed by chapter 432, article 2; or a health maintenance organization governed by chapter 432D; or
- (2) Any other individual that provides, offers to provide, or administers hospital, outpatient, medical, prescription drug, or other health benefits to an individual treated by a health care facility or health care professional in the State under a policy, contract, plan, or agreement.”

SECTION 4. New statutory material is underscored.¹

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

(Approved June 3, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 152

H.B. NO. 103

A Bill for an Act Relating to Sentencing.

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

SECTION 1. The legislature finds that through a court decision, Massachusetts became the first state to ban life without parole sentences for individuals eighteen years old through twenty years old, considering those in this age group to be “emerging adults”. The court extended the bright line age cut-off from eighteen years of age to twenty years of age, in part, due to neuroscience research that supports that brain maturation continues through an individual’s mid-twenties.

The purpose of this Act is to prohibit sentencing defendants who were under the age of twenty-one at the time of the offense to life imprisonment without the possibility of parole.

SECTION 2. Chapter 706, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§706- Life imprisonment without the possibility of parole; persons under the age of twenty-one; prohibited. Notwithstanding any other law to the contrary, no person convicted of a crime who was under the age of twenty-one at the time of the offense shall be sentenced to life imprisonment without the possibility of parole.”

SECTION 3. Section 706-656, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) Persons ~~[eighteen]~~ twenty-one years of age or ~~[over]~~ older at the time of the offense who are convicted of first degree murder or first degree attempted murder shall be sentenced to life imprisonment without the possibility of parole.

As part of ~~[such]~~ the sentence, the court shall order the director of corrections and rehabilitation and the Hawaii paroling authority to prepare an application for the governor to commute the sentence to life imprisonment with parole at the end of twenty years of imprisonment; provided that persons who are repeat offenders under section 706-606.5 shall serve at least the applicable mandatory minimum term of imprisonment.

Persons under the age of ~~[eighteen]~~ twenty-one years at the time of the offense who are convicted of first degree murder or first degree attempted murder shall be sentenced to life imprisonment with the possibility of parole.”

SECTION 4. Section 706-657, Hawaii Revised Statutes, is amended to read as follows:

“§706-657 Enhanced sentence for second degree murder. (a) The court may sentence a person who was ~~[eighteen]~~ twenty-one years of age or ~~[over]~~ older at the time of the offense and who has been convicted of murder in the second degree to life imprisonment without the possibility of parole under section 706-656 if the court finds that the murder was especially heinous, atrocious, or cruel, manifesting exceptional depravity or that the person was previously convicted of the offense of murder in the first degree or murder in the second degree in this State or was previously convicted in another jurisdiction of an offense that would constitute murder in the first degree or murder in the second degree in this State. ~~[As used in this section, the phrase “especially heinous, atrocious, or cruel, manifesting exceptional depravity” means a conscienceless or pitiless crime which is unnecessarily torturous to a victim and “previously convicted” means a sentence imposed at the same time or a sentence previously imposed which has not been set aside, reversed, or vacated.]~~

(b) Hearings to determine the grounds for imposing an enhanced sentence for second degree murder may be initiated by the prosecutor or by the court on its own motion. The court shall not impose an enhanced term unless the ground therefor has been established at a hearing after the conviction of the defendant and on written notice to the defendant of the ground proposed. Subject to the provision of section 706-604, the defendant shall have the right to hear and controvert the evidence against the defendant and to offer evidence upon the issue.

(c) The provisions pertaining to commutation in section 706-656(2)~~[-]~~ shall apply to persons sentenced pursuant to this section.

(d) As used in this section:

“Especially heinous, atrocious, or cruel, manifesting exceptional depravity” means a conscienceless or pitiless crime that is unnecessarily torturous to a victim.

“Previously convicted” means a sentence imposed at the same time or a sentence previously imposed that has not been set aside, reversed, or vacated.”

SECTION 5. Section 706-662, Hawaii Revised Statutes, is amended to read as follows:

“§706-662 Criteria for extended terms of imprisonment. A defendant who has been convicted of a felony may be subject to an extended term of imprisonment under section 706-661 if it is proven beyond a reasonable doubt that an extended term of imprisonment is necessary for the protection of the public and that the convicted defendant satisfies one or more of the following criteria:

- (1) The defendant is a persistent offender in that the defendant has previously been convicted of two or more felonies committed at different times when the defendant was ~~[eighteen]~~ twenty-one years of age or older;
- (2) The defendant is a professional criminal in that:
 - (a) The circumstances of the crime show that the defendant has knowingly engaged in criminal activity as a major source of livelihood; or
 - (b) The defendant has substantial income or resources not explained to be derived from a source other than criminal activity;
- (3) The defendant is a dangerous person in that the defendant has been subjected to a psychiatric or psychological evaluation that documents a significant history of dangerousness to others resulting in criminally violent conduct, and this history makes the defendant a serious danger to others. Nothing in this section precludes the introduction of victim-related data to establish dangerousness in accord with the Hawaii rules of evidence;
- (4) The defendant is a multiple offender in that:
 - (a) The defendant is being sentenced for two or more felonies or is already under sentence of imprisonment for any felony; or
 - (b) The maximum terms of imprisonment authorized for each of the defendant's crimes, if made to run consecutively, would equal or exceed in length the maximum of the extended term imposed or would equal or exceed forty years if the extended term imposed is for a class A felony;
- (5) The defendant is an offender against the elderly, the handicapped, or a minor eight years of age or younger in that:
 - (a) The defendant attempts or commits any of the following crimes: murder, manslaughter, a sexual offense that constitutes a felony under chapter 707, robbery, felonious assault, burglary, or kidnapping; and
 - (b) The defendant, in the course of committing or attempting to commit the crime, inflicts serious or substantial bodily injury upon a person who has the status of being:
 - (i) Sixty years of age or older;
 - (ii) Blind, a paraplegic, or a quadriplegic; or
 - (iii) Eight years of age or younger; and
 the person's status is known or reasonably should be known to the defendant;
- (6) The defendant is a hate crime offender in that:
 - (a) The defendant is convicted of a crime under chapter 707, 708, or 711; and
 - (b) The defendant intentionally selected a victim or, in the case of a property crime, the property that was the object of a crime, because of hostility toward the actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation of any person. For purposes of this subsection, "gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, regardless of whether that gender

- identity, gender-related self-image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth; or
- (7) The defendant is convicted under section 707-702.5 and the defendant did not remain at the scene of the crime and render reasonable assistance to an injured person, including acts and omissions in violation of section 291C-12."

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

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

(Approved June 3, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 153

S.B. NO. 428

A Bill for an Act Relating to Witness Fees.

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

SECTION 1. The legislature finds that the ability to call upon witnesses is an important factor in whether justice can effectively be served. The fee currently paid to witnesses has never been raised from \$4. The federal government and several states pay and reimburse witnesses at higher rates than existing law in the State permits.

Accordingly, the purpose of this Act is to:

- (1) Increase the fees paid to witnesses in civil and criminal trials;
- (2) Change the fees paid for travel expenses from 20 cents a mile to the mileage allowance prescribed by the Administrator of General Services; and
- (3) Authorize reimbursement to witnesses in civil trials for use of common carriers.

SECTION 2. Section 607-12, Hawaii Revised Statutes, is amended to read as follows:

"§607-12 Witnesses' fees, mileage; taxation. [(a)] The fees of witnesses shall be as follows: Every witness attending and testifying, or subpoenaed and attending, upon the trial of any civil cause, in any court, shall be paid the sum of [\$4]:

- (1) \$30 for each day's attendance in court~~[-and traveling];~~
- (2) Traveling expenses [at the rate of 20 cents a mile each way.] equal to the mileage allowance that the Administrator of General Services has prescribed, pursuant to title 5 United States Code section 5704; and
- (3) The actual expenses of travel by common carrier on the basis of the means of transportation reasonably utilized and the distance necessarily traveled to and from the witness' residence by the shortest practical route in going to and returning from the place of attendance; provided that the witness shall utilize a common

carrier at the most economical rate reasonably available; provided further that the witness shall furnish a receipt or other evidence of actual cost.

(b) Every ~~[such]~~ witness, coming to attend upon court from any island other than that upon which the court is holding session, shall be entitled to [\$6];

(1) \$36 for each day's attendance ~~[in addition to the];~~

(2) The actual round trip cost of plane or ship travel ~~[and 20 cents for each mile actually and necessarily traveled on the ground each way.];~~

(3) Traveling expenses equal to the mileage allowance that the Administrator of General Services has prescribed, pursuant to title 5 United States Code section 5704; and

(4) The actual expenses of travel by common carrier on the basis of the means of transportation reasonably utilized and the distance necessarily traveled to and from the witness' residence by the shortest practical route in going to and returning from the place of attendance; provided that the witness shall utilize a common carrier at the most economical rate reasonably available; provided further that the witness shall furnish a receipt or other evidence of actual cost.

~~[(b)]~~ (c) The fees of witnesses may be taxed in the bill of costs as provided by section 607-9."

SECTION 3. Section 621-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in subsection (c), every witness legally required to attend a state court or grand jury in any criminal case, other than a public officer or employee, shall be entitled to ~~[\$20]~~ \$40 for each day's attendance and a reasonable mileage fee to be established pursuant to rules adopted by the judiciary for each mile actually and necessarily traveled on the ground each way, including travel to and from the nearest airport when required to travel from another island or from outside the State.

In addition to witness' fees, every witness who attends a state court from:

(1) Outside the State shall be entitled to the actual round-trip cost of plane travel, plus \$250 per twenty-four-hour day; or

(2) Any island in the State other than that on which the court holds session shall be entitled to the actual round-trip cost of plane travel, plus \$55 per twenty-four-hour day; provided that when the witness is required to stay overnight, the witness shall be entitled to an additional \$195 per twenty-four-hour day.

Any per diem payment made pursuant to this subsection shall cover all personal expenses, including board and lodging, and shall be computed on the basis of quarter-day periods of time."

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, 2025.

(Approved June 3, 2025.)

ACT 154

S.B. NO. 742

A Bill for an Act Relating to Data Sharing.

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

SECTION 1. The legislature finds that Hawaii is facing an affordability crisis, which is pushing more young adults and families to relocate out of State. The United States Census data shows that from 2020 to 2022, the State experienced an average net loss of 8,429 residents per year due to out-migration, continuing a trend of population decline. As the State with the highest cost of living in the nation and a limited housing market, residents often struggle to get by, even when they are employed. Forty-two per cent of residents are unable to afford basic necessities and secure jobs that pay a sustainable wage, and fifty-seven per cent of Hawaii's college graduates are underemployed five years after graduation.

The legislature further finds that state leaders have identified better access, analysis, and sharing of data as a key strategy to effectively address the affordability crisis. California, Colorado, and Washington have reformed their data systems to increase cross-agency collaboration and governance, bringing coherence to a complex web of different and siloed data systems, saving money, and bringing stronger visibility and collaboration around their needs. In these and other states, a centralized agency coordinates efforts to translate data between state departments and convenes partners and stakeholders to promote transparency and collaborative decision making.

The legislature additionally finds that the State has many foundational elements for the effective use of data, including a chief data officer and the Hawaii Data eXchange Partnership. However, while some departments are required to share data, existing law does not identify a centralized coordinating agency or office for this work, nor does it include guidelines around operations and reporting found in exemplar state models. This limits the analyses available to decision makers that could be improved through streamlined data sharing. For example, the Hawaii Data eXchange Partnership is currently unable to identify Hawaii public school graduates in Hawaii's workforce if they attended college out of state or at a private college, joined the military, or directly entered the workforce. This means that the State is unable to account for a significant number of young adults as they enter a critical point of their lives. For policymakers, this knowledge gap highlights the difficulty in assessing whether investments in career pathways at the K-12 level are enabling graduates to attain a living wage in the State. With a centralized agency to help match graduate records between the department of education and the department of labor and industrial relations, these information gaps could be directly addressed.

The legislature also finds that establishing a data sharing and governance working group within the office of enterprise technology services is an important step for ensuring more effective, efficient, and impactful collaboration among state agencies and stakeholders.

Accordingly, the purpose of this Act is to establish a data sharing and governance working group within the office of enterprise technology services to be chaired by the chief information officer.

SECTION 2. (a) There is established within the office of enterprise technology services a data sharing and governance working group.

(b) The data sharing and governance working group shall:

- (1) Review the adequacy of the departmental data sharing pursuant to section 27-7, Hawaii Revised Statutes, and the data task force pursuant to section 27-44, Hawaii Revised Statutes, in addressing the State's capabilities with regard to data sharing, with focus areas including:
 - (A) The ability of the data exchange partnership to address gaps in data collection, including high school to workforce data, federal employment data, and self-employment data;
 - (B) Existing barriers to seamless and frequent cross-departmental data sharing;
 - (C) Alignment between existing data-sharing efforts and relevant strategic plans from state and county governments, including the public education system, university of Hawaii, and workforce development council;
 - (D) The ability for unemployment compensation wage record systems to include occupation, pay rate, and work location;
 - (E) Gaps in resources and personnel to effectively collect, share, analyze, and disseminate findings from data; and
 - (F) Needs relating to technology upgrades, data interoperability, and modernization initiatives; and
- (2) Recommend an ongoing data-sharing governance structure that:
 - (A) Identifies a centralized coordinating agency to ensure effective cross-agency direction, collaboration, and accountability;
 - (B) Establishes formal governance structures and timelines for interagency collaboration and data-sharing protocols;
 - (C) Provides a unified, consistent source of information or analysis for policy development and implementation;
 - (D) Develops a framework to guide current management and future improvements;
 - (E) Details a process for developing and prioritizing research questions transparently and inclusively;
 - (F) Details a process for disseminating actionable insights to a broader range of stakeholders, including philanthropic organizations and public-private partnerships;
 - (G) Identifies opportunities to enhance the relevance and usability of system outputs for stakeholders, including policymakers and the public;
 - (H) Supports the creation of public-facing, accessible dashboards;
 - (I) Develops guidelines for stakeholders related to the use of artificial intelligence; and
 - (J) Includes mechanisms to prioritize and address stakeholder feedback.
- (c) The data sharing and governance working group shall comprise the following members or their designees:
 - (1) The chief information officer, who shall serve as the chairperson of the working group;
 - (2) One representative of the judiciary, to be appointed by the chief justice of the supreme court;
 - (3) The superintendent of education;
 - (4) The director of human services;
 - (5) The director of health;
 - (6) The director of business, economic development, and tourism;
 - (7) The director of labor and industrial relations;
 - (8) The director of transportation;

- (9) The director of the executive office on early learning;
 - (10) The chairperson of the workforce development council;
 - (11) The executive director of the Hawaii p-20 partnerships for education;
 - (12) The director of the office of planning and sustainable development;
 - (13) The president of the university of Hawaii;
 - (14) The executive director of the Hawaii state commission on the status of women;
 - (15) Two members representing nonprofit organizations having experience in data sharing and governance, of which one member shall be chosen and invited by the speaker of the house of representatives and one member shall be chosen and invited by the president of the senate; and
 - (16) Two members representing for-profit business organizations having experience in data sharing and governance, of which one member shall be chosen and invited by the speaker of the house of representatives and one member shall be chosen and invited by the president of the senate.
- (d) The data sharing and governance working group shall select members for and convene one or more advisory groups to solicit input from a diverse range of stakeholders, including:
- (1) Students and parents;
 - (2) Labor and workforce organizations;
 - (3) Business and industry representatives;
 - (4) Equity and social justice organizations;
 - (5) Researchers and privacy experts; and
 - (6) Early education experts, school districts, and charter schools.
- (e) The office of enterprise technology services may contract with an administrative facilitator to provide necessary support for the data sharing and governance working group in carrying out its duties.
- (f) The members of the working group shall serve without compensation, but shall be entitled to reimbursement for expenses, including travel expenses, necessary for the performance of their duties.
- (g) The data sharing and governance 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 2027.
- (h) The data sharing and governance working group shall cease to exist on June 30, 2027.

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved June 3, 2025.)

ACT 155

S.B. NO. 576

A Bill for an Act Relating to Financial Administration.

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

SECTION 1. Section 201H-21, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~201H-21 Duty to make reports. Except as otherwise provided by law, the corporation shall:

- (1) File at least once a year with the governor a report of its activities for the preceding fiscal year;
- (2) Report to the state comptroller on moneys deposited in depositories other than the state treasury under section 40-81 and rules adopted thereunder; and
- (3) Submit an annual report to the legislature on all corporation program areas and funds organized by program area, and by fund within each program area, no later than twenty days prior to the convening of each regular session, which shall provide the following information on the status of its programs and finances:
 - (A) A description of programs being developed in the current fiscal biennium, including a summary listing of the programs, the status of each program, the methods of project financing or loans, and other information deemed significant;
 - (B) A description of programs planned for development during the two ensuing fiscal bienniums, including a summary listing of the proposed programs, the methods of project financing or loans, and other information deemed significant;
 - (C) A status report of actual expenditures made in the prior completed fiscal year from each fund and agent established under this chapter, estimated expenditures anticipated for the current fiscal year, and projected expenditures for the ensuing fiscal years to be described in relation to specific projects developed to implement the purposes of any program ~~[or]~~, fund, or agent established under this chapter;
 - (D) A financial audit and report conducted on an annual basis by a certified public accounting firm; and
 - (E) Recommendations with reference to any additional legislation or other action that may be necessary to carry out the purposes of this ~~[chapter]~~.”

SECTION 2. Section 356D-20, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§356D-20~~]]~~ Duty to make reports. Except as otherwise provided by law, the authority shall be responsible for the following reports:

- (1) The authority shall file at least once a year with the governor a report of its activities for the preceding fiscal year;
- (2) The authority shall report to the comptroller on moneys deposited in depositories other than the state treasury under section 40-81, and rules adopted thereunder; and
- (3) The authority shall submit an annual report to the legislature on all authority program areas and funds organized by program area, and by fund within each program area, no later than twenty days prior to the convening of each regular session, that shall provide the following information on the status of its programs and finances:
 - (A) A description of programs being developed in the current fiscal biennium, including a summary listing of the programs, the status of each program, the methods of project financing or loans, and other information deemed significant;
 - (B) A description of programs planned for development during the two ensuing fiscal bienniums, including a summary listing of the proposed programs, the methods of project financing or loans, and other information deemed significant;

(C) A status report of actual expenditures made in the prior completed fiscal year from each fund and agent established under this chapter, estimated expenditures anticipated for the current fiscal year, and projected expenditures for the ensuing fiscal years to be described in relation to specific projects developed to implement the purposes of any program, fund, or agent established under this chapter;

[(A)] (D) A financial audit and report conducted on an annual basis by a certified public accounting firm; and

[(B)] (E) Recommendations with reference to any additional legislation or other action that may be necessary to carry out the purposes of this chapter.”

SECTION 3. Section 356D-28, Hawaii Revised Statutes, is amended to read as follows:

“§356D-28 Public housing special fund. (a) There is established the public housing special fund to be administered by the authority. Notwithstanding section 36-21, the proceeds in the fund shall be used for long-term and other special financings of the authority, the development and redevelopment of authority projects, and for necessary expenses in administering this chapter.

(b) All moneys received and collected by the authority, including moneys received and collected by an agent authorized pursuant to section 356D-10 and moneys received and collected pursuant to a partnership or development agreement authorized pursuant to section 356D-12.5, and all moneys not otherwise pledged, obligated, or required by law to be placed in any other special fund, shall be deposited into the public housing special 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 on July 1, 2025.

(Approved June 3, 2025.)

ACT 156

H.B. NO. 1168

A Bill for an Act Relating to the University of Hawaii Revenue Bonds.

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

SECTION 1. The legislature finds that it is necessary to allow the university of Hawaii to issue revenue bonds to help address the university’s capital facility needs. The construction of new projects and the renovation, modernization, and major repair of existing facilities have included, and will continue to include, faculty and student housing, additional classrooms, laboratories, offices, research facilities, utility facilities, libraries, student support facilities, athletic facilities, and other infrastructure requirements.

The purpose of this Act is to authorize the board of regents of the university of Hawaii to issue revenue bonds to complete its priority capital facility construction, renovation, modernization, and repair projects.

SECTION 2. The board of regents of the university of Hawaii, with the approval of the governor, is authorized to issue revenue bonds from time to time to finance, in whole or in part, the costs of construction or the costs of maintenance and modernization, or both, of any university project, any university system, or any network or combination thereof, including reserves therefor as the board of regents may direct. The total principal amount of the revenue bonds authorized by this Act shall not exceed \$30,750,000; provided that neither revenue bonds issued to refund revenue bonds heretofore issued, to the extent that the refunding revenue bonds do not exceed the principal amount of the revenue bonds being refunded, nor revenue bonds of the board outstanding at the effective date of this Act shall cause the amount of the above authorization to be decreased. The revenue bonds shall be issued pursuant to part VI of chapter 304A, Hawaii Revised Statutes. The principal and interest on the revenue bonds, to the extent not paid from the proceeds of the bonds, shall be paid solely from and secured solely by the revenue of the university as defined in section 304A-2671, Hawaii Revised Statutes.

SECTION 3. There is appropriated out of the revenue bond proceeds and interest earned thereon authorized by this Act the sum of \$30,750,000 or so much thereof as may be necessary for fiscal year 2025-2026 to carry out the purposes of section 2 of this Act; provided that students residing in the university of Hawaii student housing services program with a demonstrated financial need, as determined by the university of Hawaii, who qualify for the resident tuition fee pursuant to section 304A-402, Hawaii Revised Statutes, are assisted with a housing allowance, stipend, or similar financial aid to help offset a portion of an increase in room and board costs that are due to increased debt service from said revenue bonds; provided further that any unexpended and unencumbered balance of the appropriation shall not lapse at the end of fiscal year 2026-2027 and shall lapse instead on June 30, 2030.

The sum appropriated shall be expended by the board of regents of the university of Hawaii.

SECTION 4. The university of Hawaii shall notify the legislature upon the issuance of the revenue bonds authorized by section 2 of this Act, including a detailed list and description of all projects to be funded through the revenue bonds authorized by this Act.

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved June 3, 2025.)

ACT 157

H.B. NO. 70

A Bill for an Act Relating to Condominium.

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

SECTION 1. The legislature finds that condominium unit owners are entitled to disclosure of information about the replacement reserves maintained by the condominium association in which they own a unit. Recent efforts to increase transparency and accuracy include Act 62, Session Laws of Hawaii 2022 (Act 62), which, among other things, provides for periodic review of a reserve study by an independent reserve study preparer and also lengthens the study

period to thirty years. Act 199, Session Laws of Hawaii 2023 (Act 199), requires that a budget summary be prepared, with additional detail, to better inform owners of the financial condition of an association.

Accordingly, the purpose of this Act is to emphasize the importance of compliance with the requirements enacted by Acts 62 and 199 by:

- (1) Specifying that the budget summary must contain all required information without referring the reader to other portions of the budget; and
- (2) Clarifying a unit owner's ability to enforce compliance with budget summary and replacement reserves requirements.

SECTION 2. Section 514B-148, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) The budget required under section 514B-144(a) shall include a summary with at least the following details:

- (1) The estimated revenues and operating expenses of the association;
- (2) Disclosure as to whether the budget has been prepared on a cash or accrual basis;
- (3) The estimated costs of fire safety equipment or installations that meet the requirements of a building fire and life safety evaluation required by the applicable county for any building located in a county with a population greater than five hundred thousand; provided that the reserve study may forecast a loan or special assessment to fund building fire and life safety components or installation;
- (4) The balance of the total replacement reserves fund of the association as of the date of the budget;
- (5) The estimated replacement reserves assessments that the association will require to maintain the property based on a reserve study performed by or on behalf of the association; provided that the reserve study, if not prepared by an independent reserve study preparer, shall be reviewed by an independent reserve study preparer ~~not~~ no less than every three years; provided further that a managing agent with industry reserve study designations shall not be considered as having a conflict of interest for purposes of this paragraph;
- (6) A general explanation of how the estimated replacement reserves assessments are computed and detailing:
 - (A) The identity, qualifications, and potential conflicts of interest of the person or entity performing the reserve study, update, or any review thereof;
 - (B) Disclosure of any component of association property omitted from the reserve study and the basis for the omission;
 - (C) Planned increases in the estimated replacement reserve assessments over the thirty-year plan; and
 - (D) Whether the actual estimated replacement reserves assessments for the prior year as defined in the study ~~was~~ were less than the assessments provided for in the reserve study, and, if so, by how much, and explaining the impact of the lesser assessments on future estimated replacement reserves assessments;
- (7) The amount the association must collect for the fiscal year to fund the estimated replacement reserves assessments; and
- (8) Information as to whether the amount the association must collect for the fiscal year to fund the estimated replacement reserves assessments was calculated using a per cent funded or cash flow plan.

The method or plan shall not circumvent the estimated replacement reserves assessments amount determined by the reserve study pursuant to paragraph (5).

The budget summary shall contain all required information without referring the reader to other portions of the budget.”

2. By amending subsection (d) to read:

“(d) No association or ~~[unit owner, director, officer, managing agent, or employee of an association]~~ entity that, and no person who, makes a good faith effort to calculate the estimated replacement reserves assessments ~~[for an association]~~ required by this section shall be liable ~~[if]~~ in the event that the estimate subsequently proves incorrect.”

3. By amending subsection (g) to read:

“(g) ~~[Subject to the procedures of section 514B-157 and any rules adopted by the commission, any unit owner whose association board fails to comply with this section may enforce compliance by the board. In any proceeding to enforce compliance, a board that has not prepared an annual operating budget and reserve study shall have the burden of proving it has complied with this section.]~~ Any unit owner shall have standing to bring an action alleging a violation of this section against an association that the unit owner is a member of, and may seek an injunction to enforce compliance with this section by the association’s board.”

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 3, 2025.)

ACT 158

S.B. NO. 1578

A Bill for an Act Relating to International Affairs.

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

SECTION 1. The legislature finds that the Center for Cultural and Technical Interchange Between East and West Act of 1960, Public Law 86-472, authorized the establishment in Hawaii of a center for cultural and technical interchange between East and West, and Act 82, Session Laws of Hawaii 1975 (Act 82), established an educational non-profit public corporation, the Center for Cultural and Technical Interchange Between East and West, Inc., better known and referred to as the “East-West Center”, to administer and operate the center. Act 82 specifies the purposes of the East-West Center, which include, among other things, the promotion of better relations and understanding between the United States and the nations of the East through the administration and operation of the East-West Center as an educational institution operating in furtherance of the objectives of Public Law 86-472 and the promotion, among the nations of the East and West, of the use of the East-West Center by qualified persons for cooperative study, training, and research in matters of East-West significance, thus leading to better relations and understanding as to such matters.

The legislature further finds that the East-West Center has become a pivotal institution in fostering understanding and cooperation between the United States and the nations of Asia and the Pacific. Hawaii's unique geographical location and multicultural heritage make it an ideal location for promoting international relations, particularly within the Asia-Pacific region. For over six decades, the East-West Center has significantly contributed to the State's role as a bridge between the East and West, enhancing the State's position in international affairs.

The legislature further finds that the East-West center's programs in research, education, and exchange have directly benefited the State's economy, culture, and diplomatic relations. While the federal government has provided significant funding to the East-West center, this federal support has fluctuated over the years. The legislature recognizes that the center would benefit from regular, predictable state resources to support the development of programs and initiatives that align with the State's strategic goals in international relations, education, and economic development.

The legislature finds that the East-West center has served and continues to serve a public purpose of promoting better relations and understanding between the United States and the nations of the East and that granting authorization to the East-West center to receive appropriations of state funds exempt from the requirements of chapter 42F, Hawaii Revised Statutes, complies with the public purpose requirement of article VII, section 4, of the Hawaii State Constitution.

The legislature further finds that strong sister-state, sister-school, and similar relationships benefit the State's businesses and economy, improve access to flights and transportation, expand high school and college student educational exchanges, broaden access to Pacific culture and arts, preserve the State's relationships to the places of origin of its immigrant communities, and spur sub-national government collaborations to address common priorities, including the eradication of invasive species, promotion of economic development, advancement of clean energy, and preservation of peace between nations. Further, it is appropriate for the State to explore and take advantage of additional ways that Hawaii can benefit from international partnerships, including generating revenue abroad similar to many other jurisdictions. For example, hosting facilities abroad for local farmers and retailers to more easily sell Hawaii products in key markets, or investing in projects that generate a return, could create revenue to support Hawaii programs and services without additional expense to local taxpayers.

The legislature also finds that international relations across the Pacific have been rapidly changing. Additionally, previous generations of the State's key community, business, and government leaders who have carefully fostered and maintained these important relationships are retiring or passing on. In order for residents to continue to benefit from the State's international ties, and for Hawaii to take advantage of international business and revenue opportunities abroad, as so many other jurisdictions currently do, it is critical that the State adjust its engagement strategy, ensure continuity with its sister-state communities and partners, and plan for the future.

Therefore, the legislature finds that in celebration of the fiftieth anniversary of the establishment of the East-West center, the State must update its international engagement strategy and reaffirm its commitment to building and maintaining the international partnerships that have benefitted the State over the years so they can continue to benefit local residents for generations to come.

Accordingly, the purpose of this Act is to:

- (1) Establish the official designation of the East-West center as the center for cultural and technical interchange between East and West, Inc., and exempt state fund appropriations to the East-West center from chapter 42F, Hawaii Revised Statutes;
- (2) Rename the Hawaii sister-state committee as the Hawaii sister-state and international partnerships commission and amends its functions and membership;
- (3) Require the office of international affairs to provide support to the Hawaii sister-state and international partnerships commission;
- (4) Expand the department of business, economic development, and tourism's authority to establish out-of-state offices to include out-of-state facilities to support sister-state or province partnerships and other partnerships that promote and enrich the people, cultures, environments, and economies of the State and its international partners, generate revenue for the State, and buy property; and
- (5) Appropriate funds.

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

“§201- East-West center. (a) The official designation of the East-West center shall be the center for cultural and technical interchange between East and West, Inc.

(b) The qualifying standards and conditions related to the receipt of funds under chapter 42F shall not apply to funds received by the East-West center, or center for cultural and technical interchange between East and West, Inc.; provided that if the center for cultural and technical interchange between East and West, Inc. contracts with a recipient or provider, then the qualifying standards, conditions, and other provisions of chapter 42F shall apply to the recipient or provider and the contract.

(c) To receive state funds, the center for cultural and technical interchange between East and West, Inc., shall:

- (1) Be licensed or accredited, in accordance with federal, state, or county statutes, rules, or ordinances, to conduct the activities or provide the services for which state funds are appropriated;
- (2) 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, or disability;
- (3) Agree not to use the funds for entertainment or lobbying activities in the State;
- (4) Be incorporated under the laws of the State;
- (5) Have bylaws or policies that describe the manner in which the activities or services for which funds are appropriated shall be conducted or provided;
- (6) Have been determined and designated to be a tax-exempt organization by the Internal Revenue Service; and
- (7) Have a governing board whose members shall have no material conflict of interest and serve without compensation.

(d) The comptroller and state auditor may examine the use of funds appropriated to the center for cultural and technical interchange between East and West, Inc.

(e) The allocation of state support shall neither impinge on the autonomy of the center for cultural and technical interchange between East and West, Inc., nor imply state control over its programs or policies, except as provided in this section.

(f) The center for cultural and technical interchange between East and West, Inc., shall submit a report to the legislature no later than twenty days prior to the convening of each regular session, which shall include an explanation of the facility maintenance and other functions accomplished by state fund expenditures in the previous fiscal year.”

SECTION 3. Section 201-17, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The office shall:

- (1) Develop policies that promote and strengthen relations with other countries in the areas of international business, economy, culture, and the arts;
- (2) Develop policies that promote transportation between, and tourism with, other countries;
- (3) Develop and promote international telecommunications and high technology exchanges;
- (4) Encourage the development of international sister-city programs, pairing Hawaii cities with cities around the globe for artistic, cultural, economic, educational, and faith-based exchanges;
- (5) Develop and promote Hawaii as the economic, trade, commerce, transportation, banking, and tourism hub of the Pacific;
- (6) Develop an international affairs and peace education curriculum that includes studies of international affairs and peace initiatives and takes a proactive, strategic approach to the development of policies that promote the prevention of national and international conflict, nonviolent intervention, mediation, peaceful resolution of conflict, and structured mediation of conflict; ~~[and]~~
- (7) Provide for exchanges of individuals between Hawaii and other nations to develop international and peace-based initiatives~~[-]; and~~
- (8) Provide support to the Hawaii sister-state and international partnerships commission.”

SECTION 4. Section 201-81, Hawaii Revised Statutes, is amended to read as follows:

“**§201-81 Establishment of out-of-state offices; purposes.** The department of business, economic development, and tourism may establish and operate offices and facilities in out-of-state locations, including foreign nations, to effectuate the following purposes:

- (1) Develop programs to reach targeted companies or industries in the respective area and surrounding regions;
- (2) Monitor out-of-state government policies and regulations that have an impact on business, markets, sales, tourism, and related activities;
- (3) Host government and business officials at conferences, meetings and social occasions, or other events on matters pertaining to business opportunities and attraction of investments for the State;
- (4) Develop and conduct advertising efforts, promotional events, media coverage, and educational programs regarding commerce in the State; ~~[and]~~
- (5) Conduct related operations as needed, ~~[such as]~~ including hiring or contracting for consultants~~[-];~~

- (6) Support sister-state or province relationships, as defined in section 229-1, and other partnerships that promote and enrich the people, cultures, environments, and economies of the State and its international partners; and
- (7) Generate revenue for the State.”

SECTION 5. Section 201-82, Hawaii Revised Statutes, is amended to read as follows:

“§201-82 Powers of the department. The department, subject to the approval of the director of budget and finance, shall have the following general powers to operate out-of-state offices and facilities established:

- (1) To enter into contracts, leases, or cooperative agreements, or perform other transactions with any person, firm, partnership, association, company, corporation, or foreign nation, as may be necessary in the conduct of its business and on ~~[such]~~ any terms as the department may deem appropriate, using competitive procurement practices, to the extent practicable, in accordance with rules adopted by the policy board;
- (2) To establish operational bank accounts in out-of-state locations, including foreign denomination accounts, as may be necessary in the conduct of its business, notwithstanding the provisions of chapter 38;
- (3) To receive by gifts, grants, devises, bequests, or otherwise from private sources or a foreign nation, any property, real, personal, or mixed, intangible or tangible, absolutely or in trust, to be used and disposed of, either the principal or the income therefrom, in accordance with the conditions under which it was received;
- (4) To buy, sell, lease, rent, hold, maintain, use, and operate any property, real, personal, or mixed, tangible or intangible, in accordance with the conditions under which it was received;
- (5) To hire such personnel as may be necessary in the conduct of its business and on ~~[such]~~ any terms as the department may deem appropriate; and
- (6) To do any or all other acts reasonably necessary to carry out the objects and purposes of this part, provided that the department shall not obligate any funds of the State not appropriated to the department.”

SECTION 6. Section 229-1, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§229-1]] [Definition.] Definitions.~~ For the purposes of this chapter, unless the context otherwise requires~~[-“sister-state”]~~:

“Commission” means the Hawaii sister-state and international partnerships commission established under section 229-2.

“Sister-state or province [relationship”] partnership” means a [relationship] partnership between the State of Hawaii and the state or province or similar governmental or political subdivision of a foreign nation.”

SECTION 7. Section 229-2, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§229-2]] Hawaii sister-state [committee] and international partnerships commission.~~ ~~[[a)]—There shall be established the Hawaii sister-state committee, to be placed within the department of business, economic develop-~~

ment, and tourism for administrative purposes only, consisting of five members appointed by the governor as provided in section 26-34.

The purpose of the committee shall be to advise the governor and the legislature on matters relating to sister-state or province relations and relations, in general, between the State and the states or provinces of foreign countries.

~~[(b)]~~ The governor shall appoint five members, one member from each of five lists of nominees submitted respectively by the following:

- (1) Speaker of the house of representatives;
- (2) President of the senate;
- (3) Native Hawaiian cultural organization;
- (4) East-West Center; and
- (5) Hawaii State Association of Counties.

A chair and vice chair of the committee shall be appointed by the committee members from among themselves. Members shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.]

(a) There is established within the department of business, economic development, and tourism, for administrative purposes only, the Hawaii sister-state and international partnerships commission.

(b) The commission shall support the governor, legislature, and office of international affairs in building and maintaining strategic long-term sister-state or province partnerships that promote and enrich the people, cultures, environments, and economies of the State and its international partners.

(c) The commission shall consist of the following members:

- (1) Three members appointed by the governor, with the advice and consent of the senate; provided that two of the three members appointed by the governor shall be from a list of at least three nominees submitted respectively by the:

(A) Office of Hawaiian affairs; and

(B) Center for cultural and technical interchange between East and West, Inc.;

- (2) One member appointed by the president of the senate;
- (3) One member appointed by the speaker of the house of representatives; and
- (4) The chairs of the respective senate and house committees with jurisdiction over international affairs or intergovernmental affairs, who shall serve as ex-officio, non-voting members of the commission.

(d) The commission shall elect from among its members a chairperson and vice chairperson.

(e) Members of the commission shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties."

SECTION 8. Section 229-3, Hawaii Revised Statutes, is amended to read as follows:

"[H§229-3] Initiating sister-state relationships. The [Hawaii-sister-state committee] commission shall evaluate and develop recommendations for the initiation of all sister-state or province [relationships] partnerships and forward its recommendation to the legislature. The legislature, if it so chooses, shall

implement the recommendation to initiate a sister-state or province ~~[relationship]~~ partnership by either adopting a concurrent resolution or by enacting session law to that effect.”

SECTION 9. Section 229-4, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§229-4]]~~ **Maintaining sister-state relationships.** The ~~[Hawaii sister-state committee]~~ commission shall periodically evaluate established sister-state ~~[relationships]~~ or province partnerships and forward its recommendations on maintaining sister-state ~~[relationships]~~ or province partnerships to the governor and to the legislature.”

SECTION 10. Section 229-5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§229-5]]~~ **Dissolving sister-state relationships.** The ~~[Hawaii sister-state committee]~~ commission may make a recommendation to terminate a sister-state ~~[relationship]~~ or province partnership it deems to be defunct, moribund, or not beneficial and forward its recommendation to the legislature. The legislature, if it so chooses, shall implement the recommendation to terminate a sister-state ~~[relationship]~~ or province partnership either by adopting a concurrent resolution or by enacting session law to that effect.”

SECTION 11. 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 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the office of international affairs to develop an:

- (1) Updated strategy for the State’s international engagement in the twenty-first century; and
- (2) Analysis of potential investment and revenue generation abroad.

The sums appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.

SECTION 12. There is appropriated out of the general revenues of the State of Hawaii the sum of \$4,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the center for cultural and technical interchange between East and West, Inc. to assist in the development and maintenance of the State’s international relationships, programs, and partnerships.

The sums appropriated shall be expended by the university of Hawaii for the purposes of this Act.

SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 14. This Act shall take effect on July 1, 2025.

(Approved June 3, 2025.)

Notes

1. Should be stricken.

2. Edited pursuant to HRS §23G-16.5.

ACT 159

H.B. NO. 1409

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

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

SECTION 1. The legislature finds that Hawaii faces a persistent housing crisis. Demand for housing significantly outpaces supply, particularly in urban areas. Transit-oriented development districts present a critical opportunity for efficient land use by promoting higher-density development near public transit infrastructure, thereby maximizing the value of public investments. Higher residential density in transit-oriented development districts increases public transit ridership, thus reducing dependency on private automobiles and lowering greenhouse gas emissions, which supports the State's climate resilience and sustainability objectives.

The legislature established transit-oriented development infrastructure improvement districts to foster community development by strategically investing in infrastructure improvements through Act 184, Session Laws of Hawaii 2022. The legislature found that transit-oriented development promotes development patterns that enhance residents' quality of life; preserve the natural environment; provide a range of housing choices for residents; and encourage walking, biking, and the use of mass transit. Furthermore, the legislature concluded that the State plays an important role in overcoming barriers to transit-oriented development by encouraging needed investments in improving regional infrastructure such as roads, sewers, power, communication, and storm water management systems.

The legislature further recognizes that the ready availability of affordable workforce housing near transit hubs reduces transportation costs and improves access to employment, education, and other essential services, especially for low- and moderate-income households, thereby advancing social and economic equity for the people of Hawaii.

The underutilization of land in transit-oriented development districts, due partially to restrictive development standards, undermines the economic and environmental benefits of state investments in county-designated transit-oriented development infrastructure improvement districts, contributes to urban sprawl, and increases infrastructure costs and environmental degradation.

The legislature finds that numerous jurisdictions, including California, Oregon, and Washington, have adopted minimum density standards for transit-oriented developments, demonstrating the effectiveness of these measures in increasing housing supply while bolstering transit systems. Transit-oriented development infrastructure improvement districts can increase residential density near transit hubs in order to foster vibrant, walkable communities; support local businesses; and generate higher property tax revenues, contributing to Hawaii's fiscal and economic vitality.

Accordingly, the purpose of this Act is to:

- (1) Temporarily establish the mixed-income subaccount within the rental housing revolving fund for five years to finance certain projects, including those located in transit-oriented developments;
- (2) Require the transit-oriented development infrastructure improvement district board to consider the infrastructure needs of transit-supportive density requirements; and

- (3) Require the strategic plan developed by the Hawaii interagency council for transit-oriented development to delineate transit-oriented development areas for each county.

SECTION 2. 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]~~

(1) Appropriations made by the legislature~~[-conveyance];~~

(2) Conveyance taxes pursuant to section 247-7~~[-private];~~

(3) Private contributions~~[-repayment];~~

(4) Repayment of loans~~[-interest, other];~~

(5) Interest;

(6) Other returns~~[-];~~ and ~~[moneys]~~

(7) Moneys from other sources.

(d) ~~[The]~~ Except as provided in subsection (f), the fund shall be used to provide loans 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]~~ Except as provided in subsection (f), moneys available in the fund shall be used for the purpose of providing, in whole or in part, loans 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;~~

(2) (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; provided further that for projects that were awarded low-income housing credits pursuant to this paragraph, priority shall be given to projects with a perpetual affordability commitment. For purposes of this paragraph, “perpetual” means the useful life of the project; and

~~[(3)]~~ (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 mixed-income subaccount. Moneys in the mixed-income subaccount shall be used for financing, including but not limited to loans, equity investments, and credit enhancement, for mixed-income rentals for qualified residents as defined in section 201H-32. The corporation shall establish an application process for the allocation of funds in the mixed-income subaccount, separate from the fund allocation process pursuant to section 201H-204(c), that gives preference to projects meeting the following criteria:

- ~~(1)~~ A diverse range of affordability, prioritizing persons and families with incomes up to one hundred forty per cent of the median family income;
- ~~(2)~~ Projects located on state or county owned land or developed in partnership with the State or a county;
- ~~(3)~~ Projects that efficiently use state funding;
- ~~(4)~~ Mixed-income rental projects or units in a mixed-income rental project in an area that satisfy transit-supportive density requirements, as defined in section 206E-246; and
- ~~(5)~~ Any other criteria as the corporation deems necessary to carry out the purposes of this subsection.

If the corporation, after applying the process described in this subsection, finds a nonprofit or government project equally ranked with a for-profit project, the corporation shall give preference to the nonprofit or government project in allotting funds from the mixed-income subaccount.

Moneys derived from the repayment of loans funded by the mixed-income subaccount, interest thereon, and related fees and returns shall be deposited into the fund.

~~[(f)]~~ (g) 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).

~~[(g)]~~ (h) 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.

~~[(h)]~~ (i) For the purposes of this subpart, the applicable median family income shall be the median family income for the county or standard metropoli-

tan 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.

(4) (j) The corporation may provide loans 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; provided further that the underwriting guidelines include a debt-coverage ratio of no less than 1.0 to 1.

(4) (k) 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 3. Section 201H-204, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Activities eligible for assistance from the fund shall include but not be limited to:

- (1) New construction, rehabilitation, or preservation of low-income rental housing units that meet the criteria for eligibility described in subsection (c) [;] or section 201H-202(f);
- (2) The leveraging of moneys with the use of fund assets;
- (3) Pre-development activity grants or loans to nonprofit organizations; and
- (4) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing.”

2. By amending subsection (c) to read:

“(c) [The] Except as provided in section 201H-202(f), the corporation shall establish an application process for fund allocation that gives preference to projects meeting the following criteria that are listed in descending order of priority:

- (1) Serve the original target group;
- (2) Provide at least five per cent of the total number of units for persons and families with incomes at or below thirty per cent of the median family income;
- (3) Provide the maximum number of units for persons or families with incomes at or below eighty per cent of the median family income;
- (4) Are committed to serving the target group over a longer period of time;
- (5) Increase the integration of income levels of the immediate community area;
- (6) Meet the geographic needs of the target group of the proposed rental housing project, such as proximity to employment centers and services; and
- (7) Have favorable past performance in developing, owning, managing, or maintaining affordable rental housing.

The corporation may include other criteria as it deems necessary to carry out the purposes of this subpart.

If the corporation, after applying the process described in this subsection, finds a nonprofit project equally ranked with a for-profit or government project, the corporation shall give preference to the nonprofit project in allotting fund moneys.”

SECTION 4¹ Section 206E-246, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§206E-246~~]]~~ Transit-oriented development infrastructure improvement district program; assessment; rules. (a) The board shall develop a transit-oriented development infrastructure improvement district program to identify infrastructure improvements within each district. In determining the required infrastructure improvements to be undertaken, the board shall consider the infrastructure needs of transit-supportive density requirements, the strategic plan prepared by the Hawaii interagency council for transit-oriented development pursuant to section 226-63(c), and subsequent plans and studies prepared to further implement the strategic plan and the transit-oriented development projects therein.

(b) Whenever the board determines to undertake, or causes to be undertaken, any infrastructure improvement as part of the program, the cost of providing the infrastructure improvement may be assessed against the real property in each district specially benefiting from the infrastructure improvement. The board shall determine the areas of each district that will benefit from the infrastructure improvement to be undertaken, and if less than the entire district benefits, the board may establish assessment areas within the district. The board may issue and sell bonds in amounts as may be authorized by the legislature to provide funds to finance the infrastructure improvements. The board may fix the assessments against real property specially benefited. All assessments made pursuant to this section shall be a statutory lien against each lot or parcel of land assessed from the date of the notice declaring the assessment until the assessment is paid, and the lien shall have priority over all other liens except the lien of property taxes. As between liens of assessments, the earlier lien shall be superior to the later lien.

(c) Bonds issued to provide funds to finance transit-oriented development infrastructure improvements shall be secured solely by the real properties benefited or improved, the assessments thereon, or the revenues derived from the program for which the bonds are issued, including reserve accounts and earnings thereon, insurance proceeds, and other revenues, or any combination thereof. The bonds may be additionally secured by the pledge or assignment of loans and other agreements or any note or other undertaking, obligation, or property held by the board. Bonds issued pursuant to this section and the income therefrom shall be exempt from all state and county taxation, except transfer and estate taxes. The bonds shall be issued subject to rules adopted by the board pursuant to this section.

(d) Notwithstanding any other law to the contrary, in assessing real property for transit-oriented development infrastructure improvement, the board shall assess the real property within an assessment area according to the special benefits conferred upon the real property by the infrastructure improvement. These methods may include assessment on a frontage basis or according to the area of real property within an assessment area or any other assessment method that assesses the real property according to the special benefit conferred, or any combination thereof. No assessment levied against real property specially benefited as provided by this part shall constitute a tax on real property within the meanings of any constitutional or statutory provisions. No assessment shall

be levied against real property owned by the federal government, the State, or a county, or an agency thereof, without the prior written consent of the owner.

(e) The board shall adopt rules pursuant to chapter 91 to provide for the method of undertaking and financing transit-oriented development infrastructure improvement in an assessment area or an entire district. The rules adopted pursuant to this section shall include but not be limited to:

- (1) The methods by which the board shall establish assessment areas;
- (2) The method of assessment of real properties specially benefited;
- (3) The costs to be borne by the board, the county in which districts are situated, and the property owners;
- (4) The procedures before the board relating to the creation of the assessment areas by the owners of real property therein, including provisions for petitions, bids, contracts, bonds, and notices;
- (5) Provisions relating to assessments;
- (6) Provisions relating to financing, including bonds, revolving funds, advances from available funds, special funds for payment of bonds, payment of principal and interest, and sale and use of the bonds;
- (7) Provisions relating to funds and refunding of outstanding debts;
- (8) Provisions relating to limitations on time to sue; and
- (9) Other related provisions.

(f) Notwithstanding any other provisions to the contrary, the board may, in its discretion, enter into any agreement with the county in which the districts are located to implement all or part of the purposes of this section.

(g) All sums collected under this section shall be deposited into the transit-oriented development infrastructure improvement district special fund established under section 206E-247 and shall be applied solely to:

- (1) The payment of the principal and interest on the bonds and the cost of administering, operating, and maintaining the program;
- (2) The establishment of reserves; and
- (3) Other purposes as may be authorized in the proceedings providing for the issuance of the bonds.

If any surplus remains in the fund after the payment of the bonds chargeable against the fund, it shall be credited to and become a part of the fund.

(h) The transit-oriented development infrastructure improvements to be financed through bonds issued by the board may be dedicated to the county in which the infrastructure improvements are to be located. The board shall ensure that the infrastructure improvements are designed and constructed to meet county requirements and shall enter into an agreement with the county for dedication of the public facilities.

(i) Notwithstanding any law to the contrary, whenever it becomes necessary to remove, relocate, replace, or reconstruct public utility facilities that are part of a program, the board shall establish by rule the allocation of cost between the board, the affected public utilities, and the properties that may specially benefit from the improvement, if any. In determining the allocation of cost, the board shall consider the cost allocation policies for districts established by the county in which the removal, relocation, replacement, or reconstruction is to take place.

(j) For the purposes of this section:

“County-designated transit-oriented development area” has the same meaning as defined in section 226-63(d).

“Floor area ratio” means the quotient, expressed as a decimal number, that results from dividing a structure’s total floor area by the total area of the lot or parcel on which the structure is located.

“Ministerial” means a permit process based upon standards established through county ordinance or rule and issued by the director of the county agency responsible for land use or a single county officer designated by ordinance.

“Transit-supportive density” means a county-designated transit-oriented development area:

- (1) With development standards that allow a floor area ratio of at least:
 - (A) 4.0 for all uses that are permitted in a county-designated transit-oriented development area or by the underlying county zoning;
 - (B) 6.0 for all uses that are permitted in a county-designated transit-oriented development area within one-half mile of a station of a locally preferred alternative for a mass transit project; and
 - (C) For all uses that are permitted within one-quarter mile of a station of a locally preferred alternative for a mass transit project, whichever is greater:
 - (i) 7.0;
 - (ii) The maximum floor area ratio allowed by the adopted transit-oriented development special district; or
 - (iii) The maximum floor area ratio allowed by the applicable transit-oriented development plan;
- (2) For which permits for development are processed as a ministerial permit subject to applicable objective design standards;
- (3) Where there is no imposition of a development standard that renders it impracticable to build a usable structure for the permitted uses at the applicable transit-supportive density; and
- (4) Where funds collected pursuant to section 46-16.8 have been expended in the county-designated transit-oriented development area in which the development is located.”

SECTION 5. Section 226-63, Hawaii Revised Statutes, is amended to read as follows:

“[§226-63] Hawaii interagency council for transit-oriented development[-]; transit-oriented development planning and implementation. (a) There is established the Hawaii interagency council for transit-oriented development, which shall be an advisory body exempt from section 26-34, to coordinate and facilitate state agency transit-oriented development planning, and facilitate consultation and collaboration between the State and the counties on transit-oriented development initiatives. The Hawaii interagency council for transit-oriented development shall be established within the department of business, economic development, and tourism for administrative purposes.

(b) The Hawaii interagency council for transit-oriented development shall:

- (1) Serve as the State’s transit-oriented development planning and policy development entity with representation from state and county government and the community;
- (2) Formulate and advise the governor on the implementation of a strategic plan to [address] plan for and implement transit-oriented development projects, including [mixed-use] mixed-use and affordable for-sale and rental housing projects, on [state] lands in county-designated transit-oriented development areas in each county;
- (3) Facilitate the acquisition of funding and resources for state and county transit-oriented development programs, including affordable for-sale and rental housing projects, on state and county lands;

- (4) Monitor the preparation and conduct of plans and studies to facilitate implementation of state transit-oriented development plans prepared pursuant to this section, including but not limited to the preparation of site or master plans and implementation plans and studies;
 - (5) Review all capital improvement project requests to the legislature for transit-oriented development projects, including ~~[mixed-use]~~ mixed-use and affordable for-sale and rental housing projects, on [state] lands within county-designated transit-oriented development ~~[zones]~~ areas or within a one-half-mile radius of public transit stations, if a county has not designated transit-oriented development zones;
 - (6) Recommend policy, regulatory, and statutory changes, and identify resource strategies for the successful execution of the strategic plan;
 - (7) Assemble accurate fiscal and demographic information to support policy development and track outcomes;
 - (8) Consider collaborative transit-oriented development initiatives of other states that have demonstrated positive outcomes; and
 - (9) Report annually to the governor, the legislature, and the mayor of each county on the progress of its activities, including formulation and progress on the strategic plan no later than twenty days prior to the convening of each regular session.
- (c) The strategic plan developed by the Hawaii interagency council for transit-oriented development shall:
- (1) Coordinate with the counties on transit-oriented development;
 - (2) For each county, compile an inventory of state, county, and ~~[private sector]~~ private-sector transit-oriented development projects lacking infrastructure, identifying the type of infrastructure each project lacks, and the approximate time frame when additional capacity is needed;
 - (3) Prioritize the development of transit-oriented development projects, including ~~[mixed-use]~~ mixed-use and affordable for-sale and rental housing projects, on state and county lands;
 - (4) Identify financing and prioritize state financing for the public infrastructure, facility, and service investments required to support transit-oriented development, ~~[mixed-use;]~~ mixed-use, and affordable for-sale and rental housing ~~[project plans; and]~~ in county-designated transit-oriented development areas;
 - (5) Encourage and promote partnerships between public and private entities to identify, renovate, and secure affordable housing options on state and county lands within county-designated transit-oriented development areas or within a one-half-mile radius of public transit stations, if a county has not designated transit-oriented development ~~[zones;]~~ areas; and
 - (6) Delineate for each county, transit-oriented development areas within which transit-rich, pedestrian-oriented development is desired and investment in transit-oriented development and supporting infrastructure is to be directed.
- (d) For the purposes of this section and implementation of the strategic plan statewide:
- “County-designated transit-oriented development area” means a geographic area designated by a county for transit-oriented development by an adopted ordinance, plan, or resolution, and delineated in the strategic plan

pursuant to this section, that generally consists of lands within a one-half-mile radius of a transit hub or transit station; provided that the actual boundaries may differ under specific circumstances.

“Transit-oriented development” means the development of compact, dense, walkable, pedestrian-oriented, mixed-use neighborhoods centered around transit stations or transit hubs of public transit systems. “Transit-oriented development” features a mix of uses, such as housing, office, retail, civic and institutional, and other services and amenities at densities that support transit ridership and walkability.

“Transit-oriented development project” means a development project located within a geographic area designated as a transit-oriented development area by the county with a medium- to high-density mix of uses, such as housing, office, retail, and other amenities, that is designed to promote walkability and safe and convenient access to transit services.”

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

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

SECTION 8. This Act shall take effect upon its approval; provided that sections 2 and 3 of this Act shall be repealed on June 30, 2030, and sections 201H-202 and 201H-204, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective date of this Act.

(Approved June 3, 2025.)

Note

1. So in original.

ACT 160

S.B. NO. 1263

A Bill for an Act Relating to Historic Preservation.

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

SECTION 1. The legislature finds that it is critically important to preserve Hawaii’s cultural resources, including historic properties and burial sites, as integral elements of the State’s heritage. The legislature also recognizes the pressing need to expedite housing development, particularly in transit-oriented development areas, to address the housing shortage and create more housing opportunities in close proximity to transportation.

Accordingly, the purpose of this Act is to:

- (1) Further empower lead agencies, including county agencies, to make determinations on the potential effects of a project;
- (2) Create a ninety-day limit, or thirty-calendar-day limit if no historic properties are affected, for the department of land and natural resources to concur or not concur with project effect determinations;
- (3) Ensure that projects with written concurrence are exempt from further review unless there is a significant change to the project or additional historic properties, aviation artifacts, or burial sites are identified within the project area; and

- (4) Create a process for expediting the review of majority-residential mixed-use transit-oriented development or residential transit-oriented development on certain parcels and rights-of-way within county-designated transit-oriented development zones that have a low risk of affecting historically significant resources.

SECTION 2. Section 6E-2, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

“Complete submittal” means a packet that includes:

- (1) A submittal form;
- (2) A permit set or sixty per cent-complete project drawing set;
- (3) A site plan that identifies the project area and locations of ground disturbance;
- (4) A written scope of work that identifies the length, width, and depth of ground disturbance and the narrative boundaries of the project area;
- (5) Photographs of the property and at least one photograph of each elevation of existing buildings or structures on the property;
- (6) A map indicating the boundaries of the project area that include any associated construction, ground disturbance, or setting and staging areas;
- (7) For projects submitted under this section:
 - (A) A copy of previous archaeological, architectural, or cultural resource survey for the property; or
 - (B) A literature review and field inspection for archaeological resources or windshield survey for architectural resources for the tax map key or portion of the tax map key where the project area is located;
- (8) For projects submitted under section 6E-42, a copy of the building permit application associated with the project; and
- (9) For projects where historic properties are identified as having a high potential effect level under section 6E-42(f), documentation of consultation with the office of Hawaiian affairs and any associated comments the applicant received from the office of Hawaiian affairs.

“Physical scope of work” means the size, location, and depth of ground disturbance.”

SECTION 3. Section 6E-8, Hawaii Revised Statutes, is amended to read as follows:

“§6E-8 Review of effect of proposed state projects. (a) Before any agency or officer of the State or its political subdivisions commences any project ~~[which]~~ that may affect historic property, an aviation artifact, or a burial site, the lead agency ~~[or officer]~~ shall ~~[advise the department]~~ render a determination on the potential effect of the project and allow the department an opportunity for review of the effect of the proposed project on historic properties, aviation artifacts, or burial sites, consistent with section 6E-43, especially those listed on the Hawaii register of historic places. The proposed project shall not be commenced, or if it has already begun, continued, until the department has ~~[given its written concurrence.]~~ been afforded the opportunity to review the project in compliance with this subsection. If:

- (1) The proposed project consists of corridors or large land areas;
- (2) Access to properties is restricted; or
- (3) Circumstances dictate that construction be done in stages,

the department may give its written concurrence based on a phased review of the project; provided that there shall be [a] an executed programmatic agreement in place between the department and the project applicant that identifies each construction phase and the estimated timelines for each phase[-], and any agreed upon mitigation measures.

(b) The department shall provide written concurrence or non-concurrence within ninety days, or within thirty calendar days if no historic properties are to be affected, after the filing of a request with the department. If the department fails to provide written concurrence or non-concurrence with a project effect determination within ninety days, or within thirty calendar days if no historic properties are to be affected, of receiving a true and complete submittal for a project, the lead agency may assume the department's concurrence and the project may move to the next step in the compliance process.

(c) The project applicant shall ensure that its application is complete and accurate. If the department:

- (1) Determines that the submittal is not a complete submittal;
- (2) Requires additional information or clarification regarding the physical scope of work; or
- (3) Requires an archaeological inventory survey or reconnaissance level survey for architectural resources.

the department shall notify the applicant and specify the information needed to meet the requirements for complete submittal. The review period for the project shall cease until a complete submittal is made to the department. Once the department has received a complete submittal, the applicable review period shall restart.

(d) The agency or officer seeking to proceed with the project, or any person, may appeal the department's concurrence or non-concurrence, or failure to provide written concurrence or non-concurrence within the applicable review period, to the Hawaii historic places review board. An agency, officer, or other person who is dissatisfied with the decision of the review board may apply to the governor, who may take action as the governor deems best in overruling or sustaining the department.

(e) Once the department has provided written concurrence on the project effect determination and any necessary mitigation measures have been identified and agreed upon for a proposed project, the appropriate agency or officer of the State or any of its political subdivisions may commence the project, and the project shall be exempt from further review by the department unless there is a change to the project's physical scope of work or project area or unless additional historic properties, aviation artifacts, or burial sites are identified within the project area; provided that:

- (1) If there is a change in the project's physical scope of work or project area or if additional historic properties or aviation artifacts are identified within the project area post-review, the appropriate agency or officer of the State or its political subdivisions shall notify the department within forty-eight hours of the discovery. The notification shall include a description of the historic property or aviation artifact and propose actions to avoid, minimize, or mitigate adverse effects. The department shall respond within five business days of the notification with an assessment of the historic property or aviation artifact and shall provide concurrence or non-concurrence with the actions proposed to avoid, minimize, or mitigate adverse effects. The appropriate agency or officer of the State or its political subdivisions shall provide the department with a report of the agreed upon actions when they are completed; and

(2) If a burial site is inadvertently discovered, the lead agency shall proceed pursuant to section 6E-43 or 6E-43.6, or both, as appropriate.

~~[(b)]~~ (f) The department of Hawaiian home lands, ~~[prior to]~~ before any proposed project relating to lands under its jurisdiction, shall consult with the department regarding the effect of the project upon historic property or a burial site.

~~[(e)]~~ (g) The State~~;~~ and its political subdivisions, agencies, and officers shall report to the department the finding of any historic property during any project and shall cooperate with the department in the investigation, recording, preservation, and salvage of the property.

~~[(d)]~~ (h) The department shall adopt rules in accordance with chapter 91 to implement this section.

(i) For the purposes of this section, “lead agency” means the entity with the designated responsibility for compliance with this section. The lead agency shall be decided by the agencies involved; provided that priority shall be given to the agency with the greater degree of involvement with the project.”

SECTION 4. Section 6E-10, Hawaii Revised Statutes, is amended to read as follows:

“§6E-10 Privately owned historic property. (a) Before any construction, alteration, disposition, or improvement of any nature, by, for, or permitted by a private landowner may be commenced ~~[which]~~ that will affect ~~[an]~~ a historic property on the Hawaii register of historic places, the landowner shall notify the department of the construction, alteration, disposition, or improvement of any nature and allow the department the opportunity [for] to review [of] the effect of the proposed construction, alteration, disposition, or improvement of any nature on the historic property. The proposed construction, alteration, disposition, or improvement of any nature shall not be commenced, or in the event it has already begun, continue, until the department [shall have] has given its concurrence or ninety days have elapsed. Within ninety days after notification, the department shall:

- (1) Commence condemnation proceedings for the purchase of the historic property if the department and property owner do not agree upon an appropriate course of action;
- (2) Permit the owner to proceed with the owner’s construction, alteration, or improvement; or
- (3) In coordination with the owner, undertake or permit the investigation, recording, preservation, and salvage of any historical information deemed necessary to preserve Hawaiian history, by any qualified agency for this purpose.

(b) Once the department has provided written concurrence on the project effect determination and any necessary mitigation measures have been identified and agreed upon for a proposed project, the property owner may commence the project, and the project shall be exempt from further review by the department unless there is a change to the project’s physical scope of work or project area or unless additional historic properties, aviation artifacts, or burial sites are identified within the project area; provided that:

- (1) If there is a change in the project’s physical scope of work or project area or if additional historic properties or aviation artifacts are identified within the project area post-review, the property owner shall notify the department within forty-eight hours of the discovery. The notification shall include a description of the historic property or aviation artifact and propose actions to avoid, minimize, or mitigate adverse effects. The department shall respond

within five business days of the notification with an assessment of the historic property or aviation artifact and shall provide concurrence or non-concurrence with the actions proposed to avoid, minimize, or mitigate adverse effects. The property owner shall provide the department with a report of the agreed upon actions when they are completed; and

- (2) If a burial site is inadvertently discovered, the property owner shall proceed pursuant to section 6E-43 or 6E-43.6, or both, as appropriate.

~~[(b)]~~ (c) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any feature in or on ~~[an]~~ a historic property that does not involve a change in design, material, or outer appearance or change in those characteristics ~~[which]~~ that qualified the historic property for entry onto the Hawaii register of historic places.

~~[(e)]~~ (d) Any person, natural or corporate, who violates the provisions of this section shall be fined not more than \$1,000, and each day of continued violation shall constitute a distinct and separate offense under this section for which the offender may be punished.

~~[(d)]~~ (e) If funds for the acquisition of needed property are not available, the governor may, upon the recommendation of the department, allocate from the contingency fund an amount sufficient to acquire an option on the property or for the immediate acquisition, preservation, restoration, or operation of the property.

~~[(e)]~~ (f) The department may enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. Whenever any member of the department duly authorized to conduct investigations and surveys of ~~[an]~~ a historic or cultural nature determines that entry onto private lands for examination or survey of historic or cultural finding is required, the department shall give written notice of the finding to the owner or occupant of ~~[such]~~ the property at least five days ~~[prior to]~~ before entry. If entry is refused, the member may make a complaint to the district environmental court in the circuit in which ~~[such]~~ the land is located. The district environmental court may thereupon issue a warrant, directed to any police officer of the circuit, commanding the officer to take sufficient aid, and, being accompanied by a member of the department, between the hours of sunrise and sunset, allow the member of the department to examine or survey the historic or cultural property.”

SECTION 5. Section 6E-42, Hawaii Revised Statutes, is amended to read as follows:

“§6E-42 Review of proposed projects. (a) Except as provided in section 6E-42.2, before any agency or officer of the State or its political subdivisions approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property, aviation artifacts, or a burial site, the agency or ~~[office]~~ officer shall advise the department and ~~[prior to]~~ before any approval, allow the department an opportunity for review and comment on the effect of the proposed project on historic properties, aviation artifacts, or burial sites, consistent with section 6E-43, including those listed in the Hawaii register of historic places. If:

- (1) The proposed project consists of corridors or large land areas;
- (2) Access to properties is restricted; or
- (3) Circumstances dictate that construction be done in stages,

the department’s review and comment may be based on a phased review of the project; provided that there shall be a programmatic agreement between the de-

partment and the project applicant that identifies each phase and the estimated timelines for each phase.

(b) Once the department has provided written concurrence on the project effect determination and any necessary mitigation measures have been identified and agreed upon for a proposed project, the appropriate agency or officer of the State or any of its political subdivisions may commence the project, and the project shall be exempt from further review by the department unless there is a change to the project's physical scope of work or project area or unless additional historic properties, aviation artifacts, or burial sites are identified within the project area; provided that:

- (1) If there is a change in the project's physical scope of work or project area or if additional historic properties or aviation artifacts are identified within the project area post-review, the appropriate agency or officer of the State or any of its political subdivisions shall notify the department within forty-eight hours of the discovery. The notification shall include a description of the historic property or aviation artifact and propose actions to avoid, minimize, or mitigate adverse effects. The department shall respond within five business days of the notification with an assessment of the historic property or aviation artifact and shall provide concurrence or non-concurrence with the actions proposed to avoid, minimize, or mitigate adverse effects. The appropriate agency or officer of the State or any of its political subdivisions shall provide the department with a report of the agreed upon actions when they are completed; and
- (2) If a burial site is inadvertently discovered, the appropriate agency or officer of the State or any of its political subdivisions shall proceed pursuant to section 6E-43 or 6E-43.6, or both, as appropriate.

(b) (c) The department shall inform the public of any project proposals submitted to [it] the department under this section that are not otherwise subject to the requirement of a public hearing or other public notification.

(d) Counties deriving and expending revenues on mass transit stations pursuant to section 46-16.8 may request programmatic review by the department for a majority-residential mixed-use transit-oriented development or residential transit-oriented development where a permit, license, certificate, land use change, subdivision, or other entitlement may be required.

(e) No later than January 1, 2026, the counties and the Hawaii community development authority shall work with the department to identify and submit to the department specific parcels and rights-of-way in proximity to mass transit stations where a majority-residential mixed-use transit-oriented development, a residential transit-oriented development, or infrastructure is specifically consistent with a comprehensive general plan adopted pursuant to section 46-4; provided that the counties and Hawaii community development authority shall:

- (1) First consult with the department and agree through memorandum on the mass transit stations, and specific transit-oriented development parcels and rights-of-way, scoping the potential area for initiating programmatic review; and
- (2) Then solicit requests and consent from non-county landowners to have their parcels and rights-of-way within the scoped area of the memorandum initiating programmatic review to proceed with the programmatic review process.

(f) The department shall review all parcels and rights-of-way submitted by the counties and the Hawaii community development authority pursuant to the scoping memorandum and classify each parcel and right-of-way, within six months of submittal, according to the risk that a majority-residential mixed-use

transit-oriented development or residential transit-oriented development may pose to historic properties. The classification shall be categorized into three categories, in order of potential effect level from high to low, in the categories of architecture, archaeology, and history and culture; provided that:

- (1) All county and non-county and Hawaii community development authority parcels and rights-of way¹ for programmatic review shall include the county's or the Hawaii community development authority's assessment of whether development on each parcel or right-of-way may affect historic property, aviation artifacts, or a burial site; and
- (2) The assessment is based on:
 - (A) The Hawaii or national register of historic places;
 - (B) The age of above-surface structures;
 - (C) Any existing archaeological inventory surveys previously accepted by the department;
 - (D) Any burial treatment plans accepted by the department;
 - (E) The type of substrate known to typically contain burials;
 - (F) Consultation with the:
 - (i) Relevant island burial council; and
 - (ii) Office of Hawaiian affairs; and
 - (G) Any other literary review relevant to the area.

(g) The department shall work with the county that made the submittal and the Hawaii community development authority to develop and agree on permitting memoranda within three months of classification regarding development best practices, including continued identification, addressing levels of risk for the lower two effect levels in each of the categories, including but not limited to creating photo inventories, conducting an archaeological field survey, archaeological excavation, or onsite archaeological monitoring, and the presence of onsite archaeological monitoring, and consider these best practices as standardized for activities conducted under this section.

A county and the Hawaii community development authority shall incorporate by reference these best practices as conditions of approval for any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use.

(h) Parcels and rights-of-way identified by the department where all categories are rated in the lower two effect levels shall be considered to comply with subsections (a) or (b) or section 6E-8 regarding state or county lands or projects, and any subsequent permit, license, certificate, land use change, subdivision, or other entitlement for use shall not require referral to or written concurrence from the department on project effect determination and mitigation measures; provided that:

- (1) The project is or includes infrastructure to support the development of:
 - (A) A majority-residential mixed-use transit-oriented development;
 - or
 - (B) A residential transit-oriented development;
- (2) The project has reached substantial construction by June 30, 2036; and
- (3) Development activities have commenced consistent with best practices to address the applicable level of risk.
 - (i) Any parcels or rights-of-way characterized as highest risk shall require referral to the department pursuant to subsection (a).
 - (j) Section 6E-43.6 shall apply in the event of an inadvertent discovery of a burial site.

(k) The Hawaii housing finance and development corporation may submit to the department any additional parcels or rights-of-way for programmatic review if the counties do not provide a submittal pursuant to subsection (e); provided that the same analysis shall be conducted pursuant to subsection (f), and the department shall classify the submittal within six months of receipt.

(l) The Hawaii community development authority may submit parcels or rights-of-way within its jurisdiction to the department for review, and any parcels or rights-of-way identified by the department for which all categories are rated in the lower two effect levels shall be considered to comply with subsections (a) or (b) or section 6E-8 regarding state or county lands or projects, and any subsequent permit, license, certificate, land use change, subdivision, or other entitlement for use shall not require referral to the department; provided that:

- (1) The project is or includes infrastructure to support the development of:
 - (A) A majority-residential mixed-use transit-oriented development;
 - or
 - (B) A residential transit-oriented development;
- (2) The project has reached substantial construction by June 30, 2036;
- (3) Development activities have commenced consistent with best practices to address the applicable level of risk; and
- (4) The department shall classify the submittal within six months of receipt.

[(e)] (m) The department shall adopt rules in accordance with chapter 91 to implement this section.

(n) For the purposes of this section, “majority-residential mixed-use transit-oriented development” means a mixed-use transit-oriented development project where the majority of the project is residential and may include off-site infrastructure.”

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

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

SECTION 8. This Act shall take effect on July 1, 2025.

(Approved June 3, 2025.)

Note

1. So in original.

ACT 161

S.B. NO. 385

A Bill for an Act Relating to Condominiums.

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

SECTION 1. Chapter 514B, Hawaii Revised Statutes, is amended by adding a new section to subpart C of part VI to be appropriately designated and to read as follows:

“§514B- Governing documents; electronic copies. (a) Notwithstanding any other provision to the contrary in the declaration, bylaws, or house rules, an association shall provide an electronic copy of its governing documents, as amended or restated, to a unit owner or the unit owner’s authorized agent, upon request, at no cost to the unit owner or the unit owner’s authorized agent.

(b) For the purposes of this section, “governing documents” means the declaration; bylaws; covenants, conditions, and restrictions; and house rules.”

SECTION 2. Section 514B-154.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) Subject to section 514B-105(d), and except as provided under section 514B- copies of the items in subsection (a) shall be provided to any unit owner or owner’s authorized agent upon the owner’s or owner’s authorized agent’s request; provided that the owner or owner’s authorized agent pays a reasonable fee for duplication, postage, and stationery~~[-and other administrative costs associated with handling the request].~~”

2. By amending subsection (d) to read:

“(d) ~~[Any]~~ Except as provided under section 514-¹, any documents, records, and information, whether maintained, kept, or required to be provided pursuant to this section or section 514B-152, 514B-153, or 514B-154, may be made available electronically to the unit owner or owner’s authorized agent if the owner or owner’s authorized agent requests such in writing.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

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

(Approved June 3, 2025.)

Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.

ACT 162

S.B. NO. 1298

A Bill for an Act Relating to Recycling.

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

SECTION 1. Section 339D-1, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “electronic device” to read:

““Electronic device”:

(1) Means:

(A) A computer, computer printer, computer monitor, facsimile machine, videocassette recorder, portable digital music player that has memory capability and is battery powered, digital video disc player, digital video disc recorder, router designed for household use, modem designed for household use, or portable computer with a screen size greater than four inches measured diagonally; [and]

- (B) Any device that is capable of receiving broadcast, cable, or satellite signals and displaying television or video programming, including any direct view or projection television with a viewable screen of nine inches or larger with display technology based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology; and
- (C) Electronic device peripherals, including:
 - (i) A keyboard, mouse, or other device sold exclusively for external use with an electronic device as a wireless or corded device that provides input into, or output from, an electronic device;
 - (ii) Cords used with an electronic device or other electronic device peripheral;
 - (iii) Power supplies and adapters designed to support an electronic device;
 - (iv) Speakers used with a computer or television and television sound bars; and
 - (v) Video game consoles; and
- (2) Shall not include:
 - (A) An electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a motor vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;
 - (B) An electronic device that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;
 - (C) An electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier;
 - (D) A telephone of any type including a mobile telephone; or
 - (E) A global positioning system.”
- 2. By amending the definition of “manufacturer” to read:
 ““Manufacturer”:
- (1) Means any person:
 - (A) Who manufactures or manufactured electronic devices under a brand that it owns or owned or is or was licensed to use, other than a license to manufacture electronic devices for delivery exclusively to or at the order of the licensor;
 - (B) Who sells or sold electronic devices manufactured by others under a brand that the seller owns or owned or is or was licensed to use, other than a license to manufacture electronic devices for delivery exclusively to or at the order of the licensor;
 - (C) Who manufactures or manufactured electronic devices without affixing a brand;
 - (D) Who manufactures or manufactured electronic devices to which it affixes or affixed a brand that it neither owns or owned nor is or was licensed to use; or
 - (E) For whose account electronic devices manufactured outside the United States are or were imported into the United States; provided that if at the time those electronic devices are or were imported into the United States and another person has

- registered as the manufacturer of the brand of the electronic devices, this subparagraph shall not apply; and
- (2) Shall not include persons who sold fewer than one hundred electronic devices in the State during the previous calendar year~~[-]~~ or who manufactures only electronic device peripherals and no other electronic devices.

SECTION 2. Section 339D-8, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The department ~~[shall]~~ may determine additional penalties based on adverse impact to the environment, unfair competitive advantage, and other considerations that the department deems appropriate.”

SECTION 3. Section 339D-23, Hawaii Revised Statutes, is amended by amending subsections (b) to (d) to read as follows:

“(b) By September 1, 2022, and annually thereafter, each manufacturer shall submit a plan to the department to establish, conduct, and manage a program for the recycling of electronic devices sold in the State, which shall be subject to the following conditions:

- (1) The plan shall not permit the charging of a fee at the point of collection if the electronic device is brought by the electronic device owner to a central location for recycling; provided that the plan may include a reasonable transportation fee if the manufacturer or manufacturer’s agent removes the electronic device from the owner’s premises at the owner’s request and if the removal is not in conjunction with delivery of a new electronic device to the owner;
- (2) The plan shall include a description of the methods for the convenient collection of electronic devices at no cost to the owner, except as provided in paragraph (1). The recycling plan shall provide for collection services of electronic devices, at a minimum, in each county and zip code tabulation area, as defined by the United States Census Bureau, with a population greater than twenty-five thousand. The recycling plan shall include at least one of the following:
 - (A) Staffed drop-off sites;
 - (B) Alternative collection services, including on-site pick-up services; or
 - (C) Collection events held at an easily accessible, central location;
- (3) The plan shall provide collection services at a minimum of once per month;
- (4) The plan shall not contain only a mail-back option;
- (5) The plan shall specify the use of only collectors registered with the State pursuant to section 339D-28; ~~[and]~~
- (6) The plan shall specify the use of recyclers that have achieved and maintained third-party accredited certification from the Responsible Recycling Standard for Electronics Recyclers (R2), Standard for Responsible Recycling and Reuse of Electronic Equipment (e-Stewards), or an internationally accredited third-party environmental management standard for the safe and responsible handling of electronic devices~~[-]~~; and
- (7) The plan shall describe communication efforts with the State and counties to facilitate consumer education efforts to be conducted by the counties as required by section 339D-25.
- (c) The department shall review each manufacturer’s plan and, within sixty days of receipt of the plan, determine whether the plan complies with this

part. If the plan is approved, the department shall notify the manufacturer or group of manufacturers. Upon department approval, the manufacturer or group of manufacturers shall implement the plan. If the plan is rejected, the department shall notify the manufacturer or group of manufacturers and provide the reasons for the plan's rejection. Within thirty days after receipt of the department's rejection, the manufacturer or group of manufacturers may revise and resubmit the plan to the department for approval.

(d) Each manufacturer may develop its own recycling plan or may collaborate with other manufacturers[; ~~provided that the plan is implemented and fully operational by January 1, 2023.~~].”

SECTION 4. Section 339D-23.1, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Each manufacturer shall, at a minimum, collect and recycle electronic devices according to the following:

- (1) Beginning January 1, 2023, the equivalent of fifty per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91;
- (2) Beginning January 1, 2024, the equivalent of sixty per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91; ~~[and]~~
- (3) Beginning January 1, 2025, the equivalent of ~~[seventy]~~ sixty-three per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91[.];
- (4) Beginning January 1, 2026, the equivalent of sixty-six per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91; and
- (5) Beginning January 1, 2027, the equivalent of seventy per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91.”

SECTION 5. Section 339D-23.3, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) By March 31, 2023, and annually thereafter, each manufacturer shall report to the department the total weight of all electronic devices recycled or reused, by county, in the previous calendar year. Reports shall be submitted on forms prescribed by the department. For reports submitted containing information for calendar years 2025, 2026, and 2027, the following additional information shall be provided:

- (1) A list of all collection and recycling locations with corresponding days and hours of operation;
- (2) The types and amounts by weight of each type of electronic device collected by each collector for each month;
- (3) The names of recyclers and the amount in weight of electronic devices purchased from each recycler;
- (4) The names of collectors of the recycled electronic devices; and
- (5) The names of reuse facilities and the amount in weight of electronic devices sent for reuse for each facility.”

SECTION 6. Section 339D-30, Hawaii Revised Statutes, is amended to read as follows:

“~~[[[§339D-30]]]~~ **Collector reporting requirements.** By March 31, 2024, and annually thereafter, each collector shall report to the department the weight

of all electronic devices collected for recycling [Ø] and for reuse in the previous year. Reports shall be submitted on forms prescribed by the department and shall indicate the name of the recycler and weight of electronic devices sent to each recycler, and the name of the refurbisher and the number of and weight of electronic devices that were reused. Upon request, the department may require submission of bills of lading and recycler receiving reports for shipments to recyclers."

SECTION 7. The department of health, in consultation with manufacturers, collectors, and other appropriate stakeholders, 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 2028. The report shall include recommendations regarding:

- (1) The collection weights of electronic devices in Hawaii as reported by collectors and manufacturers, as well as whether there are any other weights of electronic devices available from other entities not currently registered as collectors, if this information is available;
- (2) Whether electronic device collection weights are capable of meeting manufacturer recycling obligations under the existing law; and
- (3) Whether the recycling obligations, including statewide recycling goals, for manufacturers under the existing law should be amended with consideration of the current method based on weight of sales, or other methods such as by weight of prior year collection averages, or other weight metrics adopted in other states.

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

SECTION 9. This Act shall take effect on July 1, 2025.

(Approved June 3, 2025.)

ACT 163

S.B. NO. 1365

A Bill for an Act Relating to the Interstate Medical Licensure Compact.

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

SECTION 1. The legislature finds that it is necessary to authorize the Hawaii medical board to conduct criminal history record checks to fully comply with the statutes, rules, policies, and bylaws of the Interstate Medical Licensure Compact. This authorization will enable Hawaii to participate as a state of principal license in the compact. Without the designation as a state of principal license, physicians licensed in Hawaii who are otherwise eligible and seeking to participate in the compact would need to apply for compact licensure through other states serving as their states of principal license.

Accordingly, the purpose of this Act is to authorize the Hawaii medical board to perform criminal history record checks, thereby allowing the Hawaii medical board to fully comply with the statute, rules, policies, and bylaws of the Interstate Medical Licensure Compact as a state of principal license.

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, 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 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 opera-

- tion 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 466M-7; and
 - (C) Each of the controlling persons of an applicant for registration as an appraisal management company, as provided by section 466M-7;
 - (41) The department of health or its designee on:
 - (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) The department of commerce and consumer affairs on applicants for physician licensure or license renewal, through the Interstate Medical Licensure Compact as provided by section 453B-2; and
 - ~~[(52)]~~ (53) 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 on July 1, 2025; provided that the amendments made to section 846-2.7, Hawaii Revised Statutes, by section 2 of this Act shall not be repealed when section 846-2.7, Hawaii Revised Statutes, is reenacted on July 1, 2027, pursuant to section 4 of Act 110, Session Laws of Hawaii 2024.

(Approved June 3, 2025.)

ACT 164

S.B. NO. 662

A Bill for an Act Relating to Transportation.

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

SECTION 1. The purpose of this Act is to authorize county police officers to enforce the statewide traffic code on all public streets, roadways, and highways within the State.

SECTION 2. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§291C- County police officer authority. Each county police officer may enforce this chapter for any violation of this chapter that occurs on any federal, state, or county street, roadway, or highway.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 3, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 165

S.B. NO. 1030

A Bill for an Act Relating to Elections.

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

SECTION 1. Section 19-3, Hawaii Revised Statutes, is amended to read as follows:

“§19-3 Election frauds. (a) The following persons shall be deemed guilty of an election fraud:

- (1) Every person who, directly or indirectly, personally or through another, gives, procures, or lends, or agrees or offers to give, procure, or lend, or who endeavors to procure, any money or office or place of employment or valuable consideration to or for any elector, person for an elector, person in order to induce any elector to vote or refrain from voting, or to vote or refrain from voting for any particular person or party, or who does any ~~such~~ act on account of any person having voted or refrained from voting for any particular person at any election;
- (2) Every person who advances or pays, or causes to be paid, any money to, or to the use of, any other person, with the intent that the money, or any part thereof, shall be expended in bribery at any election, or for any purpose connected with or incidental to any election; or who knowingly pays or causes to be paid any money to any person in the discharge or repayment of any money wholly or partly expended in bribery at any election, or for any purpose connected with or incidental to any election;
- (3) Every elector who, before, during, or after any election, directly or indirectly, personally or through another, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment for oneself or any other person for voting or agreeing to vote, or for refraining to vote or agreeing to refrain from voting, or for voting or refraining to vote for any particular person or party;
- (4) Every person who, directly or indirectly, personally or through another, makes use of, or threatens to make use of, any force, violence, or restraint; or inflicts or threatens to inflict any injury, damage, or loss in any manner, or in any way practices intimidation upon or against any person in order to induce or compel the person to vote or refrain from voting, or to vote or refrain from voting for any particular person or party, at any election, or on account of the person having voted or refrained from voting, or voted or refrained from voting for any particular person or party; or who by abduction, distress, or any device or contrivance impedes, prevents, or otherwise interferes with the free exercise of the elective franchise; provided that the practice of intimidation as described in this paragraph in-

cludes, among other actions, the unconcealed carry of any dangerous instrument, including a firearm, at or within two hundred feet of any voter service center, place of deposit, or polling place;

- (5) Every person who, at any election, votes or attempts to vote in the name of any other person, living or dead, or in some fictitious name, or who votes or attempts to vote more than once during any election, regardless of whether one of the elections is in a state or territory of the United States outside of Hawaii, or knowingly gives or attempts to give more than one ballot for the same office at one time of voting; provided that a person does not commit an election fraud if the person votes once in Hawaii's primary election and also votes in the primary election of another state or territory during the same year, so long as the person was properly registered to vote in all such elections. For the purposes of this paragraph, a person is properly registered to vote if the person's residence in the state in which ~~[they are]~~ the person is currently voting was acquired with the intent to make that state ~~[their]~~ the person's legal residence with all the accompanying obligations therein, and if, at the time of voting, that person is registered to vote with the office of elections of the state in which ~~[they are]~~ the person is voting;
- (6) Every person who, before or during an election, knowingly publishes a false statement of the withdrawal of any candidate at the election;
- (7) Every person who induces or procures any person to withdraw from being a candidate at an election in consideration of any payment or gift or valuable consideration; or of any threat; and every candidate who withdraws from being a candidate in pursuance of such inducement or procurement;
- (8) Every public officer by law required to do or perform any act or thing with reference to any of the provisions in any law concerning elections who wilfully fails, neglects, or refuses to do or perform the same, or who is guilty of any wilful violation of any of the provisions thereof;
- (9) Any person wilfully tampering or attempting to tamper with, disarrange, deface, or impair in any manner whatsoever, or destroy, any voting machine while the same is in use at any election, or who, after the machine is locked in order to preserve the registration or record of any election made by the same, tampers or attempts to tamper with any voting machine;
- (10) Every person who, directly or indirectly, personally or through another, wilfully designs, alters, accesses, or programs any electronic voting system to cause the system to inaccurately record, tally, or report votes cast on the electronic voting system;
- (11) Every person who assists a voter in the completion of a ballot in violation of section 11-139; and
- (12) Every person who knowingly broadcasts, televises, circulates, publishes, distributes, or otherwise communicates, including by electronic means or advertisement, false information about the time, date, place, or means of voting with the purpose of impeding, preventing, or otherwise interfering with the free exercise of the elective franchise.

(b) For the purposes of this section:

"Concealed" means, in relation to a dangerous instrument, that the dangerous instrument is entirely hidden from view of the public and not discern-

able by ordinary observation, in a manner that a reasonable person without law enforcement training would be unable to detect the presence of the dangerous instrument.

“Dangerous instrument” has the same meaning as defined in section 707-700.

“Unconcealed” means not concealed.”

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 3, 2025.)

ACT 166

H.B. NO. 1298

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 it is becoming increasingly difficult to recruit and retain state employees. Having affordable rental opportunities for state employees will reduce the resignation and outmigration of state employees and fill critical labor needs throughout state government.

The legislature further finds that with the city and county of Honolulu’s construction of an elevated rail transit system, the State has an opportunity to enhance Oahu’s urban environment and increase the quality of life for residents by increasing the affordable housing inventory and eliminating the need for personal automobiles, among other public benefits. As the largest landowner of transit-oriented development sites along the transit line in the city and county of Honolulu, as well as being the landowner of other transit-oriented development sites in each of the other counties, the State and its various departments and attached agencies must be proactive in establishing a unified vision and approach toward redevelopment of its transit-oriented development sites statewide to maximize the benefits of state lands available for redevelopment.

The purpose of this Act is to establish within the Hawaii housing finance and development corporation a government employee housing program, to be financed by the dwelling unit revolving fund.

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

“PART . GOVERNMENT EMPLOYEE HOUSING PROGRAM

§201H- Purpose. The purpose of this part is to establish a government employee housing program to facilitate the creation of affordable residential rental units for rent to government employees and the general public on state-owned land.

§201H- Definitions. As used in this part, unless the context otherwise requires:

“Mixed-use project” means a mixed-use development as defined in section 201H-12(a).

“Project” means a specific work or improvement, including real and personal properties, or any interest therein, acquired, owned, constructed, reconstructed, rehabilitated, or improved by the corporation, including a commercial project, redevelopment project, residential project, or mixed-use project.

“Transit-oriented development site” means non-ceded state-owned lands within a one-mile radius of a planned or existing station connected to a locally preferred alternative for a mass transit project.

§201H- Government employee housing program. (a) There shall be established within the corporation the governmental employee housing program for the purpose of providing affordable and low-cost rental housing units for rent to government employees and general public on state-owned land, to be financed by the dwelling unit revolving fund established pursuant to section 201H-191.

(b) The program shall be limited to one project on a transit-oriented development site, which shall be selected by the corporation.

§201H- Government employee housing projects; criteria. (a) Government employee housing projects developed under this part shall be intended primarily for government employees in the following order of priority:

- (1) Newly hired permanent full-time state employees;
- (2) Other permanent full-time state employees;
- (3) Permanent full-time county employees;
- (4) Permanent part-time state and county employees;
- (5) Temporary state and county employees; and
- (6) The general public.

(b) Sixty per cent of available units shall be for government employees with incomes at or below one hundred forty per cent of the median family income. For the purposes of this part, 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.

(c) Should a state or county employee tenant occupying a rental unit leave employment with the State or a county, the tenant may continue to occupy the unit for up to twelve months.

§201H- Rules; guidelines. (a) Government employee housing program project units on state land shall not be advertised for rent, subleased, or used for any non-residential use. The corporation, by rule, shall establish penalties for violations of this subsection.

(b) The design and development contracts for residential rental units on state land under this part shall not be subject to chapter 103D.

§201H- Annual reports. 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, a description of proposals submitted under this part and action taken on the proposals, and any barriers to developing housing units under this part. The annual report shall include the feasibility of expanding the program and the demand for residential rental projects developed under this part.

§201H- Additional powers. The powers conferred upon the corporation by this part shall be in addition and supplemental to the powers conferred by any other law, and nothing in this part shall be construed as limiting any powers, rights, privileges, or immunities so conferred.

§201H- Acquisition of real property from a county. Notwithstanding the provision of any law or charter, any county, by resolution of its county council, without public auction, sealed bids, or public notice, may sell, lease, grant, or convey to the corporation any real property owned by the county that the corporation certifies to be necessary for the purposes of this part. The sale, lease, grant, or conveyance shall be made with or without consideration and upon terms and conditions as may be agreed upon by the county and the corporation. Certification shall be evidenced by a formal request from the corporation. Before the sale, lease, grant, or conveyance is made to the corporation, a public hearing shall be held by the county council to consider the same. Notice of the hearing shall be published at least six days before the date set for the hearing in the publication and in the manner as may be designated by the county council.

§201H- Condemnation of real property. The corporation, upon making a finding that it is necessary to acquire any real property for its immediate or future use for the purposes of this part, may acquire the property, including property already devoted to a public use, by condemnation pursuant to chapter 101. The property shall not thereafter be taken for any other public use without the consent of the corporation. No award of compensation shall be increased by reason of any increase in the value of real property caused by the designation of the urban redevelopment site or plan adopted pursuant to a designation, or the actual or proposed acquisition, use, or disposition of any other real property by the corporation.

§201H- Lease of projects. Notwithstanding any law to the contrary, the corporation, without recourse to chapter 103D, may lease for a term not exceeding sixty-five years all or any portion of the real or personal property constituting the commercial portion of a mixed-use project to any person, upon terms and conditions as may be approved by the corporation; provided that all revenues generated from the lease shall be used to support the purpose of this part.

§201H- Assistance by state and county agencies. Any state or county agency, upon request of the corporation, may render services for the purposes of this part.

§201H- Lands no longer needed. Lands acquired by the corporation from another government agency that are no longer needed by the corporation for the government employee housing program shall be returned to the previous owner of those lands. Lands acquired by the corporation from a private party that are owned by the corporation and designated for the program but are subsequently no longer needed for the program shall be retained by the corporation.

§201H- Rules. The corporation may adopt rules pursuant to chapter 91 as may be necessary to carry out the purposes of this part.”

SECTION 3. Section 201H-191, Hawaii Revised Statutes, is amended to read as follows:

“§201H-191 Dwelling unit revolving fund. (a) There is created a dwelling unit revolving fund. The funds appropriated for the purpose of the dwelling unit revolving fund and all moneys received or collected by the corporation for the purpose of the revolving fund shall be deposited in the revolving fund. The proceeds in the revolving fund shall be used ~~[to reimburse]~~:

- (1) ~~To reimburse~~ the general fund to pay the interest on general obligation bonds issued for the purposes of the revolving fund~~[-for the]~~;
 - (2) ~~For~~ necessary expenses in administering housing development programs ~~[and]~~, regional state infrastructure programs, and the government employee housing program pursuant to part ____; and [for carrying]
 - (3) ~~To carry~~ out the purposes of housing development programs ~~[and]~~, regional state infrastructure programs, and the government employee housing program pursuant to part ___, including but not limited to the expansion of community facilities and regional state infrastructure constructed in conjunction with housing and mixed-use transit-oriented development projects, permanent primary or secondary financing, and supplementing building costs, federal guarantees required for operational losses, and all things required by any federal agency in the construction and receipt of federal funds or low-income housing tax credits for housing projects.
- (b) Subject to the requirements of subsection (a), proceeds in the revolving fund may be used to ~~[establish]~~:
- (1) Establish and operate regional state infrastructure subaccounts pursuant to section 201H-191.5~~[-]; and~~
 - (2) Administer, implement, and finance the government employee housing program pursuant to part ____.”

SECTION 4. Section 302A-1603, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) The following shall be exempt from this section:
- (1) Any form of housing permanently excluding school-aged children, with the necessary covenants or declarations of restrictions recorded on the property;
 - (2) Any form of housing that is or will be paying the transient accommodations tax under chapter 237D;
 - (3) All nonresidential development;
 - (4) Any development with an executed education contribution agreement or other like document with the agency for the contribution of school sites or payment of fees for school land or school construction; ~~[and~~
 - ~~[(5)]~~ Any form of development by the Hawaii community development authority pursuant to part XII of chapter 206E~~[-]; and~~
 - (6) Any form of development by the Hawaii housing finance and development corporation pursuant to part ____ of chapter 201H.”

SECTION 6.¹ There is appropriated out of the dwelling unit revolving fund the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the Hawaii housing finance and development corporation to:

- (1) Adopt rules;
- (2) Engage the community; and
- (3) Conduct site and pre-development planning for one government employee housing program project.

The sums appropriated shall be expended by the Hawaii housing finance and development corporation for the purposes of this Act.

SECTION 7. There is appropriated out of the dwelling unit revolving fund the sum of \$160,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the establishment of one full-time equivalent (1.0 FTE) position within the Hawaii housing finance and development corporation.

The sums appropriated shall be expended by the Hawaii housing finance and development corporation for the purposes of this Act.

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

SECTION 9. This Act shall take effect on July 1, 2025.

(Approved June 3, 2025.)

Note

1. No section 5.

ACT 167

S.B. NO. 1051

A Bill for an Act Relating to Hawaiian History Month.

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

SECTION 1. The legislature finds that in the month of September, Queen Liliuokalani's birth, life, and legacy is remembered and celebrated in the Hawaiian community, including at churches and Hawaiian organizations, such as Kawaiahao Church's Alii Sunday, the Liliuokalani Trust Kipuka (children centers), and the Kamehameha Schools.

The legislature further finds that the Hawaii Pono Coalition was formed in 2007 to educate residents and visitors to the islands on Hawaii's history, the Native Hawaiian people, and the culture that makes Hawaii a place like no other. In September 2007, the Coalition launched a commemorative event on the grounds of Iolani Palace to celebrate the birthday of Queen Liliuokalani.

The legislature concludes that designating September as Hawaiian History Month would be an appropriate way to honor Queen Liliuokalani and recognize the contributions of the Native Hawaiian community, while also providing community building, educational, and economic opportunities.

Accordingly, the purpose of this Act is to designate September as Hawaiian History Month.

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

“§8- Hawaiian History Month. The month of September shall be known and designated as “Hawaiian History Month” to promote public awareness of Hawaii's history, honor Queen Liliuokalani, and recognize the contributions of the Native Hawaiian community. This month is not and shall not be construed as a state holiday.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 3, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 168

S.B. NO. 1536

A Bill for an Act Relating to the Hawaii Tourism Authority.

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

SECTION 1. Section 88-9, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) A retirant may be employed without reenrollment in the system and suffer no loss or interruption of benefits provided by the system or under chapter 87A if the retirant is employed:

- (1) As an elective officer pursuant to section 88-42.6(c) or as a member of the legislature pursuant to section 88-73(d);
- (2) As a juror or precinct official;
- (3) As a part-time or temporary employee excluded from membership in the system pursuant to section 88-43, as a session employee excluded from membership in the system pursuant to section 88-54.2[; as the president and chief executive officer of the Hawaii tourism authority excluded from membership in the system pursuant to section 201B-2,] or as any other employee expressly excluded by law from membership in the system; provided that:
 - (A) The retirant was not employed by the State or a county during the six calendar months prior to the first day of reemployment; and
 - (B) No agreement was entered into between the State or a county and the retirant, prior to the retirement of the retirant, for the return to work by the retirant after retirement;
- (4) In a position identified by the appropriate jurisdiction as a labor shortage or difficult-to-fill position; provided that:
 - (A) The retirant was not employed by the State or a county during the twelve calendar months prior to the first day of reemployment;
 - (B) No agreement was entered into between the State or a county and the retirant, prior to the retirement of the retirant, for the return to work by the retirant after retirement; and
 - (C) Each employer shall contribute to the pension accumulation fund the required percentage of the rehired retirant’s compensation to amortize the system’s unfunded actuarial accrued liability; or
- (5) As a teacher or an administrator in a teacher shortage area identified by the department of education or in a charter school or as a mentor for new classroom teachers; provided that:
 - (A) The retirant was not employed by the State or a county during the twelve calendar months prior to the first day of reemployment;

- (B) No agreement was entered into between the State or a county and the retirant prior to the retirement of the retirant, for the return to work by the retirant after retirement; and
- (C) The department of education or charter school shall contribute to the pension accumulation fund the required percentage of the rehired retirant's compensation to amortize the system's unfunded actuarial accrued liability."

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

"(f) The board shall appoint one person to serve as president and chief executive officer, exempt from ~~[chapters 76 and 88]~~ chapter 76, who shall oversee the authority staff; provided ~~[further]~~ that the compensation package shall not include private sector moneys or other contributions. The board shall set the president and chief executive officer's duties, responsibilities, holidays, vacations, leaves, hours of work, and working conditions. It may grant other benefits as it deems necessary."

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 3, 2025.)

ACT 169

S.B. NO. 1651

A Bill for an Act Relating to Public Meetings.

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

SECTION 1. The legislature finds that the required notice period for posting board packets before public meetings is not being implemented as the legislature intended. In 2024, the legislature amended the requirement to post board packets to no later than two business days before a public meeting to give the public ample time to review the board packet.

However, the legislature finds that some agencies interpret the existing law to mean that a board packet can be posted at any time during the second business day before the public meeting. These agencies post board packets late in the evening, effectively reducing the time the public is able to review the board packet. The legislature finds this practice contrary to the original intent of the notice period.

Accordingly, the purpose of this Act is to:

- (1) Close the legal loophole being exploited by requiring board packets to be posted at least three full business days before a public meeting; and
- (2) Require boards to provide notice to persons who have requested notification of meetings when board packets are made available for public inspection.

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

"§92-7.5 Board packet; filing; public inspection; notice. (a) At the time the board packet is distributed to the board members, but no later than ~~[two]~~ three business days before the meeting, 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]~~ At the time the board packet is made available for public inspection in the board's office, the board shall provide notice to persons ~~[requesting]~~ who have requested 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]~~ shall not ~~be~~ 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.

(b) For purposes of this section:

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

"Business day" ~~[shall have]~~ has the same meaning as defined 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 June 3, 2025.)

ACT 170

S.B. NO. 97

A Bill for an Act Relating to Motor Vehicles.

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

PART I

SECTION 1. Section 291C-105, Hawaii Revised Statutes, is amended to read as follows:

"§291C-105 Excessive speeding. (a) No person shall drive a motor vehicle at a speed exceeding:

- (1) The applicable state or county speed limit by thirty miles per hour or more; or
- (2) Eighty miles per hour or more irrespective of the applicable state or county speed limit.

(b) For the purposes of this section, "the applicable state or county speed limit" means~~[:]~~ the maximum speed limit established:

- (1) ~~[The maximum speed limit established by]~~ By county ordinance;
- (2) ~~[The maximum speed limit established by]~~ By official signs placed by the director of transportation on highways under the director's jurisdiction; or

- (3) ~~[The maximum speed limit established pursuant]~~ Pursuant to section 291C-104 by the director of transportation or the counties for school zones and construction areas in their respective jurisdictions.
- (c) Any person who violates ~~[this section]~~ subsection (a) shall be guilty of a petty misdemeanor and shall be sentenced as follows without the possibility of probation or suspension of sentence:
 - (1) For a first offense not preceded by a prior conviction for an offense under ~~[this section]~~ subsection (a) in the preceding five years:
 - (A) A fine of not less than \$500 and not more than \$1,000;
 - (B) Thirty-day prompt suspension of license and privilege to operate a vehicle during the suspension period, or the court may impose, in lieu of the thirty-day prompt suspension of license, a minimum fifteen-day prompt suspension of license with absolute prohibition from operating a vehicle and, for the remainder of the thirty-day period, a restriction on the license that allows the person to drive for limited work-related purposes;
 - (C) Attendance in a course of instruction in driver retraining;
 - (D) A surcharge of \$25 to be deposited into the neurotrauma special fund~~[:]~~ under section 321H-4;
 - (E) ~~[May be charged a]~~ A surcharge of ~~[up to]~~ not more than \$100 to be deposited into the trauma system special fund under section 321-22.5, if the court so orders;
 - (F) An assessment for driver education pursuant to section 286G-3; and
 - (G) Either one of the following:
 - (i) Thirty-six hours of community service work; or
 - (ii) Not less than forty-eight hours and not more than five days of imprisonment; and
 - (2) For an offense that occurs within five years of a prior conviction for an offense under ~~[this section, by:]~~ subsection (a):
 - (A) A fine of not less than \$750 and not more than \$1,000;
 - (B) Prompt suspension of license and privilege to operate a vehicle for a period of thirty days with an absolute prohibition from operating a vehicle during the suspension period;
 - (C) Attendance in a course of instruction in driver retraining;
 - (D) A surcharge of \$25 to be deposited into the neurotrauma special fund~~[:]~~ under section 321H-4;
 - (E) ~~[May be charged a]~~ A surcharge of ~~[up to]~~ not more than \$100 to be deposited into the trauma system special fund under section 321-22.5, if the court so orders;
 - (F) An assessment for driver education pursuant to section 286G-3; and
 - (G) Either one of the following:
 - (i) Not less than one hundred twenty hours of community service work; or
 - (ii) Not less than five days but not more than fourteen days of imprisonment of which at least forty-eight hours shall be served consecutively~~[:]~~ and
 - (3) For an offense that occurs within five years of two prior convictions for offenses under this section, by:
 - (A) A fine of \$1,000;

- (B) ~~Revocation of license and privilege to operate a vehicle for a period of not less than ninety days but not more than one year;~~
- (C) ~~Attendance in a course of instruction in driver retraining;~~
- (D) ~~No fewer than ten days but no more than thirty days of imprisonment of which at least forty-eight hours shall be served consecutively;~~
- (E) ~~A surcharge of \$25 to be deposited into the neurotrauma special fund;~~
- (F) ~~May be charged a surcharge of up to \$100 to be deposited into the trauma system special fund if the court so orders; and~~
- (G) ~~An assessment for driver education pursuant to section 286G-3].~~

(d) Notwithstanding subsection (c), any person who violates subsection (a) within five years of two prior convictions for the same offense shall be guilty of a misdemeanor and shall be sentenced as follows without the possibility of probation or suspension of sentence:

- (1) A mandatory minimum jail sentence of thirty days;
- (2) Revocation of license and privilege to operate a vehicle for a period of not less than ninety days but not more than six months;
- (3) Attendance in a course of instruction in driver retraining;
- (4) A surcharge of \$25 to be deposited into the neurotrauma special fund under section 321H-4;
- (5) A surcharge of not more than \$100 to be deposited into the trauma system special fund under section 321-22.5, if the court so orders;
- (6) An assessment for driver education pursuant to section 286G-3; and
- (7) That the vehicle used in the commission of the offense be subject to forfeiture under chapter 712A, if the court so orders.”

PART II

SECTION 2. Section 291L-5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(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]~~ violated section 291C-108, the State’s third-party contractor shall cause a summons or citation, as described in this section, to be sent by first-class mail¹ 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.”

2. By amending subsection (d) to read:

“(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.”

PART III

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, 2025.

(Approved June 3, 2025.)

Note

1. Prior to amendment, a comma appeared here.

ACT 171

S.B. NO. 1195

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 roadway safety is the top transportation priority. Pedestrians, bicyclists, and other vulnerable roadway users are disproportionately impacted by traffic fatalities and injuries, which are on the rise. Between the 2009 to 2013 and the 2014 to 2018 five-year time periods, pedestrian fatalities across the State rose by twenty-six per cent. Decades of automobile-centric planning and development have created formidable mobility barriers, including the lack of safe and accessible bicycle and pedestrian infrastructure. Under *Navahine v. Hawai'i Department of Transportation*, CIVIL NO. 1CCV-22-0000631 (Hawaii Cir. Ct.), the State has committed to completing its multimodal, bike and pedestrian network within the next five years.

The legislature further finds that a disproportionately high number of pedestrian injuries and deaths occur at crosswalks and intersections. One solution proven to help reduce these tragedies is to allow pedestrians and motorists greater visibility as they enter and drive through crosswalks.

The legislature finds that illegal parking near crosswalks and intersections creates dangerous conditions for pedestrians, particularly children walking to school. To ensure that fines from these violations are used to improve pedestrian safety, these revenues should be deposited into the safe routes to school program special fund to fund infrastructure improvements that promote public safety.

Therefore, the purpose of this Act is to:

- (1) Prohibit street parking within twenty feet on each side of any crosswalk or intersection, regardless of the presence or absence of official signs or curb markings;
- (2) Require fines collected for street parking restrictions to be deposited into the safe routes to school program special fund; and
- (3) Specify that signs or curb markings are not required to restrict parking within twenty feet of a crosswalk or intersection.

SECTION 2. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§291C- Street parking restrictions. (a) No vehicle shall be parked abutting the curb or edge of a vehicle travel way within twenty feet of a crosswalk or intersection, regardless of the presence or absence of official signs or curb markings; provided that any vehicle may be parked within the designated buffer zone if the vehicle is:

- (1) An authorized emergency vehicle performing the functions under section 291C-26;
- (2) An official federal, state, or county vehicle in the performance of its duty;
- (3) A stalled or broken vehicle;
- (4) Assisting a stalled or broken vehicle;
- (5) Yielding to an authorized emergency vehicle pursuant to section 291C-65; or
- (6) Otherwise authorized by law.

(b) Any person who violates this section shall be subject to a fine of not more than \$50 for each violation. Each day a violation occurs shall constitute a separate offense.

(c) All fines collected pursuant to this section shall be deposited into the safe routes to school program special fund established under section 291C-4.”

SECTION 3. Section 291C-4, Hawaii Revised Statutes, is amended to read as follows:

“§291C-4 Safe routes to school program special fund; establishment. There ~~is~~ shall be established in the state treasury the safe routes to school program special fund, into which shall be deposited:

- (1) Assessments collected for speeding in a school zone, pursuant to section 291C-104; ~~and~~
- (2) Safe routes to school program surcharges collected in accordance with sections 291-16 and 291C-5~~[-]; and~~
- (3) Fines collected for street parking restrictions pursuant to section 291C- .”

SECTION 4. Section 291C-111, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The director of transportation, the counties, and owners of private highways, with the consent of the county official responsible for traffic control with respect to highways under their respective jurisdictions, shall place signs or curb markings that are clearly visible to an ordinarily observant person prohibiting or restricting the stopping, standing, or parking of vehicles on the highway~~[- Such]~~; provided that any sign or curb marking shall not be required to restrict parking within twenty feet of a crosswalk or intersection in accordance with section 291C- . The signs or curb markings shall be official signs and markings, and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on ~~such~~ the signs or markings[-] except as otherwise provided by law.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 7. This Act shall take effect on January 1, 2026.

(Approved June 3, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 172

S.B. NO. 1216

A Bill for an Act Relating to Transportation.

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

SECTION 1. Section 286-26, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (e) to read:

“(e) Upon application for a certificate of inspection to be issued for a vehicle or moped, an inspection as prescribed by the director under subsection (g) shall be conducted on the vehicle or moped~~[-and if]~~. If the vehicle or moped is found to be in [a] safe operating condition, including adhering to head lamp requirements and specifications pursuant to section 291-25(a), as applicable, and is not equipped with a muffler or exhaust system that fails to comply with section 291-24 or 291-24.5, as applicable, a certificate of inspection shall be issued upon payment of a fee to be determined by the director. The certificate shall state the effective date, [the] termination date, [the] name of the issuing insurance carrier, [the] policy number of the motor vehicle insurance identification card for the inspected motor vehicle as specified by section 431:10C-107 or state the information contained in the proof of insurance card as specified by section 431:10G-106, and the odometer reading of the vehicle on the date of inspection. A sticker, authorized by the director, shall be affixed to the vehicle or moped at the time a certificate of inspection is issued. An inspection sticker that has been lost, stolen, or destroyed shall be replaced without reinspection by the inspection station that issued the original inspection sticker upon presentation of the current certificate of inspection; provided that the current certificate of inspection and inspection sticker shall not have expired at the time the replacement is requested. The director shall adopt rules to determine the fee for replacement of lost, stolen, or destroyed inspection stickers.”

2. By amending subsection (g) to read:

“(g) The director of transportation shall adopt necessary rules for the administration of inspections and the issuance of certificates of inspection; provided that the rules shall ~~[include]~~:

- (1) At a minimum, require inspections to ensure that a vehicle or moped is not equipped with a muffler or exhaust system that fails to comply with section 291-24 or 291-24.5, as applicable; and
- (2) Include head lamp requirements that adhere to the specifications pursuant to section 291-25(a), as applicable.”

SECTION 2. Section 286-211, Hawaii Revised Statutes, is amended to read as follows:

“[§286-211] Permits to operate official inspection stations. (a) The director shall issue permits for and furnish instructions and all forms to official inspection stations. The stations shall operate pursuant to standards established by the director.

(b) Application for an official inspection station permit shall be made upon an official form and shall be granted only when the director is satisfied that the station is properly equipped and has competent personnel to make the

required inspections. Before issuing a permit, the director shall require the applicant to file proof that the applicant has, in effect, a liability insurance policy, issued to the applicant by an insurance company, authorized to do business in the State, insuring against the liability of the applicant and any of the applicant's employees, in minimum amounts as follows: comprehensive public liability insurance in the amount of \$10,000 for one person and \$20,000 for one accident and comprehensive property damage insurance of \$5,000[.]; provided that the director may, by rules ~~[and regulations]~~, set higher limits; provided further that the proof of insurance need not be filed by an applicant who inspects only vehicles owned by the applicant; ~~[and]~~ provided further that the proof of insurance need not be filed by instrumentalities of the United States.

(c) A permit for an official inspection station shall not be assigned or transferred or used at any location other than that designated by the director and every permit shall be posted in a conspicuous place at the location so designated.

(d) A permit for an official inspection station shall be suspended or revoked, or renewal thereof shall be refused by the director, upon a third or subsequent willful violation within a period of eighteen months of any rule requiring an official inspection station to ensure a vehicle or moped is not equipped with a muffler or exhaust system that fails to comply with section 291-24 or 291-24.5, as applicable."

SECTION 3. Section 291-24, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Whoever violates this section shall be fined not more than ~~[\$100.]~~ \$150."

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, offer for sale, alter, or install a muffler, including but not limited to a cut-out, bypass, or similar device, that will noticeably increase the noise emitted by a motor vehicle above that emitted by the vehicle as equipped from the factory.

(b) Except as provided in section 291-24.4, any violation of this section shall ~~[constitute a violation and shall]~~ be enforceable by police officers. Violation of this section shall subject the violator to the following penalties:

- (1) For a first violation, or any violation not preceded within a three-year period for a violation under this section, the person shall be fined not more than ~~[\$100.]~~ \$150;
- (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.]~~ \$350; and
- (3) For a violation of a third or subsequent offense committed within ~~[five]~~ three years of any other violation under this section, the person shall be fined not more than ~~[\$900.]~~ \$950.

Any person who violates the provisions of this section may be issued a summons or citation for the violation."

SECTION 5. Section 437B-11, Hawaii Revised Statutes, is amended to read as follows:

"§437B-11 Prohibited practices. In addition to any other grounds for disciplinary action authorized by law, the following acts or omissions related to the repair of motor vehicles shall be grounds for invoking the enforcement procedures of section 437B-12:

- (1) Making or authorizing, in any manner or by any means whatever, any ~~[statement]~~ written or oral ~~[which]~~ statement that is untrue or misleading, and ~~[which]~~ that is known, or ~~[which]~~ that by the exercise of reasonable care should be known, to be untrue or misleading;
- (2) Causing or allowing a customer to sign any work order that does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair;
- (3) Failing or refusing to give to a customer a copy of any document requiring the customer's signature, as soon as the customer signs the document;
- (4) Any other conduct that constitutes fraud;
- (5) Conduct constituting gross negligence;
- (6) Failure to comply with this chapter or rules adopted pursuant to it;
- (7) Any wilful departure from or disregard of accepted practices or professional standards;
- (8) Making false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of a motor vehicle;
- (9) Having repair work subcontracted without the knowledge or consent of the customer unless the motor vehicle repair dealer, mechanic, or apprentice demonstrates that the customer could not reasonably have been notified;
- (10) Conducting the business of motor vehicle repair in a place other than stated on the license ~~[except]~~; provided that mobile repair facilities may be permitted if the license so indicates;
- (11) Rebuilding or restoring of rebuilt vehicles as defined in section 286-2 in ~~[such]~~ a manner that ~~[it]~~ does not conform to the original vehicle manufacturer's established repair procedures or specifications and allowable tolerances for the particular model and year;
- (12) Subcontracting, recommending, or referring motor vehicle repair work to, or in any way assisting, a motor vehicle repair dealer or mechanic whose license or certification is not in full compliance with this chapter;
- (13) Failure to directly supervise a motor vehicle mechanic ~~[apprentice/ trainee]~~ apprentice or trainee or motor vehicle mechanic helper;
- (14) Servicing mobile air conditioners without using refrigerant recovery and recycling equipment that is certified by Underwriters Laboratories, Incorporated or was in use by the motor vehicle repair industry ~~[prior to]~~ before December 31, 1989;
- (15) Performing service on any motor vehicle or mobile air conditioner after January 1, 1994, without successful completion of an appropriate training course in the recovery and recycling of CFC and HCFC refrigerants, which included instruction in the proper use of refrigerant recovery and recycling equipment that is certified by Underwriters Laboratories, Incorporated; ~~[and]~~
- (16) Violating chapter 342C~~[-]~~; and
- (17) Repairing or installing a muffler or exhaust system that fails to comply with section 291-24 or 291-24.5, as applicable."

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

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

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

(Approved June 3, 2025.)

ACT 173

H.B. NO. 874

A Bill for an Act Relating to Child Performers.

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

SECTION 1. The legislature finds that the Coogan Law, also known as the California Child Actor's Bill, was first passed in California in 1939 to protect child actors from exploitation in the entertainment industry. The law was named after actor Jackie Coogan, who became one of the highest-paid child stars of his time, only to have his earnings mismanaged by his parents, leaving him with little financial security when he reached adulthood. The Coogan Law has had a lasting impact in California by securing financial protection for child actors, ensuring that they can enjoy the benefits of their hard work once they become adults, and promoting greater responsibility in the entertainment industry.

Accordingly, the purpose of this Act is to protect the safety, morals, health, and well-being of child performers who work or reside in the State by requiring that a portion of the child performer's earnings be kept in trust for the benefit of the child performer until the child reaches the age of majority.

SECTION 2. Chapter 554B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§554B- Minors in theatrical employment; mandatory trust account; fiduciary duty; rules. (a) The parent or legal guardian of a minor in theatrical employment shall establish a trust account for the benefit of the minor before the minor's first instance of theatrical employment and shall maintain the account until the custodian of the account transfers the contents of the account to the minor or the minor's estate.

(b) The employer of the minor in theatrical employment shall deposit at least fifteen per cent of the minor's gross earnings to the trust account for the minor's benefit until the minor attains the age of majority or is emancipated.

(c) The trust account shall be established with an independent third-party trustee that ensures the security and growth of the trust account and that provides the minor and the minor's parent or legal guardian with quarterly statements.

(d) Any contracts or agreements involving a minor in theatrical employment shall be signed by at least one parent or legal guardian.

(e) A parent or legal guardian of a minor in theatrical employment may access the funds within the mandatory trust account established pursuant to subsection (a) for the minor, but only for the benefit of the minor.

(f) Any misappropriation or fraudulent use of funds within the mandatory trust account established pursuant to subsection (a) by the parent or legal guardian of a minor in theatrical employment, or the independent third-party trustee acting as the custodian of the mandatory trust account, shall be a breach of fiduciary duty subject to civil penalties, criminal prosecution, and, in the case of the third-party trustee, removal from the position of trustee.

(g) This section shall only apply when the gross income of the minor in theatrical employment is at least:

- (1) \$5,000 for a project; or
- (2) \$20,000 in a calendar year.

(h) For the purposes of this section:

“Employer” includes any individual, partnership, association, joint stock company, trust, corporation, or the personal representative of the estate of a deceased individual, or the receiver, trustee, or successor of any of the same, employing any person, but shall not include the State or any political subdivision thereof or the United States.

“Theatrical employment” means gainful occupation as a model; dancer; singer; musician; social media influencer; entertainer; or motion picture, television, radio, or theatrical performer.”

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

SECTION 4. New statutory material is underscored.¹

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

(Approved June 4, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 174

H.B. NO. 1379

A Bill for an Act Relating to Health.

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

SECTION 1. Section 453-4.5, Hawaii Revised Statutes, is amended to read as follows:

“§453-4.5 Foreign medical graduates; alternative qualifications. Notwithstanding section 453-4(b)(2)(B), a graduate of a foreign medical school ~~[who has passed]~~ may be licensed by the Hawaii medical board under section 453-4(c) if the graduate:

- (1) Passed the Federation Licensing Examination (FLEX) or the United States Medical Licensing Examination (USMLE), or a combination of these examinations as approved by the board, with scores deemed satisfactory to the board, passed the qualifying examination of the Educational Commission for Foreign Medical Graduates [prior to 1984], and has at least three years of medical training or experience in a hospital approved by the Council on Medical Education and Hospitals of the American Medical Association for internship or residency [may be licensed by the Hawaii medical board under section 453-4(e)]; or
- (2) Passed the Federation Licensing Examination (FLEX) or the United States Medical Licensing Examination (USMLE), or a combination of these examinations as approved by the board, with scores deemed satisfactory to the board, possesses an Educational

Commission for Foreign Medical Graduates certificate, and has successfully completed two years of post-graduate medical training in a program approved by the Accreditation Council for Graduate Medical Education or American Osteopathic Association or a Canadian program that has been accredited for resident training by the Royal College of Physicians and Surgeons of Canada or College of Family Physicians of Canada; provided that if the post-graduate medical training involves a subspecialty clinical fellowship program, the board may accept post-graduate medical training in a hospital that has an Accreditation Council for Graduate Medical Education or American Osteopathic Association or accredited Canadian post graduate medical training program in the parent specialty.”

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 4, 2025.)

ACT 175

S.B. NO. 1434

A Bill for an Act Relating to Universal Immunization Funding Program.

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

SECTION 1. The legislature finds that fourteen states have adopted programs known as “Universal Purchase” or “Universal Select” (collectively, UP), which provide state-purchased access to some or all recommended immunizations to children and adults in those states. UP immunization purchases occur at a discounted price through contracts otherwise intended for more established and familiar immunization purchasing programs such as the Vaccines For Children Program (Public Law 103-66) and Public Health Services Act, Section 317 Immunization Program (Public Law 78-410). Other varied state approaches include superseding private sources of coverage and assessing health insurance plans for the cost of the program and disallowing provider use of private immunization stock.

The legislature further finds that states with UP programs that allow state health officials to manage the supply of immunizations lowered health care providers’ administrative costs and ensured that the states can quickly supply immunizations to vulnerable patient groups during emergencies or immunization shortages. The potential benefits to Hawaii’s health care and public health system make investment in a UP program worthwhile.

The purpose of this Act is to establish a universal immunization funding program in the State.

SECTION 2. Chapter 325, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . UNIVERSAL IMMUNIZATION FUNDING PROGRAM

§325- Definitions. As used in this part:

“Adult covered lives” means all adults under the age of sixty-five who have immunizations covered:

- (1) By an individual or group health insurance policy, plan, contract, or agreement issued or delivered in the State;
- (2) By a group health insurance policy evidenced by a certificate of insurance issued or delivered to an individual residing in the State;
- (3) By an employee benefit plan of a self-insured entity or a government plan for any employer or government entity that has an office or other worksite located in the State or has two or more employees; or
- (4) As a participant or beneficiary of a health cost sharing program.

“Assessed entity” means an insurer that is not a medicare advantage health plan and is governed by article 10A of chapter 431, a nonprofit mutual benefit society governed by article 1 of chapter 432, a fraternal benefit society governed by article 2 of chapter 432, or a health maintenance organization governed by chapter 432D.

“Assessment” means the association member liability with respect to immunization costs determined in accordance with this part.

“Child covered lives” means all children aged eighteen years or younger who have immunizations covered:

- (1) By an individual or group health insurance policy, plan, contract, or agreement issued or delivered in the State;
- (2) By a group health insurance policy evidenced by a certificate of insurance issued or delivered to an individual residing in the State;
- (3) By an employee benefit plan of a self-insured entity or a government plan for any employer or government entity that has an office or other worksite located in the State or has two or more employees; or
- (4) As a participant or beneficiary of a health cost sharing program.

“Department” means the department of health.

“Director” means the director of health or the director’s designee.

“Estimated adult immunization cost” means the estimated cost to the State for the purchase and distribution of adult immunizations.

“Estimated child immunization cost” means the estimated cost to the State for the purchase and distribution of child immunizations.

“Health cost sharing program” means any cost sharing or similar program that seeks to share the costs of health care services and that in the preceding twelve months has either coordinated payment for or reimbursed over \$10,000 of costs for health care services delivered in the State or communicated by mail or electronic media to residents of the State concerning its potential participation.

“Immunization” means any preparation of killed microorganisms, living attenuated organisms, living fully virulent organisms, or part thereof, or any other treatment intended to trigger an immune response that is authorized by the United States Food and Drug Administration, recommended by the national Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention, or has been authorized for purchase by the director for the purposes of producing or increasing immunity to particular diseases. “Immunization” includes any other substance designated as such by order of the director.

“Program” means the universal immunization funding program established under this part.

“Provider” means a person licensed by the State to administer immunizations or provide health care services or a partnership or corporation or other entity made up of those persons.

“Vaccines for children program” means the federal entitlement program established under title 42 United States Code section 1396s, which provides immunizations at no charge for eligible children eighteen years of age or younger.

§325- Universal immunization funding program; established. (a) There is established within the department the universal immunization funding program for the purpose of providing immunizations to individuals in the State.
(b) The department may contract with other entities for any services needed to carry out the purposes of this part.

§325- Universal immunization purchase special fund; established. (a) There is established in the state treasury the universal immunization purchase special fund into which shall be deposited:
(1) Fees, fines, and cost reimbursements collected from assessed entities pursuant to this part;
(2) Appropriations made by the legislature;
(3) Grants, contracts, donations, and private contributions;
(4) Moneys from the federal Centers for Medicare and Medicaid Services and other federal agencies;
(5) All interest earned or accrued from the investment of moneys in the fund; and
(6) Any other moneys made available to the special fund from other sources.
(b) The fund shall be administered and expended by the department.
(c) Expenditures from the fund shall be used for the purchase of immunizations and the administration of the program.

§325- Assessments. (a) The director shall determine immunization assessment rates as follows:
(1) Provide estimated child immunization costs and estimated adult immunization costs, not covered by the vaccines for children program or any of its successors, for the succeeding fiscal year no later than ninety days before the commencement of each state fiscal year;
(2) Add estimates to cover the department’s operating costs for the program;
(3) Add a reserve of up to ten per cent of the sum of the preceding fiscal year’s program costs and for unanticipated costs;
(4) Add a working capital reserve in such amount as may be reasonably determined by the director;
(5) Subtract or add the amount of any surplus or deficit in the fund, including any net investment income earned, as of the end of the preceding state fiscal year; and
(6) Calculate the immunization assessment rates as a per-child covered life per month and per-adult covered life per month amount to be self-reported and paid by all assessed entities by dividing the annual amount determined in accordance with paragraphs (1) through (5) by the number of children and adults, respectively, projected to be covered by the assessed entities during the succeeding program year, divided by twelve.
(b) No later than forty-five days following the close of each state fiscal year, the department shall provide an accounting of immunization purchase funds not covered by any state or other program to determine the final amount needed to cover the prior fiscal year.

Unless determined by the director, any assessed entity that would otherwise be responsible for reimbursement to any provider for any immunization administration shall be responsible for reporting the child covered life and adult covered life and for payment of the corresponding assessment to the department. The department shall establish by rule the frequency, schedule, and methodology of the assessments that the assessed entities shall be subject to.

(c) At any time after one full calendar year of operation under subsections (a) and (b), the director may make changes to the assessment collection mechanism. Any changes shall be reflected in an updated plan of operation available to the public.

(d) If an assessed entity has not paid in accordance with this section, interest shall accrue at one per cent per month, compounded monthly on or after the due date.

(e) The director may determine an interim assessment for new immunizations or public health emergencies and shall calculate a supplemental interim assessment using the methodology outlined under subsection (a) for regular assessments, but payable within forty-five days of the interim assessment notice. The director shall not impose more than one interim assessment per year, except in the case of a public health emergency declared in accordance with federal or state law.

(f) For purposes of assessments, medical loss ratio calculations, and reimbursement by plan sponsors, all association assessments shall be considered pharmaceutical or medical benefit costs and not regulatory or administrative costs.

(g) If the department discontinues operation of the program for any reason, any unexpended assessments, including unexpended funds from prior assessments in the universal immunization purchase special fund, shall be refunded to assessed entities in proportion to the current fiscal year's assessment rate.

§325- Reports and audits. (a) The department shall audit assessed entities and providers in accordance with the reporting and compliance requirements of the program. Each assessed entity shall report its number of child and adult covered lives according to a schedule determined by the director and respond to any requests by the director related to covered lives or assessments due. Any assessed entity that fails to respond to an audit request within ten business days of the receipt of notification of audit request shall be responsible for prompt payment of fees of any outside auditor engaged by the department to determine the information and shall make all records requested by the department-engaged auditors available for inspection and copying at the location within the State as specified by the auditor.

(b) Each provider administering immunizations in the State that are supplied via federal vaccination programs or the program shall report to the Hawaii immunization registry pursuant to section 325-122 any data related to immunizations as the department determines is necessary for disease prevention, control, and immunization inventory management and accountability purposes.

(c) Failure to cure non-compliance with any reporting, auditing, or assessment obligation to the department no later than thirty days from the postmarked date of written notice of noncompliance may subject the assessed entity to fines, fees, and other costs of enforcement established pursuant to subsection (d). Any monetary fine, fee, or cost reimbursement shall be remitted to the universal immunization purchase special fund.

(d) Any entity that violates this part shall be fined not more than \$1,000 for each separate offense. Each day of violation shall constitute a separate offense. The assessed entity shall also pay for reasonable attorneys' fees and any other costs of enforcement under this section. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action.

§325- Immunity. Apart from liabilities of assessed entities pursuant to this part, there shall be no liability on the part of and no cause of action against the department, its independent contractors, or its employees for any action or omission in the course of operating the universal immunization purchase program.

§325- Rulemaking. The department may adopt rules pursuant to chapter 91 to carry out the purposes of this part.

§325- Available choices. The department shall purchase immunizations through the federal Centers for Disease Control and Prevention contracted price list, or other group purchasing negotiated discount rate, for which costs are funded pursuant to this part. The department may make purchases from available immunizations based on health care provider requests and shall not limit the immunizations the department purchases from those available at a discounted rate; provided that the department may choose to not purchase a specific immunization that has a low volume of statewide health care provider requests.

§325- Immunization cost reimbursement to providers; limits. This part shall have no impact on amounts paid to providers to administer immunizations. No provider may bill any assessed entity or any other person for any immunizations supplied at no cost by the State."

SECTION 3. Section 36-27, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in this section, and notwithstanding any other law to the contrary, from time to time, the director of finance, for the purpose of defraying the prorated estimate of central service expenses of government in relation to all special funds, except the:

- (1) Special out-of-school time instructional program fund under section 302A-1310;
- (2) School cafeteria special funds of the department of education;
- (3) Special funds of the University of Hawaii;
- (4) Convention center enterprise special fund under section 201B-8;
- (5) Special funds established by section 206E-6;
- (6) Aloha Tower fund created by section 206J-17;
- (7) Funds of the employees' retirement system created by section 88-109;
- (8) Hawaii hurricane relief fund established under chapter 431P;
- (9) Hawaii health systems corporation special funds and the subaccounts of its regional system boards;
- (10) Universal service fund established under section 269-42;
- (11) Emergency and budget reserve fund under section 328L-3;
- (12) Public schools special fees and charges fund under section 302A-1130;
- (13) Sport fish special fund under section 187A-9.5;

- (14) Neurotrauma special fund under section 321H-4;
 - (15) Glass advance disposal fee established by section 342G-82;
 - (16) Center for nursing special fund under section 304A-2163;
 - (17) Passenger facility charge special fund established by section 261-5.5;
 - (18) Solicitation of funds for charitable purposes special fund established by section 467B-15;
 - (19) Land conservation fund established by section 173A-5;
 - (20) Court interpreting services revolving fund under section 607-1.5;
 - (21) Trauma system special fund under section 321-22.5;
 - (22) Hawaii cancer research special fund;
 - (23) Community health centers special fund;
 - (24) Emergency medical services special fund;
 - (25) Rental motor vehicle customer facility charge special fund established under section 261-5.6;
 - (26) Shared services technology special fund under section 27-43;
 - (27) Automated victim information and notification system special fund established under section 353-136;
 - (28) Deposit beverage container deposit special fund under section 342G-104;
 - (29) Hospital sustainability program special fund under section 346G-4;
 - (30) Nursing facility sustainability program special fund under section 346F-4;
 - (31) Hawaii 3R's school improvement fund under section 302A-1502.4;
 - (32) After-school plus program revolving fund under section 302A-1149.5;
 - (33) Civil monetary penalty special fund under section 321-30.2; ~~and~~
 - ~~[(34)]~~ Stadium development special fund under section 109-3.5[; and
 - ~~(35) Universal immunization purchase special fund under section 325-~~
- shall deduct five per cent of all receipts of all other special funds, which deduction shall be transferred to the general fund of the State and become general realizations of the State. All officers of the State and other persons having power to allocate or disburse any special funds shall cooperate with the director in effecting these transfers. To determine the proper revenue base upon which the central service assessment is to be calculated, the director shall adopt rules pursuant to chapter 91 for the purpose of suspending or limiting the application of the central service assessment of any fund. No later than twenty days prior to the convening of each regular session of the legislature, the director shall report all central service assessments made during the preceding fiscal year."

SECTION 4. Provided that of the general fund appropriation for health - general administration (program ID HTH 907), contained in the final version of House Bill No. 300¹ passed by the legislature in the regular session of 2025, the sum of \$934,000 or so much thereof as may be necessary for fiscal year 2025-2026 shall be deposited into the universal immunization purchase special fund.

SECTION 5. There is appropriated out of the universal immunization purchase special fund the sum of \$934,000 or so much thereof as may be necessary for fiscal year 2025-2026 for the purchase of immunizations and the administration of the universal immunization funding program.

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

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

SECTION 7. This Act shall take effect on July 1, 2025.

(Approved June 4, 2025.)

Note

1. Act 250.

ACT 176

S.B. NO. 1502

A Bill for an Act Relating to the University of Hawaii.

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

SECTION 1. The legislature finds that the State offers a unique opportunity for job growth and economic development through its important geographic location. During fiscal year 2022, the State received almost \$9 billion in defense spending. Furthermore, from fiscal years 2018 to 2022, the number of defense-related jobs increased by about ten thousand. Many of these jobs are in the areas of information technology, cybersecurity, intelligence, and data science, providing good-paying jobs for the State's local economy. To meet the growing demand for jobs in these fields, the State should utilize and invest in the expertise offered at the business administration program at the university of Hawaii West Oahu.

Accordingly, the purpose of this Act is to appropriate funds to the university of Hawaii to hire faculty at the business administration program at the university of Hawaii West Oahu for workforce development to support the defense sector of the State's economy.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$195,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the establishment of the following positions:

- (1) One half-time equivalent (0.5 FTE) faculty for the director of the cybersecurity coordination center; and
- (2) One full-time equivalent (1.0 FTE) faculty for the director of the cybersecurity research laboratory,

for the business administration program at the university of Hawaii West Oahu for workforce development in the defense sector of the State's economy.

The sums appropriated shall be expended by the university of Hawaii for the purposes of this Act.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$270,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for student internship programs, certifications, software, and other related expenses for the business administration program at the university of Hawaii West Oahu for workforce development in the defense sector of the State's economy; provided that federal funding is lost.

The sums 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, 2025.

(Approved June 6, 2025.)

ACT 177

S.B. NO. 1402

A Bill for an Act Relating to Vessels in State Commercial Harbors.

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

SECTION 1. Section 266-61, Hawaii Revised Statutes, is amended to read as follows:

~~“[H]§266-61[H]~~ **Labor subject to collective bargaining; required.** ~~[H] (a)~~ Except as provided in subsection (b), 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]~~.

(b) Subsection (a) shall not apply to:

- (1) 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]; and
- (2) The securing of mooring lines from fishing vessels; government-owned or government-sponsored vessels; tour boats; and training vessels.”

SECTION 2. 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 3. 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 deferral or state constitutional provision, law, rule, or regulation, this Act, in its entirety shall be invalid.

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, 2025.

(Approved June 6, 2025.)

ACT 178

S.B. NO. 1442

A Bill for an Act Relating to Mental Health Services for Children and Adolescents.

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

SECTION 1. The legislature finds that addressing mental health needs early in life is imperative for better health and well-being in adulthood. Adverse childhood experiences, which are various forms of trauma during a child's development, are linked to a greater likelihood of lifelong risky behaviors that can

lead to chronic diseases and poor mental health, including depression, anxiety, and suicidality.

The importance of children and adolescent mental health was emphasized during the COVID-19 pandemic, which significantly impacted the social, emotional, and mental well-being of youth globally. Hawaii children and adolescents, like those in other states in the nation, were more likely to have depression and anxiety after the first year of the COVID-19 pandemic.

The child and adolescent mental health division of the department of health is the State's medicaid provider of intensive mental health services for youth. Services provided by the division may be described as a multi-tiered and multi-agency system of care.

The child and adolescent mental health division receives referrals from, and provides mental health services in coordination and collaboration with, other state government agencies, as appropriate. For example, the division may receive a client who is housed in a detention home, has been abused, and has dropped out of school. The division will provide the child with treatment and services in coordination with other state agencies, including the judiciary, child welfare services, and department of education, that may be involved given the child's circumstances. To minimize disruptions in the daily lives of the clients and their families, the division provides its clients with community-based services and supports by contracting with mental health professionals who practice near or in the communities where eligible children and adolescents live.

The purpose of this Act is to clarify and update the responsibilities of the child and adolescent mental health division of the department of health to reflect the current mental health systems of care that address mental health needs of children and adolescents in the State.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part XV to be appropriately designated and to read as follows:

“§321- Definitions. As used in this part:

“Client” means a child or adolescent who is receiving services from the child and adolescent mental health division.

“Division” means the child and adolescent mental health division of the department of health.”

SECTION 3. Section 321-171¹, Hawaii Revised Statutes, is amended by amending the title of part XV to read as follows:

**“PART XV. MENTAL HEALTH SERVICES FOR CHILDREN
AND [YOUTH] ADOLESCENTS”**

SECTION 4. Section 321-171, Hawaii Revised Statutes, is amended to read as follows:

“§321-171 [~~Children's mental~~] Mental health services[;] for children and adolescents; department responsibility. It shall be the responsibility of the department of health to:

- (1) Provide [~~preventative~~] preventive health services for children and [~~youth;~~] adolescents; and
 - (2) Provide diagnostic and treatment services for emotionally disturbed children and [~~youth;~~ and
 - (3) ~~Provide treatment and rehabilitative services for mentally ill children and youth.~~
- ~~Such~~] adolescents.

These services shall be delivered [at the earliest possible moment] as soon as reasonably possible after the need for [such] the services is established. [AH] Subject to the availability of federal or state resources, eligible children and [youth] adolescents between the ages of birth and seventeen years shall receive the necessary mental health services to [insure] ensure their proper and full development. [If there is any adjudication or settlement of any legal action involving the delivery of children's mental health services, the] The department of health shall be responsible for the coordination of carrying out the terms of [the] any judgment or settlement[-] related to the delivery of mental health services to children and adolescents, as required by this section."

SECTION 5. Section 321-172, Hawaii Revised Statutes, is amended to read as follows:

"§321-172 [Children's mental health services branch.] Child and adolescent mental health division. There [is] shall be established within the department of health[-, mental health division, a children's] a child and adolescent mental health [services branch] division, which shall coordinate the effective and efficient delivery of mental health services to children and [youth-] adolescents, including services provided by private nonprofit agencies under contract to the department of health, and be responsible for the development and implementation of centralized and highly specialized programs for children and [youth-] adolescents."

SECTION 6. Section 321-173, Hawaii Revised Statutes, is amended to read as follows:

"§321-173 [Community mental health services] Family guidance centers for children and [youth-] There is established within each community mental health center a children's mental health services team which-] adolescents. The division shall implement and administer family guidance centers. The family guidance centers, in conjunction with other public and private agencies, shall develop and provide a network of preventative, early identification, screening, diagnostic, treatment, and rehabilitative services for children and [youth] adolescents based on the needs of each [geographic region] county in which the [community mental health] family guidance center is located. The [children's mental health services teams] division shall cooperate with and promote the coordination of the activities of local public and private agencies servicing children and [youth] adolescents in their [particular geographic area-] county or the closest county that has resources and services that meet the client's needs."

SECTION 7. Section 321-174, Hawaii Revised Statutes, is amended to read as follows:

"§321-174 Coordination of services with department of education. The [children's] child and adolescent mental health services team shall cooperate with the schools located in their particular geographic region in identifying and referring for treatment such children or [youths] adolescents in need of mental health services. In conjunction with the [children's] child and adolescent mental health services team, the department of education and the department of health shall develop a memorandum of agreement which shall provide for a sharing of responsibilities for the affected agencies and shall include but not be limited to provisions for:

- (1) Accepting referrals from the school counselors and diagnostic teams for evaluation and direct treatment of children and [youth] adolescents suffering from mental and emotional disorders;

- (2) Providing consultation to enable teachers and other school personnel to aid in the identification and screening of children and adolescents in need of professional mental health services and the services of psychologists, as defined in chapter 465;
- (3) Providing training and education about emotional disturbances of children and adolescents to teachers, school counselors, and parents;
- (4) Assisting the department of education with mental health services and the services of psychologists, as defined in chapter 465 for handicapped children[;] and adolescents;
- (5) Developing an ongoing mechanism to assess, document, and report to the legislature and the governor unmet needs for mental health services for students in each geographic region; and
- (6) Performing other related services for school personnel, children, adolescents, and parents.”

SECTION 8. Section 321-175, Hawaii Revised Statutes, is amended to read as follows:

“§321-175 Statewide [ehildren’s] child and adolescent mental health services plan. (a) Commencing [~~on September 1, 1980,~~] no later than twenty days before the convening of the regular session of 2027, and every [~~four~~] five years thereafter, the [~~children’s mental health services branch, on or before September 1 of each four-year cycle,~~] division shall develop and [~~present~~] submit to the governor and the legislature[, as well as release for public inspection and comment,] a current statewide [~~children’s~~] child and adolescent mental health services plan [~~which~~] that shall include:

- [(1)] A survey of the children and youth in the State who are (A) in need of and (B) receiving mental health services showing the total number of such children and youth and their geographic distribution;
- (2) Identification of the public and private providers of mental health services to children and youth;
- (3) Identification of the criteria and standards for the treatment to be received by emotionally disturbed or mentally ill children and youth;
- (4) A program for the recruitment, orientation, and in-service training of personnel in community mental health services to children and youth, and to allied fields, including participation, as appropriate, by institutions of higher learning, state and local agencies, and other public and private agencies having relevant expertise;
- (5) [(1)] An assessment of the mental health needs of children and adolescents in the State;
- (2) An assessment of resources available to meet the mental health needs of children and adolescents in the State;
- (3) Identification of gaps between needs and available resources;
- (4) A description of the provisions for prevention, [~~early identification,~~] diagnosis, screening, and treatment, [~~and~~] which is inclusive of rehabilitation [(including, with regard to treatment and rehabilitation, services provided through inpatient, outpatient, and community residential facilities) of children and youth in need of mental health services;
- (6) An implementation plan for providing mental health services to all children and youth in the State in each of the above mentioned areas; and

- (7) ~~Any additional matters which may be necessary or appropriate, including recommendations for amendment of laws, changes in administrative practices and patterns of organization, and changes in levels and patterns of financial support relating to children's mental health services;]~~ and
- (5) Recommendations to the governor and legislature on how to meet the mental health needs of children and adolescents.
- (b) ~~[Prior to]~~ Before the submission of the statewide ~~[children's]~~ child and adolescent mental health services plan under subsection (a) to the governor and the legislature, the department of health shall hold public hearings on the plan in accordance with ~~[chapter 91.]~~ section 92-41. There shall be at least one hearing in each county; ~~[except]~~ provided that the city and county of Honolulu shall have three hearings in strategic geographic locations to provide the widest exposure of the plan to the population.
- (c) Any amendments to the statewide ~~[children's]~~ child and adolescent mental health services plan shall be made after public meetings held in accordance with ~~[chapter 91.]~~ subsection (b)."

SECTION 9. Section 321-176, Hawaii Revised Statutes, is repealed.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 11. This Act shall take effect upon its approval.

(Approved June 6, 2025.)

Notes

- 1. Prefatory language should reference "chapter 321" instead of "[s]ection 321-171".
- 2. Edited pursuant to HRS §23G-16.5.

ACT 179

S.B. NO. 1304

A Bill for an Act Relating to Pesticide Drift Monitoring.

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

SECTION 1. The legislature finds that pesticide applications occurring near schools need to be further studied to ensure Hawaii's children are not being impacted by off-target pesticide drift.

The legislature also finds that the department of agriculture has initiated a study on pesticide drift for schools statewide. The legislature recognizes the importance of this project to ensure children's safety and appropriate uses of pesticides for agricultural food security.

Accordingly, the purpose of this Act is to appropriate funds for the continued monitoring of pesticide drift in schools statewide.

SECTION 2. There is appropriated out of the pesticide use revolving fund the sum of \$323,484 or so much thereof as may be necessary for fiscal year 2025-2026 and the sum of \$311,903 or so much thereof as may be necessary for fiscal year 2026-2027 for the continued monitoring of pesticide drift in schools statewide; provided that:

- (1) The study shall comply with all applicable United States Environmental Protection Agency regulations; and
- (2) After the study is completed, the department of agriculture shall submit a report of the findings and recommendations of the study, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2029.

The sums appropriated shall be expended by the department of agriculture.

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 180

S.B. NO. 1567

A Bill for an Act Relating to the Classification and Compensation Systems.

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

SECTION 1. The legislature finds that state agencies are experiencing a significant labor shortage that is anticipated to worsen in the future. According to the department of human resources development, vacant positions within state agencies increased from eighteen per cent in 2019 before the COVID-19 pandemic to twenty-seven per cent in 2023. While the COVID-19 pandemic may have contributed to this increase, the department of human resources development also reported that thirty per cent of existing state employees will be eligible for retirement in the next five years.

The legislature also finds that the class specifications of state positions that define the duties and responsibilities of the respective class, level of difficulty and authority, and minimum qualifications, and compensation for the positions have become outdated, contributing to state agencies' struggle in recruiting, hiring, and retaining employees. Therefore, it is imperative for state departments and agencies to conduct a comprehensive review and modernization of position classification and compensation systems of their positions, to attract and retain qualified and capable employees that will effectively serve the residents of the State.

Accordingly, the purpose of this Act is to require the department of human resources development to expeditiously conduct a comprehensive review of the classification and compensation systems for civil service positions under its jurisdiction.

SECTION 2. (a) The department of human resources development shall complete a comprehensive review of the classification and compensation systems for all civil service positions that are under its jurisdiction by October 31, 2026. The department of human resources development may contract with a third party, in accordance with chapter 103D, Hawaii Revised Statutes, to assist with the timely completion of the review.

- (b) The department of human resources development shall submit a:
- (1) Preliminary report of its findings and recommendations, including any proposed legislation, to the legislature no later than February 28, 2026; and

- (2) Final report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2027.

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 181

S.B. NO. 88

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;
- (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, TRICARE dental, and vision coverage for the individual officer or warrant officer and TRICARE reserve select coverage for 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
- (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;
- (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, TRICARE dental, and vision coverage for the individual enlisted person and TRICARE reserve select coverage for 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

- (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. 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 6, 2025.)

ACT 182**S.B. NO. 65**

A Bill for an Act Relating to Housing.

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

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the Hawaii public housing authority to rehabilitate, remodel, renovate, and repair housing units.

The sums appropriated shall be expended by the Hawaii public housing authority for the purposes of this Act.

SECTION 2. This Act shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 183**S.B. NO. 1146**

A Bill for an Act Relating to the Ala Wai Canal.

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

SECTION 1. The legislature finds that the Ala Wai canal was built in the 1920s and is the largest artificial waterway in the State. Floating debris in the canal has been a persistent problem, which severely harms recreational users and the State’s aquatic habitats in nearshore waters. In October 2024, heavy rain in the watershed area caused serious concerns for downstream tenants, including those at the Ala Wai small boat harbor. The legislature recognizes that the division of boating and ocean recreation of the department of land and natural resources has spent hundreds of thousands of dollars to collect and dispose of the floating debris at the Ala Wai small boat harbor. However, more funding and assistance is needed to better manage floating debris in the Ala Wai canal.

Accordingly, the purpose of this Act is to appropriate funds to the university of Hawaii to:

- (1) Develop an action plan and pre-engineering concept plan to help with debris management and water quality control in the Ala Wai watershed; and
- (2) Establish two graduate assistant positions to assist with the action plan and pre-engineering concept plan.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$425,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2026-2027 for:

- (1) The development of an action plan and pre-engineering concept plan to help with debris management and water quality control in the Ala Wai watershed;
- (2) The university of Hawaii to establish two graduate assistant positions to assist with the action plan and pre-engineering concept plan;
- (3) Partial summer overload support for faculty mentors providing oversight of the student project teams; and
- (4) Other current expenses.

The sums 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, 2025.

(Approved June 6, 2025.)

ACT 184

S.B. NO. 865

A Bill for an Act Relating to Agriculture.

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

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$76,500 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to:

- (1) Support the coffee and orchard crops extension and applied research program;
- (2) Support the Kona research station in the county of Hawaii; and
- (3) Fund the establishment of one full-time equivalent (1.0 FTE) permanent extension agent position within the university of Hawaii college of tropical agriculture and human resilience's Kona cooperative extension.

The sums appropriated shall be expended by the agribusiness development corporation for the purposes of this Act.

SECTION 2. This Act shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 185

S.B. NO. 693

A Bill for an Act Relating to the Food Hub Pilot Program.

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

SECTION 1. The legislature finds that the State's food security may be strengthened by growing more food locally and increasing access to local food. This endeavor may be supported by establishing food hubs, which are centrally located facilities that have a business management structure that facilitates the aggregation, storage, processing, distribution, and marketing of locally produced food products. By actively coordinating these activities along the value chain, food hubs may provide wider access to institutional and retail markets for small- to mid-sized producers and increase consumer access to fresh and healthy food, including for those consumers in underserved areas and food deserts.

Recognizing that food hubs often encounter financial obstacles when seeking to launch or expand their operations, the legislature passed Act 313, Session Laws of Hawaii 2022, which established a five-year food hub pilot program that provides eligible applicants with financial assistance to establish and expand food hub operations on a scale to meet local demand. The legislature finds that additional funds are needed to continue the pilot program to assist food hubs in the State.

Accordingly, the purpose of this Act is to appropriate funds for the continued implementation of the food hub pilot program, including the awarding of grant moneys to qualifying food hubs.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the continued implementation of the food hub pilot program established pursuant to Act 313, Session Laws of Hawaii 2022, including the awarding of grant moneys to qualifying food hubs.

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

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 186

H.B. NO. 1365

A Bill for an Act Relating to the Department of Agriculture.

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

SECTION 1. The legislature finds that access to affordable and reliable irrigation water is essential for sustainable agricultural viability. In the county of Hawaii, farmers incur great expense to pay for potable water from the county during the drier months of the year. By increasing the availability of non-potable water wells for agricultural uses, it would conserve the potable water supply for other purposes.

The purpose of this Act is to enhance irrigation water access by appropriating funds to the department of agriculture for a non-potable water wells pilot

program to prepare an environmental impact statement or environmental assessment for the drilling of non-potable water wells in Panaewa, Hawaii.

SECTION 2. Any non-potable water well or improvement on individual parcels at Panaewa agricultural park and Panaewa farm lots, under the department of agriculture, that is completed according to the environmental impact statement or environmental assessment under this Act shall revert back to the State upon the lease expiration date.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2025-2026 for a non-potable water wells pilot program to prepare an environmental impact statement or environmental assessment for the drilling of non-potable water wells on individual parcels at Panaewa agricultural park and Panaewa farm lots, under the department of agriculture.

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 187

H.B. NO. 778

A Bill for an Act Relating to Integrated Land Use.

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

SECTION 1. The legislature finds that multiple climate and sustainability statutory targets have been enacted in the State, including developing at least 22,500 affordable rental housing units, doubling food production, increasing food exports, requiring the department of education and university of Hawaii to become net-zero in energy use, requiring that all of the electricity generated in Hawaii comes from renewable sources, sequestering more atmospheric carbon and greenhouse gases, requiring all state and county facilities to use reclaimed water, and requiring the mandatory upgrade of all cesspools.

The legislature recognizes that, with the recent expansion of the office of planning and sustainable development through Act 45, Session Laws of Hawaii 2020, and Acts 152 and 153, Session Laws of Hawaii 2021, the office of planning and sustainable development functionally serves as the State's centralized coordinating agency to lead efforts in climate adaptive and sustainable land use policies.

The legislature further finds that the State would benefit from a land use plan that integrates various climate and sustainability goals and studies, especially on the use of agricultural lands. An integrated land use study would help to address recent events and public opposition to affordable housing projects and renewable energy projects on agricultural land.

The purpose of this Act is to require the office of planning and sustainable development to conduct an integrated land use study that incorporates the various climate and sustainability goals and studies to serve as a guide for planning and decision making on the use of agricultural lands.

SECTION 2. (a) The office of planning and sustainable development shall conduct an integrated land use study for agricultural districts as classified under section 205-2, Hawaii Revised Statutes.

(b) The purpose of the integrated land use study shall be to:

- (1) Develop land use data that can be used for planning and decision making for the competing uses of lands within agricultural districts; and
- (2) Determine the land use feasibility and needs of lands within agricultural districts to meet the State's climate, sustainability, and housing statutory targets.

(c) The integrated land use study shall incorporate the recommendations of:

- (1) The Hawaii 2050 sustainability plan pursuant to section 226-65, Hawaii Revised Statutes;
- (2) The state land use review of districts;
- (3) The Hawaii sea level rise vulnerability and adaptation report pursuant to section 225P-3, Hawaii Revised Statutes; and
- (4) The State's climate, sustainability, and housing statutory targets, as needed.

(d) The integrated land use study shall also consider the Hawaii state plan update phase one and the soil classification study required pursuant to Act 189, Session Laws of Hawaii 2022.

(e) The integrated land use study shall include recommendations for each county.

(f) In conducting the integrated land use study, the office of planning and sustainable development shall:

- (1) Develop data-based estimates on the amount of land required to meet the competing uses of lands within the agricultural districts by compiling and analyzing existing data from various government entities, including the department of agriculture; department of transportation; department of land and natural resources; department of business, economic development, and tourism; Hawaii state energy office; Hawaii housing finance and development corporation; public utilities commission; and the counties. Secondary input shall be sought from the university of Hawaii, utility companies, nonprofit agricultural organizations, the agricultural community, and other organizations or entities deemed appropriate by the office;
- (2) Clearly define and prioritize the protection of productive agricultural lands to prevent further encroachment from non-agricultural developments, including developing measures to ensure agricultural lands designated for agriculture production are not compromised for short-term development needs;
- (3) Include direct input from the agricultural community to ensure the study reflects the realities and needs of farmers and ranchers;
- (4) Conduct outreach to ensure county and community input and acceptance; and
- (5) Once the initial compilation of data is completed, analyze the available acreage in each county along with the potential impacts for the proposed changes.

SECTION 3. The office of planning and sustainable development shall submit an interim report to the legislature no later than twenty days prior to the convening of the regular session of 2026 on the progress of developing data-

based estimates and the progress of the integrated land use study and a final report to the legislature and the land use commission no later than twenty days prior to the convening of the regular session of 2027.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the establishment of one full-time equivalent (1.0 FTE) planner position, exempt from chapter 76, Hawaii Revised Statutes, and for computers, office supplies, travel, and other expenses to conduct the integrated land use study.

The sums 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, 2025.

(Approved June 6, 2025.)

ACT 188

H.B. NO. 879

A Bill for an Act Relating to Cesspool Conversions.

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

SECTION 1. There is appropriated out of the general revenues of the State of Hawaii the sum of \$76,704 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to establish one full-time equivalent (1.0 FTE) permanent engineer III position within the department of health to assist with the upgrade and conversion of cesspools and perform any other related responsibilities as designated by the wastewater branch of the department of health.

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

SECTION 2. This Act shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 189

S.B. NO. 1602

A Bill for an Act Relating to the Keauhou Aquifer System.

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

SECTION 1. (a) The department of land and natural resources shall establish a Keauhou aquifer system monitoring pilot project.

(b) Under the pilot project, the commission on water resource management, in collaboration with other agencies, shall:

- (1) Collect data from the monitoring wells installed in the Keauhou aquifer system;
- (2) Monitor groundwater levels in the Keauhou aquifer system;
- (3) Conduct water salinity tests in the Keauhou aquifer system;

- (4) Monitor the impacts of groundwater pumping on the health of coastal ecosystems and traditional and customary practices within the Keauhou aquifer system;
 - (5) Initiate public information meetings to report on the data collected;
 - (6) Conduct community outreach to guide the management of groundwater resources in the Keauhou aquifer system;
 - (7) Integrate new and existing studies and research into a plan for the responsible management of groundwater resources in the Keauhou aquifer system; and
 - (8) Conduct other related activities as the department deems necessary to carry out the purpose of the pilot project.
- (c) The department of land and natural resources shall submit an interim report to the legislature every six months, detailing, at minimum, groundwater levels and water salinity analysis in the Keauhou aquifer system.

SECTION 2. Based on the department of land and natural resources' assessment of the Keauhou aquifer system monitoring pilot project, the department shall determine whether to continue, expand, or end the pilot project.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the Keauhou aquifer system monitoring pilot project.

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 190

S.B. NO. 330

A Bill for an Act Relating to Invasive Species Prevention.

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

SECTION 1. The legislature finds that diversifying and strengthening the State's agricultural sector is a high priority. Citrus, including oranges, limes, tangelos, and grapefruit, is increasingly being planted in the State, particularly on Maui. According to the United States Department of Agriculture (USDA) National Agricultural Statistics Service, the production of citrus crops in the State increased from 347,610 pounds in 2018 to 940,770 pounds in 2021. The legislature wants to protect and promote citrus crops as production continues to increase and as pest and disease pressure in major citrus-producing states hamper production.

The legislature further finds that the federal and state governments must work cooperatively to prevent the spread of pests and diseases that impact crops, including citrus. When a pest or disease of high concern is discovered infesting a crop or is being moved with a particular commodity, the USDA may establish a quarantine on that infested crop or commodity to prevent the movement of invasive pests or diseases from an infested area to a non-infested area.

The legislature also finds that citrus crops around the world are threatened by serious diseases and pests, including huanglongbing (citrus greening), citrus canker, citrus black spot, and many species of fruit flies. Citrus greening is the most serious citrus disease as there is no cure, the fruit of infected trees never mature, and infected trees die within a few years. The disease has devastated millions of acres of citrus crops around the world. In the United States, it is currently found in Alabama, California, Florida, Georgia, Louisiana, Mississippi, Puerto Rico, South Carolina, Texas, and the United States Virgin Islands. Hawaii is one of the very few citrus-producing states that remains free of citrus greening.

The legislature additionally finds that the USDA establishes and updates areas and items that are quarantined and not allowed to be moved interstate to prevent the spread of diseases and pests, including those affecting citrus.

The legislature further finds that the Hawaii department of agriculture restricts the importation of many citrus species from Puerto Rico and parts of south Florida to protect against Caribbean fruit flies. However, these restrictions were last updated in 1981 and are not sufficient to protect citrus crops in the State today.

The legislature also finds that federal USDA inspectors do not inspect items coming into Hawaii from other states, and when commodities from quarantined areas arrive in the State, the department of agriculture does not have the legal authority to enforce federal quarantines. Therefore, while the USDA quarantines are established to protect the State from potentially devastating invasive pests and diseases, there is no mechanism to enforce them in the State.

The legislature finds that authorizing inspectors of the department of agriculture to enforce federal pest and disease quarantines will close this gap in the State's biosecurity.

Therefore, the purpose of this Act is to authorize the department of agriculture to enforce federal quarantines to prevent the introduction of invasive pests and diseases into the State.

SECTION 2. Chapter 150A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§150A- Federal and state quarantines; enforcement; cooperative agreements. (a) The department may enter into cooperative agreements with the United States Department of Agriculture and other federal, state, or county agencies to assist in the enforcement of federal quarantines. The department may seize, destroy, or require treatment of articles moved from a federally regulated area if the articles were not moved in accordance with the federal quarantine rules or, if certified, the articles were found to be infested with the pest.

(b) Interstate shipments for entry into this State shall be subject to the following:

- (1) A regulated or restricted article shall not enter this State if it is prohibited from interstate movement pursuant to a federal quarantine; or
- (2) The owner or carrier of regulated or restricted articles that are reportedly originating in nonregulated areas of a quarantined state shall provide proof of origin of the regulated or restricted articles through a waybill, or other shipping document, unless otherwise required in title 7 Code of Federal Regulations part 301.

(c) As used in this section:

“Federal quarantine” means a regulatory action imposed by the federal government, including the United States Department of Agriculture or the Animal and Plant Health Inspection Service, to prevent the introduction, spread, or dissemination of pests in the United States.

“Quarantined state” means any state or any portion thereof, designated as a quarantined area in accordance with any federal regulation or order of the United States Secretary of Agriculture or the Administrator of the Animal and Plant Health Inspection Service.

“Regulated or restricted article” means any article identified as a regulated article by the Secretary of the United States Department of Agriculture or the Administrator of the Animal and Plant Health Inspection Service.

“State” means any of the several states of the United States, the District of Columbia, American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.”

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

SECTION 4. New statutory material is underscored.¹

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

(Approved June 6, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 191

S.B. NO. 1501

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 it is imperative to enable the development of affordable clean energy resources for the benefit of utility customers in the State. Many existing generating units in the State will need to be retired in the next few years due to obsolescence and environmental permitting requirements. The impending retirement of these units makes it urgent to obtain replacement resources, without which the reliability of electric supplies in the State will be at risk. In addition, continued reliance on these aging units, even if feasible, would result in increased costs for utility customers and continued reliance on fossil fuels, contrary to the State’s policy to transition to renewable, non-carbon-emitting resources.

The procurement or purchase of energy from replacement clean energy resources by a certain investor-owned electric utility and its electric utility subsidiaries is ongoing in its Stage 3 request for proposals and further anticipated in its first Integrated Grid Planning request for proposals. These requests for proposals set forth energy plans that have been developed through extensive engagement with local stakeholders and communities and reviewed and approved by the public utilities commission. The legislature finds that successful purchase of energy from clean energy resources is in the public interest and necessary to avoid significant detrimental reliability and affordability impacts to electric utility customers.

The legislature further finds that the development of clean energy resources by independent power producers is essential to achieve the State's goals of one hundred per cent net electricity sales from renewable sources by 2045, a statewide target to achieve a zero emissions economy and sequester more atmospheric carbon and greenhouse gases than emitted by 2045, and greater energy security and energy diversification, as established by the Hawaii State Planning Act and existing public utility laws.

The legislature also finds that continued development of clean energy resources requires adequate assurances that payments for purchased power will be made to independent power producers as and when due by the utility under power purchase agreements. The current sub-investment-grade status of a certain investor-owned electric utility and its subsidiaries, arising from the tragic events that occurred in the 2023 Maui wildfires, has led independent power producers, and those who would otherwise finance renewable energy projects, to raise concerns about the reliability of payment by the utility and its subsidiaries under power purchase agreements procured through the Stage 3 and Integrated Grid Planning requests for proposals. Those concerns have caused independent power producers to terminate their renewable energy projects and may continue to cause remaining independent power producers to cancel renewable energy projects, increase the prices they would charge for deliveries to address the inability to obtain financing due to this perceived credit risk, or choose not to respond to the electric utility's Integrated Grid Planning request for proposals. Either outcome would be contrary to the interests of electric reliability and to electric utility customers in the State.

The legislature further finds that the public interest would be served if the department of budget and finance enters into step-in agreements with independent power producers, pursuant to which the department of budget and finance would agree to make payments to an independent power producer after a failure by the electric utility to make required payments pursuant to the terms of a power purchase agreement. The department of budget and finance's obligation to make payments pursuant to the terms of a step-in agreement is limited to the revenues received from power purchase charges associated with power purchase agreements subject to step-in agreements and reserve fees that are on deposit in the power purchase costs trust fund established by the department of budget and finance. Neither the full faith and credit of the State, nor any other moneys of the State, will be pledged for any obligations under a step-in agreement.

The legislature finds that step-in agreements may provide assurances that payments for purchased power will be made to independent power producers as and when due by the utility under the covered power purchase agreements. The legislature also finds that the intent of this Act is further served by appointing, authorizing, and empowering the electric utility to serve as the billing, collection, and payment agent of the department of budget and finance. Prior to a payment default under a covered power purchase agreement by the electric utility, the electric utility will be authorized to utilize revenues received from power purchase charges to discharge its obligations to pay independent power producers for electric energy and related services and products. The obligations of the department of budget and finance under this Act are undertaken for a public purpose, namely, the protection of public health, safety, and welfare by supporting the development of clean energy resources that are needed for the reliable provision of electric supply at a reasonable cost.

Therefore, the purpose of this Act is to:

- (1) Require the department of budget and finance to enter into a step-in agreement with an independent power producer, in which the department of budget and finance agrees to make required payments to the independent power producer from revenues received from power purchase charges and reserve fees after a failure by the electric utility to make required payments pursuant to the terms of a power purchase agreement;
- (2) Require the department of budget and finance to establish a trust fund outside the state treasury that shall be capitalized by money from a surcharge supporting a reserve account within the trust fund and, in the event of a default by the electric utility of its payment obligations under one or more covered power purchase agreements, by revenues received from the power purchase charges related to the covered power purchase agreements, for the fulfillment of payment obligations arising under the covered power purchase agreement;
- (3) Establish that revenues collected from on-bill power purchase charges associated with covered power purchase agreements and money from a surcharge supporting a reserve account that are deposited in the power purchase costs trust fund shall be held in trust by the department of budget and finance, and that independent power producers shall hold a beneficial interest in the moneys to the extent of the amounts owed to each independent power producer under the related covered power purchase agreements; and
- (4) Appoint, authorize, and empower the electric utility to serve as the billing, collection, and payment agent of the department of budget and finance to implement the requirements of this Act.

SECTION 2. Chapter 269, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . STEP-IN AGREEMENTS COVERING POWER
PURCHASE COSTS**

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

“Covered power purchase agreement” means a power purchase agreement that is subject to a step-in agreement.

“Default” means the failure by an electric utility to pay power purchase costs as and when due to an obligee under a covered power purchase agreement after the expiration of any applicable grace or cure periods and extensions thereto. “Default” does not mean a bankruptcy filing by an electric utility.

“Department” means the department of budget and finance, or any successor by law.

“Electric utility” means a public utility that produces, conveys, transmits, delivers, or furnishes electric power.

“Energy cost recovery clause” means the provision, or other equivalent, in an electric utility’s rate schedules that allows the electric utility to recover its costs of fuel, expenses, and related taxes for energy costs of power purchased under a power purchase agreement.

“Fund” means the power purchase costs trust fund established pursuant to section 269-D.

“Hawaii electric system” has the same meaning as defined in section 269-141.

“Independent power producer” has the same meaning as user, owner, or operator of the Hawaii electric system.

“Investment grade status” means a credit rating for the electric utility’s senior unsecured long-term debt obligations or an issuer credit rating for the electric utility, in each case, without regard for third-party credit enhancements, from at least two out of three of the following:

- (1) BBB- or higher for S&P Global Ratings, or any successor by law;
- (2) BAA3 or higher by Moody’s Investor Services, Inc., or any successor by law; or
- (3) BBB- or higher by Fitch Ratings, Inc., or any successor by law.

“Obligee” means any user, owner, or operator of the Hawaii electric system that does not claim a tax credit for a project system under section 235-12.5, and that is owed payment of power purchase costs by the electric utility under a power purchase agreement.

“Power purchase agreement” means a contract between an electric utility and a user, owner, or operator of the Hawaii electric system, pursuant to which the electric utility agrees to purchase, and the user, owner, or operator of the Hawaii electric system agrees to sell, electric energy and related products produced by plants or facilities that have not provided, sold, or transmitted electricity to the electric utility before July 1, 2025.

“Power purchase charges” means the on-bill charges, excluding reserve fees, authorized by the public utilities commission to be imposed on and collected from all existing and future customers of an electric utility or any successor for power purchase costs, including but not limited to the energy cost recovery clause and the purchased power adjustment clause.

“Power purchase costs” means costs incurred by an electric utility pursuant to the terms of a power purchase agreement, including but not limited to costs such as termination payments payable by an electric utility in connection with the termination of a power purchase agreement as a result of a default by the electric utility. “Power purchase costs” includes but is not limited to all categories of costs recoverable under the energy cost recovery clause and the purchased power adjustment clause under their respective tariffs in effect on July 1, 2025.

“Purchased power adjustment clause” means the provision, or other equivalent, in an electric utility’s rate schedules that allows the electric utility to recover expenses and related taxes for non-energy costs of power purchased under a power purchase agreement.

“Reserve account” refers to the account for deposit and accounting of revenues from reserve fees within the fund established pursuant to section 269-D(a).

“Reserve fees” means the surcharge described in section 269-E(a).

“Revenue” means moneys from power purchase charges and reserve fees net of any applicable taxes or government fees, including but not limited to the franchise tax, public service company tax, and public utilities commission fee.

“Step-in agreement” means a contract by which the department undertakes the obligation of payment for power purchase costs owed to an obligee as and when due by an electric utility under a power purchase agreement following a default by the electric utility as described in section 269-B(a); provided that the department’s payment obligation under the step-in agreement is limited to the revenues from power purchase charges collected in connection with covered power purchase agreements and reserve fees that are on deposit in the fund.

“User, owner, or operator of the Hawaii electric system” has the same meaning as defined in section 269-141.

§269-B Step-in agreements. (a) Within ninety days of receiving notice of the filing of an application to the public utilities commission for approval of a power purchase agreement, or if an application has already been filed as of July 1, 2025, within ninety days of receiving notice of the pending application, the department shall execute a step-in agreement related to the power purchase agreement with the obligee; provided that, before the expiration of the ninety-day period, the department completes a due diligence investigation of the obligee and the proposed step-in agreement and finds the obligee and proposed step-in agreement to be satisfactory; and further provided that if the public utilities commission denies the application, the step-in agreement shall be deemed void. The step-in agreement shall require the department to make payments for power purchase costs owed by an electric utility to the obligee in the event of a default under the related covered power purchase agreement. Pursuant to the step-in agreement and upon a default by the electric utility under the covered power purchase agreement related to the step-in agreement, the department shall make payments to the obligee for power purchase costs with revenues received from power purchase charges from covered power purchase agreements and reserve fees that are on deposit in the fund as and when due by the electric utility under the related covered power purchase agreement; provided that any step-in agreement entered into by the department shall provide that the department's payment obligation thereunder shall be limited to the revenues received from power purchase charges from covered power purchase agreements and reserve fees that are on deposit in the fund. Each step-in agreement shall include a clause stating that neither the full faith and credit of the State nor any other moneys of the State will be pledged for any obligations pursuant to the terms of the step-in agreement and that in any action concerning a failure by the department to comply with the terms of a step-in agreement, the sole and exclusive remedy available to an obligee and the electric utility under the step-in agreement against the department shall be a court order directing specific performance by the department of the step-in agreement, and that under no circumstances shall the department be liable for any costs, expenses, or other monetary relief or compensatory damages. An obligee of a covered power purchase agreement shall have no claim or lien on any moneys of the State. An obligee of a covered power purchase agreement shall only have a claim or lien on those revenues from power purchase charges and reserve fees that are transferred by the electric utility and on deposit in the fund. An obligee shall remain entitled to all payments for power purchase costs owed under its covered power purchase agreement, whether or not the revenues from power purchase charges attributable to its covered power purchase agreement are timely collected. Notwithstanding anything to the contrary in this part, a step-in agreement shall also obligate the department to pay claims of an obligee from revenues received from power purchase charges and reserve fees on deposit in the fund arising out of a termination of the covered power purchase agreement by the electric utility under bankruptcy law. In determining any amounts owed, the department shall have a right, but not an obligation, to rely on an invoice from an obligee describing amounts owed to make that determination. The department shall not be deemed in breach of the step-in agreement by sole reason of having relied or failed to rely on the invoice. Notwithstanding any law to the contrary, the department shall not be bound to make any independent calculation, verification, or investigation into the invoice from an obligee.

(b) The department shall enter into a step-in agreement only if the power purchase agreement that is subject to the step-in agreement arises from the Stage 3 request for proposals under docket number 2017-0352 before the public

utilities commission or the first Integrated Grid Planning request for proposals issued under docket number 2024-0258 before the public utilities commission. The department shall enter into a step-in agreement related to a power purchase agreement subject to the department completing its due diligence review and finding both the obligee and the contract to be satisfactory as provided in subsection (a).

(c) The payment obligation of the department under a step-in agreement shall commence not later than two days after the date of a notice given by the department to the electric utility pursuant to section 269-C(a).

(d) A step-in agreement shall terminate when the credit rating of the electric utility or its successor achieves investment grade status for at least thirty days, or may be terminated by express agreement of the obligee, department, and electric utility. Following the termination of a step-in agreement, the department shall have no obligation to the electric utility or the obligee upon a continuing or future default by the electric utility under the related power purchase agreement.

(e) Following a default of a covered power purchase agreement and any payment by the department from revenues in the fund, the electric utility, through explicit agreement with the respective obligee of its covered power purchase agreement, may elect to resume payments owed by the electric utility for power purchase costs related to the covered power purchase agreement in default, regardless of the credit rating of the electric utility at that time, in which case the electric utility shall cease to transfer revenues received from power purchase charges in connection with the covered power purchase agreement in default to the department for deposit into the fund as described in section 269-C(a), and may use the revenues received from power purchase charges related to the covered power purchase agreement in default through the vesting of title in the electric utility as described in subsection (h); provided that any election by the electric utility to continue making payments shall not terminate the step-in agreement that is related to the covered power purchase agreement in default, the related step-in agreement shall remain in effect until terminated pursuant to subsection (d), and the department shall remain obligated to pay the obligee of the covered power purchase agreement in default upon a subsequent default by the electric utility solely from revenues on deposit in the fund; provided further that no election by the electric utility shall be permitted if the department has made payment for any power purchase costs with revenues from the reserve account.

(f) The department may impose other conditions, and may include other terms, in a step-in agreement that the department deems necessary to implement the requirements of this part; provided that the conditions and terms shall not adversely affect the obligation of the department as set forth in this part, including but not limited to the obligation to make payments under the step-in agreement, but only to the extent that there are moneys in the fund, for power purchase costs owed by an electric utility to an obligee under a covered power purchase agreement related to the step-in agreement as and when due in the event of a default as required under subsection (a) or otherwise be inconsistent with the related covered power purchase agreement.

(g) As consideration for the department entering into a step-in agreement, the electric utility or its successor shall enter into an agreement to assign and transfer title to the revenues from power purchase charges and reserve fees attributable to the covered power purchase agreement to the department to be held in trust for the benefit of the obligees under the covered power purchase agreements to the extent of the amounts owed to the obligees. The assignment and transfer of title to the revenues from the power purchase charges by the

electric utility shall be made and remain for the term of the step-in agreement free and clear of any prior lien, pledge, security interest, or encumbrance of any kind, and shall be exempt from section 269-19. The revenues from power purchase charges and reserve fees shall not be subject to appropriation for any other purpose. The revenues shall be exempt from the requirements of chapters 36 and 38. The electric utility or its successor shall be and remain at all times, even upon the occurrence and during the continuance of a default by the electric utility or its successor, obligated to bill and collect the power purchase charges and reserve fees as an agent for the department to effectuate the purposes of this part.

(h) Before default or an entry of an order of relief with respect to the electric utility pursuant to title 11 of the United States Code, if any payment obligation of the electric utility under a covered power purchase agreement for power purchase costs becomes owed and due, any title held in trust by the department to the revenues from power purchase charges for the payment obligation owed and due shall divest from the department and vest in the electric utility or its successor at the time the payment by the electric utility or its successor is made to the obligee. Any vesting of revenues from power purchase charges to the electric utility at the time of payment may be made without appropriation by the legislature or allotment. The department, except as permitted pursuant to section 269-C(a), shall not otherwise assign, sell, or transfer any title to, or any claim or right to, the revenues from power purchase charges or reserve fees.

(i) To meet the requirements of the State and the public utilities commission as they pertain to electric reliability, energy security, and energy diversification under this chapter and any rules adopted pursuant thereto, the electric utility shall ensure that it maintains sufficient availability of electric energy and related products, to the extent provided by an obligee in accordance with a covered power purchase agreement. The public utilities commission shall exercise its regulatory powers to ensure that the electric utility complies with its obligations under a covered power purchase agreement.

(j) Notwithstanding any other law to the contrary, the electric utility shall file with the public utilities commission, and the public utilities commission shall allow to become effective, monthly rate adjustments provided under the energy cost recovery clause and purchased power adjustment clause to establish or adjust power purchase charges in a manner designed to:

- (1) Generate sufficient revenues from power purchase charges to timely and fully pay amounts when owed and due under covered power purchase agreements;
- (2) Ensure that in no event shall revenues from power purchase charges fall below the amounts owed and due under covered power purchase agreements by a sum that exceeds the amounts in the reserve account established under section 269-E; and
- (3) Recover any applicable taxes and government fees and any incremental administrative costs of the electric utility or the department incurred to implement the requirements of this part.

To achieve the objectives established pursuant to this subsection, unless the public utilities commission otherwise directs, before a default, the electric utility may retain revenues collected from power purchase charges in excess of amounts owed and due under the covered power purchase agreements. Any moneys in the reserve account established under the fund shall remain with the department at all times, subject to section 269-C(a). The obligations of the electric utility and of the public utilities commission under this section shall survive any default by the electric utility and shall terminate only upon the termination of the step-in agreement as provided in subsection (d).

§269-C Default of electric utility; successor requirements. (a) After an obligee provides notice to the department of a default of a covered power purchase agreement, the department shall promptly provide the electric utility with a copy of the notice. No later than twenty-four hours from the time the electric utility receives the notice, the electric utility shall record a journal entry accounting for the transfer of all revenues from the power purchase charges arising from any covered power purchase agreements identified in the notice, regardless of when collected, then in its possession, to the fund established pursuant to section 269-D(a). No later than forty-eight hours from the time the electric utility receives the notice, the electric utility shall transfer all revenues from the power purchase charges arising from any covered power purchase agreements identified in the notice, regardless of when collected, then in its possession, and, subject to section 269-B(e), all future revenues from the power purchase charges arising from the covered power purchase agreement identified in the notice and reserve fees thereafter collected to the fund established pursuant to section 269-D(a). These amounts shall include all revenues from power purchase charges and reserve fees received by the electric utility after a default for the power purchase charges and reserve fees billed before the default. Following a default, the department shall use the revenues collected from the power purchase charges and reserve fees on deposit in the fund, only in the order as follows:

- (1) To pay power purchase costs pursuant to step-in agreements, subject to the appointment, authorization, and empowerment of the electric utility as an agent as described in section 269-F(e); provided that, for purposes of complying with the requirements of this part, the department shall have a right, but not an obligation, in determining the amounts owed to an obligee, to rely on an invoice from an obligee describing amounts owed, and the department shall not be deemed to have breached the step-in agreement by sole reason of having relied or failed to rely on the invoice; and notwithstanding any law to the contrary, the department shall not be bound to make any independent calculation, verification, or investigation into the invoice from an obligee;
- (2) To recover any incremental administrative costs of the electric utility or the department incurred to implement the requirements of this part; and
- (3) To implement a rate credit to customers.

(b) Any step-in agreement shall remain in effect notwithstanding any bankruptcy, reorganization, or other insolvency proceedings with respect to the electric utility.

(c) The obligation of the electric utility to collect and remit the revenues from power purchase charges and reserve fees pursuant to the requirements of this part shall not be subject to any setoff, counterclaim, surcharge, or defense by the electric utility, or in connection with a bankruptcy of any electric utility.

(d) Any successor to an electric utility shall be bound by the requirements of this part. The successor shall perform and satisfy all obligations of the electric utility in the same manner and to the same extent as the electric utility, including the obligations upon a default.

(e) If a step-in agreement is terminated as described in section 269-B(d), then by operation of law, any title to the revenues related to power purchase charges attributable to the related covered power purchase agreement shall immediately cease to be held in trust and the electric utility or its successor shall thereafter be the sole holder of title or beneficial and equitable interest in, and

any claim or right to, the revenues related to power purchase charges attributable to the related covered power purchase agreement, and the obligation of the electric utility or its successor to bill and collect the power purchase charges and reserve fees for the covered power purchase agreement as an agent for the department, and, if applicable, to remit the collected revenues for the covered power purchase agreement to the fund, shall terminate.

§269-D Power purchase costs trust fund. (a) There is established outside the state treasury the power purchase costs trust fund to be administered by the department. The department shall establish and maintain two separate accounts within the fund, the first account to be utilized for the deposit of all revenues received from power purchase charges transferred by the electric utility and the second account to be utilized for the deposit of revenues received from reserve fees transferred by the electric utility. The electric utility shall transfer to the department for deposit into the applicable account in the fund all revenues collected in connection with a covered power purchase agreement from:

- (1) Power purchase charges following a default of the covered power purchase agreement; and
- (2) Reserve fees.

(b) Moneys in the fund shall be held by the department in trust for the benefit of the obligees of covered power purchase agreements to the extent of the amounts owed to the obligees. The department's payments from the fund shall be made without appropriation or allotment, as provided in section 37-40.

(c) If a step-in agreement is terminated as described in section 269-B(d), the fund shall cease to receive any revenues from the power purchase charges collected by the electric utility or its successor related to the terminated covered power purchase agreement and the department, as directed by the electric utility, shall pay to the electric utility or its successor the remainder of any revenues in the fund attributable to power purchase charges associated with the terminated covered power purchase agreement related to the step-in agreement, which shall be considered moneys of the electric utility or its successor.

(d) The department shall be under no obligation to make payment to any obligee in excess of the moneys in the fund. Any default or failure by the department to make payments pursuant to the terms of a step-in agreement under this part shall not result in any recourse by the electric utility or an obligee to any funds of the State. An obligee of a covered power purchase agreement shall have only the benefit of revenues derived from power purchase charges and the reserve fees collected and on deposit in the fund. In any action concerning a breach by the department of a step-in agreement, the sole and exclusive remedy available to an obligee and the electric utility against the department shall be a court order directing specific performance by the department of the step-in agreement, and under no circumstances shall the department be liable for any costs, expenses, or any other monetary relief or compensatory damages for a failure to comply with the terms of a step-in agreement.

§269-E Reserve account; establishment. (a) By August 1, 2025, the public utilities commission shall create a surcharge, referred to as reserve fees, which shall be deposited into an account within the fund and be pledged to secure and be applied to the repayment of payment obligations under a covered power purchase agreement to the extent that there is a shortfall in the amount of revenues received from power purchase charges on deposit in the fund. Reserve fees shall be collected in full by the electric utility or its successors, as collection agents for the department, through a surcharge that is separate and apart from the electric utility's rates. Reserve fees may be included in the purchased power

adjustment clause on customer bills. The department shall establish and maintain a separate account within the fund to accept and account for revenues from reserve fees, and the electric utility shall, within twenty-four hours of receipt, transfer all revenues collected from the surcharge related to the reserve fees directly to the department for deposit into the account. The electric utility shall not otherwise assign, sell, or transfer any title to, or any claim or right to, the revenues from reserve fees, except as provided under this part. The electric utility shall not access the reserve account or utilize the revenues from the reserve fees deposited therein, except as directed by the department pursuant to section 269-F(e). The public utilities commission may require, in the financing order creating the surcharge, that, if a default occurs by the electric utility in remittance of the reserve fees collected, the public utilities commission, upon the application by the department, and without limiting any other remedies available to the department by reason of the default, shall order the sequestration and payment to the department of the reserve fees. Any order shall remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceedings with respect to the electric utility.

(b) Reserve fees shall be collected and maintained and if necessary, reinstated, to establish or replenish a reserve account in an amount not to exceed the total of fifteen per cent of the forecasted monthly power purchase costs of all covered power purchase agreements plus an amount sufficient to recover costs related to administration by the department of the reserve account and any applicable taxes and fees.

(c) If a step-in agreement terminates pursuant to section 269-B(d), reserve fees collected in connection with the related covered power purchase agreement shall cease to be collected. Upon the termination of all step-in agreements, all moneys remaining in the reserve account shall be returned in full, together with any associated interest earned, to customers through a rate credit.

§269-F Electric utility; agent of the department. (a) To implement the requirements of this part, the department shall designate the electric utility or its successor to act as an agent of the department to provide billing, collection, payment, and other related services. In any action concerning a breach by the department of an agency agreement entered into in connection with the billing, collection, payment, and other related services, the sole remedy available to an electric utility against the department shall be a court order directing specific performance by the department of the agency agreement. Under no circumstances shall the department be liable for any costs, expenses, or other monetary relief or compensatory damages in connection with a breach of any agency agreement.

(b) At the request of the department, the public utilities commission shall order the electric utility or its successor to perform the duties designated under subsection (a).

(c) The act of serving as an agent to bill and to collect the power purchase charges and reserve fees shall not cause the electric utility to be subject to the laws that regulate financial institutions, escrow depositories, or collection agencies. The electric utility shall not be responsible for lending, underwriting, and credit determinations in respect to these billing and collection activities.

(d) To the extent any revenues are received by the electric utility pursuant to subsection (a) in the process of collection and pending their transfer to the fund pursuant to section 269-D(a), those revenues shall be held in trust for the department's exercise of its obligations pursuant to this part.

(e) To implement the requirements of this part, the director of finance may appoint, authorize, and empower the electric utility, as agent for and on behalf of the department, to collect and pay out moneys, including from the fund, for fulfillment of payment obligations of the department arising from step-in agreements related to covered power purchase agreements. The appointment shall terminate when all step-in agreements are terminated as described in section 269-B(d) or as otherwise directed by the director of finance.

(f) The department's designation of the electric utility for services pursuant to subsections (a) and (e) shall be exempt from chapter 103D."

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

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

(Approved June 6, 2025.)

ACT 192

S.B. NO. 1220

A Bill for an Act Relating to Renewable Gas Tariff.

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

SECTION 1. The legislature finds that there must be enabling legislation establishing a renewable gas tariff with appropriate and reasonable rates to meet the demand of environmentally and socially conscious consumers.

The legislature further finds that existing law regulates the procurement of supply and production of renewable gas. Utilizing renewable energy resources that have the potential to contribute to renewable gas production will help the State achieve its environmental and climate resilience objectives.

The legislature also finds that it is imperative that a renewable gas tariff be established by a gas utility and a decision be rendered by the public utilities commission as expeditiously as possible, to reduce the State's dependence on imported petroleum and minimize disruptions caused by price fluctuations.

The legislature additionally finds that ratemaking procedures for a proposed tariff can be established as soon as thirty days after notice is given to the public utilities commission pursuant to section 269-16(b), Hawaii Revised Statutes, and section 16-601-111, Hawaii Administrative Rules. However, these provisions do not require the public utilities commission to complete its review in a timely manner. Accordingly, it is imperative to minimize the length of the public utilities commission's review of a renewable gas tariff under existing ratemaking procedures to best achieve the State's decarbonization goals; provided that the renewable gas tariff does not increase rates for other customers.

The legislature further finds that gas utilities in the State must be required to promptly establish a renewable gas tariff to satisfy immediate demand from

customers who choose to receive service under the tariff. Under section 269-16(a), Hawaii Revised Statutes, all rates, fares, charges, classifications, schedules, rules, and practices made, charged, or observed by any public utility shall be just and reasonable.

Accordingly, the purpose of this Act is to require:

- (1) Gas utility companies to file a proposed initial renewable gas tariff or tariffs with the public utilities commission by August 31, 2025; and
- (2) The public utilities commission to establish an initial or revised renewable gas tariff or tariffs no later than nine months after the filing of a completed application for a proposed renewable gas tariff if the commission finds the tariff to be just, reasonable, and in the public interest and the tariff does not increase rates for other customers.

SECTION 2. Chapter 269, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§269- Renewable gas tariff. (a) Each gas utility in the State shall file a proposed initial renewable gas tariff or tariffs with the public utilities commission by August 31, 2025, to establish appropriate and reasonable rates for renewable gas for customers who choose to receive service under a renewable gas tariff. If the public utilities commission finds that the tariff or tariffs are just, reasonable, and in the public interest, the commission shall establish an initial or revised renewable gas tariff or tariffs no later than nine months after the filing of a completed application for a proposed renewable gas tariff; provided that the renewable gas tariff shall not increase rates for other customers; provided further that all filings shall be in accordance with the Hawaii Administrative Rules. The nine-month period in this subsection shall begin only after a completed application has been filed with the commission and a paper or an electronic copy served on the consumer advocate. The consumer advocate may, within twenty-one days after receipt of the copy, object to the sufficiency of any application, and the commission shall hear and determine any objection within twenty-one days after it is filed. If the commission finds that the objections are without merit, the application shall be deemed to have been completed upon original filing. If the commission finds the application to be incomplete, it shall require the applicant to submit an amended application consistent with its findings, and the nine-month period shall not commence until the amended application is filed.

(b) The renewable gas tariff shall be based on eligible customers’ net therm usage and as determined by the public utilities commission.

(c) For the purposes of this section:

“Net therm usage” means the amount of gas a customer uses during a monthly billing period, as measured in therm units.

“Renewable gas” means gas produced from non-petroleum feedstock, as defined in section 269-45(b), for use by a gas utility in the State, or as otherwise defined by the public utilities commission by rule or order.

“Renewable gas tariff” means a tariff approved by the public utilities commission that allows a gas utility customer to voluntarily purchase renewable gas from a gas utility company.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 6, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 193

H.B. NO. 713

A Bill for an Act Relating to a Rate Study for Home Health Services.

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

SECTION 1. The legislature finds that home health services are a crucial part of the health care system. Home health services include higher-level skilled care such as physical therapy, occupational therapy, speech therapy, wound care, and health management of complex chronic conditions. These services are typically provided by nurses and therapists to homebound individuals recovering from surgery or acute illnesses who need ongoing medical support but do not need to be hospitalized or institutionalized.

The legislature additionally finds that reimbursement for home health services is declining, which is affecting patient access to care. The Partnership for Quality Home Healthcare projects that medicare will cut federal funding for home health services by \$25,000,000,000 between 2020 and 2029. Additionally, a survey conducted by the Healthcare Association of Hawaii found that Hawaii's medicare-certified home health agencies lost an average of \$1,186 per medicaid patient served. As a result of decreases in reimbursement from these two major payment sources, the proportion of medicaid patients treated by these surveyed home health agencies decreased from twenty-five per cent to sixteen per cent between 2020 and 2024.

The legislature also finds that these losses are similarly attributable to increasing costs, particularly the cost of labor, and are making it difficult for home health agencies to adequately recruit and retain their workforce. The Healthcare Association of Hawaii's 2022 workforce report found that the vacancy rate for health care positions in the home health services setting was thirty-nine per cent, the highest percentage of vacancies across professions. The high vacancy rate reflects reimbursement that is insufficient to make home health a competitive setting for nurses, therapy providers, and aides.

The legislature further finds that it has considered increasing medicare reimbursement rates for other home and community-based services providers, such as home care agencies, which provide services primarily focused on assistance with the activities of daily living, such as bathing, dressing, and meal preparation. However, home health agencies were not included as part of the rate studies conducted by the United States Department of Health and Human Services and therefore have not had their rates reviewed or updated as part of those legislative efforts.

Accordingly, the purpose of this Act is to provide funding for the department of human services to conduct a rate study for medicaid home health services in Hawaii, which will serve as a foundation for future informed decision-making and support the continued delivery of high-quality, accessible home health services to medicaid recipients in the State.

SECTION 2. 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 2025-2026 to conduct a rate study on medicaid home health services in the State.

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

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 194

H.B. NO. 134

A Bill for an Act Relating to Elections.

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

SECTION 1. Section 12-3, Hawaii Revised Statutes, is amended to read as follows:

“§12-3 Nomination paper; format; limitations. (a) No candidate’s name shall be printed upon any official ballot to be used at any primary, special primary, or special election unless a nomination paper was filed on the candidate’s behalf and in the name by which the candidate is commonly known. The nomination paper shall be in a form prescribed and provided by the chief election officer containing substantially the following information:

- (1) A statement by the registered voters signing the form that they are eligible to vote for the candidate;
- (2) A statement by the registered voters signing the form that they nominate the candidate for the office identified on the nomination paper issued to the candidate;
- (3) The residence address and county in which the candidate resides;
- (4) The legal name of the candidate, the name by which the candidate is commonly known, if different, the office for which the candidate is running, and the candidate’s party affiliation or nonpartisanship; all of which are to be placed on the nomination paper by the chief election officer or the clerk ~~[prior to]~~ before releasing the form to the candidate;
- (5) Space for the name, signature, month and date portions of the date of birth, and residence address of each registered voter signing the form, and other information as determined by the chief election officer; provided that a voter’s social security number or any portion thereof and the year portion of the voter’s date of birth shall not be required;
- (6) A sworn certification by self-subscribing oath by the candidate that the candidate qualifies under the law for the office the candidate is seeking and that the candidate has determined that, except for the information provided by the registered voters signing the nomination papers, all of the information on the nomination papers is true and correct;
- (7) A sworn certification by self-subscribing oath by a party candidate that the candidate is a member of the party;

- (8) For candidates seeking elective county office, a sworn certification by self-subscribing oath by the candidate that the candidate has complied with the relevant provisions of the applicable county charter and county ordinances pertaining to elected officials;
- (9) A sworn certification by self-subscribing oath, where applicable, by the candidate that the candidate has complied with the provisions of article II, section 7, of the Hawaii State Constitution;
- (10) A sworn certification by self-subscribing oath by the candidate that the candidate is in compliance with section 831-2, dealing with felons, and is eligible to run for office; and
- (11) The name the candidate wishes to be printed on the ballot and the mailing address of the candidate.

(b) Signatures of registered voters shall not be counted, unless they are upon the nomination paper having the format set forth above, written or printed thereon, and if there are separate sheets to be attached to the nomination paper, the sheets shall have the name of the candidate, the candidate's party affiliation or nonpartisanship, and the office and district for which the candidate is running placed thereon by the chief election officer or the clerk. The nomination paper and separate sheets shall be provided by the chief election officer or the clerk.

(c) Nomination papers shall not be filed ~~[in]~~ on behalf of any person for more than one party or for more than one office; nor shall any person file nomination papers both as a party candidate and as a nonpartisan candidate.

(d) The office and district for which the candidate is running, the candidate's name, and the candidate's party affiliation or nonpartisanship ~~[may]~~ shall not be changed from that indicated on the nomination paper and separate sheets. If the candidate wishes to run for an office or district different from that for which the nomination paper states or under a different party affiliation or nonpartisanship, the candidate may request the appropriate nomination paper from the chief election officer or clerk and have it signed by the required number of registered voters.

(e) Nomination papers that contain alterations or changes made by anyone other than the chief election officer or the clerk to the candidate's information, the candidate's party affiliation or nonpartisanship, the office to which the candidate seeks nomination, or the oath of loyalty or affirmation, after the nomination paper was issued by the chief election officer or clerk, shall be void and ~~[will]~~ shall not be accepted for filing by the chief election officer or clerk.

(f) Nomination papers that are incomplete and do not contain all of the certifications, signatures, and requirements of this section shall be void.

(g) The chief election officer shall provide a system for the electronic filing of nomination papers, including the submission of the notarized written oath or affirmation and any other required documentation and the deposit of the filing fee. No additional fee shall be charged to the filer for using the electronic filing system."

SECTION 2. Section 12-6, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

"§12-6 Nomination ~~[papers:] papers; time for filing; manner of filing; fees.~~ (a) For members of Congress, state offices, county offices, and the board of trustees for the office of Hawaiian affairs, nomination papers shall be filed with the chief election officer, or clerk in case of county offices, ~~[not] no~~ later than 4:30 p.m. on the first Tuesday in June~~[-However,]; provided that~~ in the event of a special primary or special election, the filing deadline shall be determined in the proclamation that ~~[is issued calling]~~ calls for the election as provided for by state law or county charter. A state candidate from the counties of Hawaii, Maui, and

Kauai may file the declaration of candidacy with the respective clerk. The clerk shall transmit to the office of the chief election officer the state candidate's declaration of candidacy without delay. Nomination papers may be filed electronically with the chief election officer, or clerk in the case of a county office, using an electronic filing system operated and maintained by the office of elections; provided that no additional fee shall be charged to the filer for submitting nomination papers electronically."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$150,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the chief election officer to provide a system for the electronic filing of nomination papers, including the submission of the notarized written oath or affirmation and any other required documentation and the deposit of the filing fee; provided that the chief election officer shall make the electronic filing system available to the county clerks for the electronic filing of nomination papers for election to county offices.

The sums appropriated shall be expended by the office of elections 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 January 1, 2028; provided that section 3 shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 195

H.B. NO. 650

A Bill for an Act Relating to Sea Salt Products.

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

SECTION 1. The legislature finds that the popularity of Hawaii-made sea salt products is on the rise. Sea salt products colored with Hawaiian charcoal, volcanic clay, and other natural ingredients help to promote the State's businesses.

The legislature further finds that incorporating the United States Food and Drug Administration's industry guidance on the use of color additives in sea salt products should be a state priority. The guidance indicates that sea salt manufacturers who intend to use color additives that are not currently approved for food use should first obtain approval through the United States Food and Drug Administration's color additive petition process.

Accordingly, the purpose of this Act is to ensure the continued viability of the State's sea salt manufacturing industry by appropriating funds to provide education and support to local businesses regarding the United States Food and Drug Administration's guidance on colored sea salt.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary

ACT 196

for fiscal year 2025-2026 for providing education and support to local businesses regarding the United States Food and Drug Administration's guidance on colored sea salt.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 196

H.B. NO. 1259

A Bill for an Act Relating to Transportation.

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

SECTION 1. 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~~], which 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];

(A) One mile of a school; and

(B) Ten miles per hour of the current speed limit for that road;

- (2) For sections of highways with residential or commercial areas or schools immediately adjacent to the roadway, the department of transportation or a county shall, to the extent practicable, consider guidance provided by the National Association of City Transportation Officials; provided that nothing in this paragraph shall be construed to supersede any applicable federal standards or requirements; and

- [(2)] (3) Any other factors prescribed by the Federal Highway Administration's Manual on Uniform Traffic Control Devices, as amended.”

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 6, 2025.)

ACT 197

H.B. NO. 505

A Bill for an Act Relating to Red Hill.

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

SECTION 1. The legislature finds that the United States Navy's Red Hill Bulk Fuel Storage Facility consists of twenty steel-lined underground stor-

age tanks that were built from 1940 to 1943. Each tank can store 12.5 million gallons of fuel; in total, the Red Hill Bulk Fuel Storage Facility can store up to two hundred fifty million gallons. The tanks are located only about one hundred feet above the United States Environmental Protection Agency's designated sole-source groundwater aquifer that provides drinking water to approximately four hundred thousand residents of the island of Oahu. Over the past eighty years, numerous spills have occurred at Red Hill. Specifically, on November 20, 2021, about ninety-three thousand individuals served by the United States Navy's potable water system for Joint Base Pearl Harbor-Hickam were directly affected when the United States Navy's Red Hill shaft was contaminated by the release of up to nineteen thousand gallons of fuel, including JP-5 jet fuel, older fuels stored at the Red Hill Bulk Fuel Storage Facility, and any additives used. Over six thousand individuals sought medical attention, and one thousand were forced to leave their homes due to the contamination. Much of the fuel released from the Red Hill Bulk Fuel Storage Facility remains in the environment, trapped within the complex geological formations beneath and near the tanks.

The legislature further finds that on May 9, 2023, officials from the State and city and county of Honolulu signed a unified statement on Red Hill, recognizing the stewardship responsibility to ensure that there is clean water on Oahu for future generations. The Red Hill Water Alliance Initiative (WAI), a working group, met regularly in 2023 after the signing of the unified statement. The Red Hill WAI posed questions, conducted research, listened to subject-matter experts, and formulated recommended policies.

The legislature also finds that the Red Hill WAI's approach of total stewardship responsibility required a stance of extending beyond statutory roles, specific responsibilities, tenure in those roles, and even personal lifetimes. Its inquiry included the pursuit of critical questions for which there may currently be no answers. Thus, the pursuit of those answers is part of the ongoing work.

The legislature notes that besides its regulatory functions under federal and state environmental laws, the State also has unique public trust responsibilities set forth in the Hawaii State Constitution, which establishes an affirmative duty of the State to preserve and protect public trust resources, including water resources.

The legislature additionally finds that the focus of the Red Hill WAI's inquiry is the remediation needs after the defueling of the tanks and removal of residual fuel and contaminants from the Red Hill Bulk Fuel Storage Facility. In particular, the Red Hill WAI is concerned with the unknowns posed by fuel contaminants already in the ground, as well as the residuals of the fuel plume in the aquifer as a result of the spill that occurred on November 20, 2021. In fact, there may be as many as 1,940,000 gallons of fuel constituents in the ground that have leaked or spilled over eight decades. Pursuant to a proactive approach, the Red Hill WAI seeks to describe the remediation it believes necessary for the future well-being of the aquifer in which there is a negligible risk to current and future water sources, including the Halawa Shaft, Halawa wells, and Aiea wells; the water distribution system; and the ecosystem, including springs, streams, and nearshore waters.

After much diligent work, the Red Hill WAI issued a public report in November 2023 that set forth its findings and recommendations. Some of the recommendations can only be addressed by the federal government, while other recommendations can be undertaken by the State and city and county of Honolulu. Moreover, the legislature finds that there must be no delay in adopting the recommendations of the Red Hill WAI, especially those that can be implemented at the state and county levels.

Accordingly, the purpose of this Act is to establish:

- (1) A Red Hill Water Alliance Initiative (WAI) policy coordinator to coordinate WAI initiatives across state and county agencies and appropriate federal entities; and
- (2) The Red Hill remediation special fund.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
RED HILL WATER ALLIANCE INITIATIVE**

§ -1 Definitions. As used in this chapter, unless a different meaning is plainly required by the context:

“Board” means the board of land and natural resources.

“Chairperson” means the chairperson of the board of land and natural resources.

“Department” means the department of land and natural resources.

“Red Hill Water Alliance Initiative” means the group of individuals composed of the governor, speaker of the house of representatives, president of the senate, chairperson of the board of land and natural resources, deputy for water resource management, president of the university of Hawaii, mayor of the city and county of Honolulu, chairperson of the Honolulu city council, and manager and chief engineer of the Honolulu board of water supply that issued a public report in November 2023 concerning the remediation of Red Hill following the defueling of the Red Hill Bulk Fuel Storage Facility.

“Special fund” means the Red Hill remediation special fund.

“WAI” means the Red Hill Water Alliance Initiative.

§ -2 Policy lead and coordination. (a) The department shall serve as the State’s policy lead on WAI initiatives through the position of the WAI policy coordinator, to be placed in the office of the chairperson. The WAI policy coordinator shall work with respective state and county agencies and other groups.

(b) The WAI policy coordinator shall:

- (1) Facilitate implementation and monitoring and interface with federal entities on WAI initiatives outlined in the WAI’s November 2023 report;
- (2) Periodically and regularly review:
 - (A) The health status of the ecosystem; and
 - (B) The state of science and opportunities for remediation and rehabilitation;
- (3) Develop and maintain a public-facing test results dashboard describing the significance of results from the State and city and county of Honolulu, as part of a broader public education program; and
- (4) Coordinate the implementation of a thirty-six-month public information and education program to describe, inform, and educate the general public and institutions on the post-defueling remediation phases for Red Hill to restore public trust, secure public support, and address health and environmental concerns.

§ -3 Red Hill remediation special fund. (a) There is established in the state treasury the Red Hill remediation special fund, into which shall be deposited the following moneys:

- (1) Appropriations to the special fund from any source, including the United States government, legislature, and city and county of Honolulu;
 - (2) Gifts, donations, and grants from public agencies, including the United States government, and private persons; and
 - (3) All interest earned on or accrued to moneys deposited in the special fund.
- (b) The special fund shall be administered by the WAI policy coordinator.
- (c) The moneys in the special fund shall be used to address contamination resulting from the Red Hill Bulk Fuel Storage Facility, including monitoring, applied research, public outreach and education, and evaluation; provided that the cost of remediation of the aquifer shall be borne by the federal government.

§ -4 Cooperation by state and county agencies. All state and county agencies shall provide all information and data requested by the WAI policy coordinator within thirty calendar days; provided that the WAI policy coordinator may, in the coordinator's discretion, set a longer deadline.

§ -5 Report. The WAI policy coordinator shall submit a report of the coordinator's activities and expenditures to the legislature, governor, and mayor and city council of the city and county of Honolulu no later than December 1 of each year, beginning in 2025."

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

(Approved June 6, 2025.)

ACT 198

H.B. NO. 736

A Bill for an Act Relating to Wastewater Systems.

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

SECTION 1. The legislature finds that the health of Hawaii's people and quality of Hawaii's waters are being harmed by pollution from cesspools. Hawaii has more than eighty thousand cesspools that discharge about fifty million gallons of wastewater into the State's groundwater every day. Cesspools are antiquated, substandard systems that damage public health; pollute drinking water; and lower water quality in streams, groundwater, nearshore marine areas, and the ocean. Cesspool pollution also harms public recreation and the precious coral reefs on which Hawaii's economy, shoreline, fisheries, and native species depend. To protect the public health and environment, cesspools should be replaced by connecting homes to sewerage systems or, in areas that are too remote to be feasibly connected, upgraded either with individual on-site wastewater disposal systems or cluster wastewater treatment systems.

To address the State's cesspool pollution, Act 125, Session Laws of Hawaii 2017, required all cesspools to be upgraded or converted to a septic system or aerobic treatment unit system or connected to a sewerage system before January 1, 2050, with certain exemptions. In recognition of other possible alternative systems, Act 87, Session Laws of Hawaii 2022, amended the law to instead require that every cesspool in the State, excluding cesspools granted exemptions by the director of health, shall be upgraded or converted to "a director-approved wastewater system" or connected to a sewerage system.

The legislature additionally finds it is critical that cesspool conversions be affordable for homeowners and government entities, as traditional individual wastewater systems may not be the best, most affordable solutions, especially where substantial excavation and large absorption beds are required. The costs of such systems generally exceed \$25,000 and can be even more expensive in some locations.

The legislature also finds that new wastewater technologies and management solutions may improve public health and the environment, especially the protection of fragile coral reefs, more affordably than some traditional individual wastewater systems. Technologies that are reaching a commercial scale for the first time include solutions for individual homes, as well as multi-unit dwellings, apartment buildings, and entire communities. At the neighborhood or municipal scale, these technologies could effectively treat sewage from entire communities for lower costs than existing technology now employed in Hawaii.

Therefore, new technologies need to be tested in order to be certified by the department of health for use in Hawaii. The university of Hawaii's water resources research center has experience in such testing, and their guidance and studies could facilitate the department of health's certifications. However, in order to do such work, the university of Hawaii's water resources research center would need funding for a full-time coordinator, administrative efforts, and infrastructure and equipment costs for testing and analyses.

Additionally, maintaining the cleanliness of the State's waters is a matter of statewide concern that falls under the legislature's obligation to enact laws pursuant to article XI, section 7, of the Hawaii State Constitution, and pursuant to the exclusive jurisdiction of the legislature to identify laws of statewide concern, granted under article X, section 6 of the Hawaii State Constitution, the legislature finds that this Act is a matter of statewide concern.

The purpose of this Act is to facilitate the certification of new wastewater and individual wastewater system technologies in Hawaii that could reduce the costs of cesspool conversions by establishing and appropriating funds for a new wastewater system technology testing pilot program within the university of Hawaii water resources research center.

SECTION 2. (a) There is established a three-year new wastewater system and individual wastewater system technology testing pilot program within the university of Hawaii water resources research center.

(b) The university of Hawaii water resources research center, in coordination with the university of Hawaii sea grant college program and college of engineering, department of health, department of Hawaiian home lands, and all appropriate county agencies, shall:

- (1) Test new wastewater technology systems and review and evaluate the affordability, feasibility, and efficiency of the treatment technologies; and
- (2) Document, validate, and summarize the various tests, research, and outcomes of each test of wastewater systems and individual wastewater systems and submit results of the tests to the department of health.

(c) The university of Hawaii water resources research center shall submit an annual interim report to the legislature no later than twenty days prior to the convening of each regular session for the duration of the pilot program and a final report to the legislature no later than twenty days prior to the convening of the regular session of 2028. The reports shall include:

- (1) Information on the new wastewater technologies reviewed and tested and test results;

- (2) Recommendations on how to improve the efficiency of the pilot program;
- (3) Whether the pilot program should be made permanent; and
- (4) Any other recommendations that the university of Hawaii water resources research center deems appropriate.
- (d) The pilot program shall cease to exist on June 30, 2028.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$745,325 or so much thereof as may be necessary for fiscal year 2025-2026 to implement the new wastewater system and individual wastewater system technology testing pilot program established pursuant to 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, 2025.

(Approved June 6, 2025.)

ACT 199

H.B. NO. 396

A Bill for an Act Relating to Compensation for Court-Appointed Counsel.

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

SECTION 1. Section 802-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The court shall determine the amount of reasonable compensation to appointed counsel, based on the rate of [~~\$90~~] \$150 an hour; provided that the maximum allowable fee shall not exceed the following schedule:

(1) Any felony case	[~~\$6,000~~]	<u>\$12,000</u>
(2) Misdemeanor case-jury trial	[~~3,000~~]	<u>\$6,000</u>
(3) Misdemeanor case-jury waived	[~~1,500~~]	<u>\$3,000</u>
(4) Appeals	[~~5,000~~]	<u>\$9,000</u>
(5) Petty misdemeanor case	[~~900~~]	<u>\$1,800</u>
(6) Any other type of administrative or judicial proceeding, including cases arising under section 571-11(1)[~~;~~] <u>or</u> 571-14(a)(1)[~~;~~] or [~~571-14(a)~~](2)	[~~3,000;~~]	<u>\$6,000.</u>

Payment in excess of any maximum provided for under paragraphs (1) to (6) may be made whenever the court in which the representation was rendered certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the administrative judge of that court.”

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,890,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to carry out the purposes of this Act.

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

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved June 6, 2025.)

ACT 200

H.B. NO. 860

A Bill for an Act Relating to Liability.

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

SECTION 1. The legislature finds that roads for which ownership or jurisdiction is in dispute between the State and a county, commonly referred to as “roads in limbo”, often suffer from a lack of repair and maintenance. The legislature further finds that government agencies are often unwilling to maintain these roads due to liability concerns associated with its repair or maintenance.

The legislature further finds that on the island of Hawaii, there are 408.9 miles of roads in limbo located island wide. There are also 122.6 miles of roads in limbo that are recognized as government or homestead roads and 286.3 miles of paper roads, or rights of way that are shown on tax maps but have not yet been built. This situation highlights the urgent need for clear action to address dilapidated roads while ensuring the State or counties are not held liable for repairing or maintaining a road that may not be under their jurisdiction under certain circumstances.

Accordingly, the purpose of this Act is to:

- (1) Authorize the State and counties to engage in repair or maintenance of streets in cases in which the ownership or jurisdiction of the streets is in dispute between the State and a county with a population of more than two hundred thousand but less than five hundred thousand;
- (2) Specify that the State or county that repaired or maintained the street may only be held liable for acts or omissions arising from the repair or maintenance performed by the State or county on such street at any time; and
- (3) Deem that repair or maintenance of a street shall not confer ownership or jurisdiction over such street if the ownership or jurisdiction over the street is in dispute between the State and the county.

SECTION 2. Chapter 663, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§663- Liability of the State or county repair or maintenance of certain streets. (a) The State or county may repair or maintain any street of which the ownership or jurisdiction is in dispute between the State and county.

The State or county that repaired or maintained the street, as applicable, may only be held liable for acts or omissions arising out of the repair or maintenance of that street that the State or county performed at any time.

For the purposes of this subsection, “street” has the same meaning as defined in section 291C-1.

(b) Agencies performing work pursuant to this section may post notice, signage, or other public communication clarifying that the repair does not establish permanent jurisdiction or ownership.

(c) For the purposes of this section, repair or maintenance of a street shall not be deemed to confer ownership or jurisdiction over that street if the ownership or jurisdiction over the street is in dispute between the State and the county.

(d) This section shall apply only in a county with a population of more than two hundred thousand but less than five hundred thousand.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on upon its approval and shall be repealed on July 1, 2030.

(Approved June 6, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 201

H.B. NO. 934

A Bill for an Act Relating to the Hawaii Broadband and Digital Equity Office.

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

SECTION 1. Chapter 27, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . BROADBAND OFFICE

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

“Broadband” means high-speed internet access that is always on, including mobile and fixed technologies.

“Digital equity” means a condition in which all individuals and communities have the information technology capacity needed for full participation in society, democracy, and the economy.

§27-B Broadband office; establishment; strategic broadband coordinator; staff. (a) There is established the broadband office within the department of accounting and general services for administrative purposes only.

(b) Without regard to section 26-34, the governor shall appoint a strategic broadband coordinator, who shall be exempt from chapter 76, to head the broadband office.

§27-C Broadband office; duties. In furtherance of the State’s objectives and policies for the economy pursuant to section 226-10.5, the broadband office shall:

- (1) Develop and implement specific strategies and plans to aggressively increase broadband affordability, penetration, and competitive availability in the State;
- (2) Support the efforts of both public and private entities in the State to enhance or facilitate the deployment of and access to competitively priced, advanced electronic communications services, including broadband and its products and services and internet access services of general application throughout the State;

- (3) Promote the landing of trans-Pacific submarine cable, including the development of a shared access cable station and associated terrestrial connectivity to reduce barriers to fiber landing in the State;
- (4) Promote, advocate, and facilitate the implementation of the findings and recommendations of the Hawaii broadband task force established by Act 2, First Special Session Laws of Hawaii 2007, and the 2020 Hawaii Broadband Strategic Plan;
- (5) Support the findings of community-based groups as reflected in its digital equity declaration;
- (6) Administer grant programs in support of broadband infrastructure, innovation, and the digital economy;
- (7) Actively seek out funding from public and private sources in furtherance of the office's duties pursuant to this section; and
- (8) Provide a repository, aggregation point, and governance framework for broadband mapping and digital equity data from various sources, including digital literacy, telehealth, distance education, internet accessibility, and service coverage to support mapping, reporting, infrastructure deployment, and data-driven policy.

§27-D Broadband planning and coordination; cooperation. (a) The broadband office shall:

- (1) Seek input and the widest possible cooperation from public and private agencies and individuals to achieve the purposes of this part;
 - (2) Work closely with and assist the counties in the promotion of coordinated state and county broadband planning;
 - (3) Encourage every state department, county agency, and other public or private agencies and individuals involved in broadband programs to participate in the activities of the office and incorporate, to the extent feasible, the ideas and suggestions of the participants in the office's comprehensive planning goals;
 - (4) Monitor the broadband-based development efforts of other states and nations in areas such as business, education, and health;
 - (5) Advise the department of accounting and general services on other states' best practices involving policies and strategies related to making affordable broadband services available to every home and business in the State;
 - (6) Monitor broadband-related activities at the federal level;
 - (7) Encourage public-private partnerships to increase the deployment and adoption of broadband services and applications;
 - (8) Monitor regulatory and policy changes for potential impact on broadband deployment and sustainability in the State; and
 - (9) Advise the comptroller on broadband deployment.
- (b) Nothing in this section shall be construed to delegate, or detract in any way from, the functions, powers, and duties conferred by law or rule on any department or agency of the State or county.

§27-E Broadband revolving fund. (a) There is established in the state treasury the broadband revolving fund to be administered by the broadband office, into which shall be deposited:

- (1) Proceeds of leases of broadband infrastructure owned by the State;
- (2) Appropriations by the legislature to the revolving fund; and
- (3) Gifts, donations, and grants from public agencies and private persons.

All interest earned or accrued on moneys deposited into the revolving fund shall become a part of the revolving fund.

- (b) Moneys in the broadband revolving fund shall be used for:
 - (1) Supporting broadband projects, excluding the deployment of broadband infrastructure for the provision of retail service;
 - (2) Defraying the cost of internet services; and
 - (3) Funding positions for personnel to provide technical assistance to the community.
- (c) Expenditures from the broadband revolving fund shall be made by the broadband office, advised by the information technology steering committee and subject to prior approval by the comptroller.”

SECTION 2. Chapter 206S, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 440G-11.5, Hawaii Revised Statutes, is repealed.

SECTION 4. Act 199, Session Laws of Hawaii 2010, as amended by section 5 of Act 151, Session Laws of Hawaii 2011, as amended by section 2 of Act 23, Session Laws of Hawaii 2016, is amended by amending section 3 to read as follows:

“SECTION 3. ~~[Telework promotion; broadband assistance advisory council; establishment; purpose.]~~ (a) The director of commerce and consumer affairs shall convene and chair the broadband assistance advisory council to advise the director of commerce and consumer affairs on policy and funding priorities to promote and encourage use of telework alternatives for public and private employees, and expedite deployment of affordable and accessible broadband services in Hawaii.

(b) The council shall be composed of the director of commerce and consumer affairs, or the director’s designee; the director of business, economic development, and tourism, or the director’s designee; and the following twelve members who shall be equally appointed by the president of the senate and by the speaker of the house of representatives as follows:

- (1) Two members of the senate, appointed by the president of the senate;
- (2) Two members of the house of representatives, appointed by the speaker of the house of representatives;
- (3) Four representatives of federal, state, and county government entities having a role in infrastructure deployment; management of public rights-of-way, regulation, and franchising; information technology; and economic development; and
- (4) Four representatives of Hawaii’s private sector technology, telecommunications, and investment industries.

In making the appointments pursuant to subsection (b)(1) through (b)(3), the president of the senate and the speaker of the house of representatives shall ensure representation of each of the counties of Hawaii, Maui, and Kauai, and the city and county of Honolulu by one or more appointed members. Except for the director of commerce and consumer affairs and the director of business, economic development, and tourism, all members shall serve for a term of four years. Notwithstanding any law to the contrary, the terms of all members as of July 1, 2016, shall expire on June 30, 2019; and, each subsequent four-year term shall commence on July 1, and expire on June 30 every four years thereafter. Any member of the council whose term has expired may continue to serve as a holdover member until reappointment or until a successor is appointed. Any

~~vacancies occurring in the membership of the advisory council shall be filled for the remainder of the unexpired term in the same manner as the original appointments.~~

~~(c) The director of commerce and consumer affairs shall serve as chairperson of the council. The chairperson may designate representatives of other interested public or private sector organizations to serve as members of the council, or as members of the work groups of the council to address specified issues on an ad hoc basis, as the chairperson deems necessary. The council shall meet at times as may be called by the chairperson. Members and ad hoc members shall be reimbursed for reasonable expenses, including travel expenses, necessary for the performance of their duties. Administrative support to the council shall be provided by the department of commerce and consumer affairs.~~

~~(d) The council shall:~~

- ~~(1) Monitor the broadband-based development efforts of other states and nations in areas such as business, education, and health;~~
- ~~(2) Advise the department on other states' best practices involving telework promotion and policies and strategies related to making affordable broadband services available to every Hawaii home and business;~~
- ~~(3) Monitor broadband-related activities at the federal level;~~
- ~~(4) Monitor regulatory and policy changes for potential impact on broadband deployment and sustainability in Hawaii; and~~
- ~~(5) Encourage public-private partnerships to increase the deployment and adoption of broadband services and applications.] Repealed.~~

SECTION 5. Act 151, Session Laws of Hawaii 2011, as amended by section 3 of Act 264, Session Laws of Hawaii 2013, as amended by section 1 of Act 193, Session Laws of Hawaii 2016, is amended by amending section 2 to read as follows:

“SECTION 2. Beginning January 1, 2012, actions relating to the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology, including the interconnection of telecommunications cables, shall be exempt from county permitting requirements, state permitting and approval requirements, which includes the requirements of chapters 171, 205A, and 343, Hawaii Revised Statutes, and public utilities commission rules under Hawaii Administrative Rules, chapter 6-73, that require existing installations to comply with new pole replacement standards at the time of any construction or alteration to the equipment or installation, except to the extent that such permitting or approval is required by federal law or is necessary to protect eligibility for federal funding, services, or other assistance; provided that the installation, improvement, construction, or development of infrastructure shall:

- (1) Be directly related to the improvement of existing telecommunications cables or the installation of new telecommunications cables:
 - (A) On existing or replacement utility poles and conduits; and
 - (B) Using existing infrastructure and facilities;
- (2) Take place within existing rights-of-way or public utility easements or use existing telecommunications infrastructure; and
- (3) Make no significant changes to the existing public rights-of-way, public utility easements, or telecommunications infrastructure.

An applicant shall comply with all applicable safety and engineering requirements relating to the installation, improvement, construction, or development of infrastructure relating to broadband service.

A person or entity taking any action under this section shall ~~provide notice to the broadband office,~~ at least thirty calendar days before the action is taken, ~~[provide notice to the director of commerce and consumer affairs]~~ by electronic posting in the form and on the site designated by the ~~[director]~~ broadband office for such posting on the designated central State of Hawaii Internet website; provided that notice need not be given by a public utility or government entity for an action relating to the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology where the action taken is to provide access as the owner of the existing rights-of-way, utility easements, or telecommunications infrastructure.”

SECTION 6. 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 2025-2026 to be deposited into the broadband revolving fund under section 27-E, Hawaii Revised Statutes.

SECTION 7. There is appropriated out of the broadband revolving fund the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2025-2026 for the reimbursement of contracts executed by the broadband office.

The sum appropriated shall be expended by the broadband office for the purposes of this Act.

SECTION 8. There is appropriated out of the broadband revolving fund the sum of \$800,000 or so much thereof as may be necessary for fiscal year 2025-2026 for the establishment of:

- (1) Two full-time equivalent (2.0 FTE) digital navigator positions on Hawaii island;
- (2) One full-time equivalent (1.0 FTE) digital navigator position on Oahu;
- (3) One full-time equivalent (1.0 FTE) digital navigator position on Kauai;
- (4) One full-time equivalent (1.0 FTE) digital navigator position on Maui island; and
- (5) One full-time equivalent (1.0 FTE) digital navigator position on Molokai.

The sum appropriated shall be expended by the broadband office for the purposes of this Act.

SECTION 9. All rights, powers, functions, and duties of the department of business, economic development, and tourism relating to the Hawaii broadband and digital equity office are transferred to the department of accounting and general services.

All employees who occupy civil service positions and whose functions are transferred to the department of accounting and general services by this Act shall retain their civil service status, whether permanent or temporary. Employees shall be transferred without loss of salary, seniority (except as prescribed by applicable collective bargaining agreements), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act; provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Any employee who, prior to this Act, is exempt from civil service and is transferred as a consequence of this Act may retain the employee's exempt status, but shall not be appointed to a civil service position as a consequence of this Act. An exempt employee who is transferred by this Act shall not suffer any loss of prior service credit, vacation or sick leave credits previously earned, or other employee benefits or privileges as a consequence of this Act; provided that the employees possess legal and public employment requirements for the position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable employment and compensation laws. The comptroller may prescribe the duties and qualifications of these employees and fix their salaries without regard to chapter 76, Hawaii Revised Statutes.

SECTION 10. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the department of business, economic development, and tourism relating to the functions of the Hawaii broadband and digital equity office transferred to the department of accounting and general services shall be transferred with the functions to which they relate.

SECTION 11. All rules, policies, procedures, guidelines, and other material adopted or developed by the department of business, economic development, and tourism to implement provisions of the Hawaii Revised Statutes that are reenacted or made applicable to the department of accounting and general services by this Act shall remain in full force and effect until amended or repealed by the department of accounting and general services pursuant to chapter 91, Hawaii Revised Statutes.

In the interim, every reference to the department of business, economic development, and tourism or director of business, economic development, and tourism in those rules, policies, procedures, guidelines, and other material is amended to refer to the department of accounting and general services or comptroller, as appropriate.

SECTION 12. All deeds, leases, contracts, loans, agreements, permits, or other documents executed or entered into by or on behalf of the department of business, economic development, and tourism, pursuant to the provisions of the Hawaii Revised Statutes, that are reenacted or made applicable to the department of accounting and general services by this Act shall remain in full force and effect. Upon the effective date of this Act, every reference to the department of business, economic development, and tourism or the director of business, economic development, and tourism therein shall be construed as a reference to the department of accounting and general services or the comptroller, as appropriate.

SECTION 13. 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 14. Statutory material to be repealed is bracketed and stricken.² New statutory material is underscored.

SECTION 15. This Act shall take effect on July 1, 2025.

(Approved June 9, 2025.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.

ACT 202

H.B. NO. 1052

A Bill for an Act Relating to the Universal Service Program.

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

SECTION 1. The legislature finds that the public utilities commission provides critical services that ensure access to a basic set of essential telecommunications services for individuals who are blind or visually impaired.

In 1995, the legislature established the universal service program, the purpose of which, in relevant part, is to help customers with disabilities access and maintain a basic set of essential telecommunications services as determined by the commission. By law, all telecommunications carriers are required to contribute to this program. However, the universal service program is currently inactive with no funds available in the universal service fund. Moreover, the public utilities commission lacks clear legislative authority to develop a program addressing print disability through the universal service fund and does not have budget authorization to expend funds for this purpose.

Accordingly, the purpose of this Act is to provide clearer authorization and guidance for the public utilities commission to implement and manage the universal service program effectively, using funds from the universal service fund.

SECTION 2. Section 269-41, Hawaii Revised Statutes, is amended to read as follows:

“~~§269-41~~ Universal service program; establishment; purpose; principles. There is established the universal service program. The purpose of this program is to:

- (1) Maintain affordable, just, and reasonable rates for basic residential telecommunications service, as defined by the commission;
- (2) Assist customers located in the areas of the State that have high costs of essential telecommunications service, low-income customers, and customers with disabilities, in obtaining and maintaining access to a basic set of essential telecommunications services as determined by the commission. The commission may expand or otherwise modify relevant programs, such as the lifeline program under section 269-16.5;
- (3) Ensure that consumers in all communities are provided with access, at reasonably comparable rates, to all telecommunications services ~~[which]~~ that are used by a majority of consumers located in metropolitan areas of the State. The commission shall provide for a reasonable transition period to support the statewide deployment

- of these advanced telecommunications services, including[;] but not limited to[;] the use of strategic community access points in public facilities, such as education, library, and health care facilities;
- (4) Ensure that consumers are given the information necessary to make informed choices among the alternative telecommunications carriers and services; [and]
 - (5) Promote affordable access throughout the State to enhanced government information and services, including education, health care, public safety, and other government services[-]; and
 - (6) Ensure access to essential telecommunications services for individuals with print disabilities, including providing free, print-disability-friendly telephonic access to time-sensitive information for individuals who are blind or visually impaired. For the purposes of this paragraph, “time-sensitive information” includes state and government information, public notices, emergency alerts, job opportunities, and daily newspapers.

The commission shall administer the universal service program, including the establishment of criteria by which the purposes of the program are met.”

SECTION 3. Section 269-42, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) and (b) to read:

“(a) There is established outside of the state treasury a special fund to be known as the universal service fund to be administered by the commission to implement the policies and goals of universal service[-] through the universal service program. The fund shall consist of contributions from the sources identified in subsections (e) and (f). Interest earned from the balance of the fund shall become a part of the fund. The commission shall adopt rules regarding the distribution of moneys from the fund including reimbursements to carriers for providing reduced rates to low-income, elderly, residents of underserved or rural areas, or other subscribers, as authorized by the commission.

(b) The commission may use available funds in the fund to provide free telephonic access to time-sensitive information for individuals with print disabilities; provided that the amount of funds expended from the fund for this purpose shall not exceed \$150,000. The commission may allow distribution of funds from the fund directly to customers based upon a need criteria established by the commission.”

2. By amending subsection (f) to read:

“(f) The commission shall designate the method by which the contributions under subsection (e) shall be calculated and collected. The commission shall consider basing contributions solely on the gross operating revenues from the retail provision of intrastate telecommunications services offered by the telecommunications carriers subject to the contribution. The commission may determine the percentage of telecommunications fees to be contributed to the universal service fund.”

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 9, 2025.)

ACT 203

H.B. NO. 692

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 purpose of this Act is to expand the eligibility criteria for the preschool open doors program, thereby enhancing access to child care opportunities for families with young children. This expansion seeks to address the needs of families with young children by increasing access to affordable childhood care services, contributing to the positive developmental outcomes for Hawaii's youngest residents.

SECTION 2. Section 346-181, Hawaii Revised Statutes, is amended to read as follows:

“§346-181 Preschool open doors program. (a) There is established within the ~~[department a school readiness program to be known as the] department's child care assistance program~~ a preschool open doors program ~~[within the department's child care assistance program]~~. The program is intended to support families in accessing early learning services for young children. The program shall:

- (1) Provide access to ~~[school readiness]~~ early learning services that address children's physical, cognitive, linguistic, social, and emotional development;
 - (2) Require each provider to conduct ~~[school readiness]~~ early learning assessments; ~~and~~
 - ~~[(3) Give priority to children from low and moderate income families; and~~
 - (4) ~~(3)~~ Prepare children for school through either of the State's two official languages.
- (b) Subject to the availability of funds, the program shall ~~continuously~~ serve ~~[three and four year old]~~ children who are in the ~~[two]~~ three years ~~[prior to]~~ before kindergarten entry until they enter kindergarten pursuant to section 302A-411~~], with priority extended in the following order 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 three-year-old children;~~
- ~~(3) Four-year-old children who were previously served as three-year-old children;~~
- ~~(4) Four-year-old children;~~
- ~~(5) Underserved or at-risk three-year-old children; and~~
- ~~(6) Three-year-old children;~~

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].

(c) A child care program chosen by a parent or guardian for the purposes of this chapter shall be limited to:

- (1) A group child care center that is licensed by the department under section 346-161;
- (2) A group child care home that is licensed by the department under section 346-161; or
- (3) An exempt center-based provider that meets the requirements of section 346-152.5.

(d) Participation in the program shall not require group child care centers or group child care homes to be accredited by an approved accredited body.

~~[(e)]~~ (e) Enrollment in the program shall be voluntary. A parent or guardian of a child enrolled in the program ~~[shall]~~ may share in the costs of the program through a copayment according to a sliding fee scale that is based on need pursuant to rules adopted by the department.

~~[(f)]~~ (f) The department may adopt interim rules to carry out the purposes of this section without regard to chapter 91 or 201M; provided that:

- (1) The department shall hold at least one public hearing prior to the adoption of interim rules;
- (2) The interim rules shall comply with all applicable state and federal laws; and
- (3) The interim rules shall be effective for no more than one year after their adoption.”

SECTION 3. Section 346-188, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The department shall develop standards, policies, and procedures for the administration of the child care accreditation program, which shall, at minimum:

- (1) Provide upfront grant funding to cover the cost of accreditation by one of the national early learning accrediting organizations, ~~[as identified in section 346-184(b), or]~~ as approved by the director;
- (2) Provide grant funding for technical assistance to assist an eligible child care provider through the accreditation process; and
- (3) Be available to licensed group child care centers, licensed group child care homes, licensed infant and toddler child care centers, and registered family child care homes.”

SECTION 4. Section 346-184, Hawaii Revised Statutes, is repealed.

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

SECTION 6. This Act shall take effect on January 1, 2026.

(Approved June 24, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 204

H.B. NO. 329

A Bill for an Act Relating to the School Facilities Authority.

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

SECTION 1. The legislature finds that the school facilities authority is entrusted with responsibilities relating to the development, planning, and construction of public school projects. The legislature further finds that the school facilities authority could carry out these responsibilities with greater efficiency if certain changes were made to statutes governing the authority.

Accordingly, the purpose of this Act is to:

- (1) Clarify that the school facilities authority is responsible for projects related to:
 - (A) Certain facilities for prekindergarten, preschool, child care, and early learning programs;
 - (B) Workforce housing; and
 - (C) Any public school development, planning, and construction assigned by the legislature, governor, or board of education;
- (2) Allow the school facilities authority to use the department of education for certain recruitment and hiring responsibilities;
- (3) Allow the school facilities authority to partner with public and private development agencies to develop prekindergarten, preschool, child care, and early learning program facilities; and
- (4) Appropriates funds for:
 - (A) A new middle school in central Maui; and
 - (B) A workforce housing project in Mililani.

SECTION 2. Section 302A-1703, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Except as otherwise limited by this chapter, the authority shall be responsible for all [~~public school development, planning, and construction~~] projects related to [~~capital improvement projects~~];

- (1) New or renovated facilities for prekindergarten, preschool, child care, or early learning programs;
- (2) Workforce housing for educators and other education workers in schools serving prekindergarten, elementary, and secondary grades; and
- (3) Any public school development, planning, and construction assigned by the legislature, governor, or board of education.”

2. By amending subsection (c) to read:

“(c) Except as otherwise limited by this chapter, the authority may also:

- (1) Have a seal and alter the same at its pleasure;
- (2) Subject to subsection (b), make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this subpart;
- (3) Make and alter bylaws for its organization and internal management;
- (4) Adopt rules pursuant to chapter 91 with respect to its projects, operations, properties, and facilities, including qualifications for persons and entities wishing to enter into a public-private partnership with the authority, as permitted in paragraph (7);

- (5) Acquire or contract to acquire by grant or purchase real, personal, or mixed property or any interest therein; to clear, improve, and rehabilitate and to sell, assign, exchange, transfer, convey, lease, subdivide, or otherwise dispose of or encumber the same;
- (6) Acquire property by condemnation pursuant to chapter 101;
- (7) Enter into partnerships with qualified persons, including public-private partnerships, as defined in the authority's rules, to acquire, construct, reconstruct, rehabilitate, improve, alter, or provide for the construction, reconstruction, improvement, or alteration of any project, including prekindergarten facilities; and sell, assign, transfer, convey, exchange, lease, or otherwise dispose of or encumber any project; and in the case of the sale of any project, accept a purchase money mortgage in connection therewith;
- (8) Grant options to purchase any project or to renew any lease entered into by it in connection with any of its projects, on terms and conditions as it deems advisable;
- (9) Prepare or cause to be prepared plans, specifications, designs, and estimates of costs for the construction, reconstruction, rehabilitation, improvement, or alteration of any project, and from time to time to modify the plans, specifications, designs, or estimates;
- (10) Procure insurance against any loss in connection with its property and other assets and operations in amounts and from insurers as it deems desirable;
- (11) Apply for and accept gifts or grants in any form from any public agency or from any other source, including gifts or grants from private individuals and private entities;
- (12) Borrow money or procure loan guarantees from the federal government for or in aid of any project the authority is authorized to undertake pursuant to this chapter. Additionally, in connection with borrowing or procurement of loan guarantees, the authority:
 - (A) Shall comply with conditions required by the federal government pursuant to applicable regulation or required in any contract for federal assistance;
 - (B) Shall repay indebtedness incurred pursuant to this section, including any interest thereon;
 - (C) May execute loan and security agreements and related contracts with the federal government;
 - (D) May issue bonds pledging revenues, assessments, or other taxes as security for indebtedness incurred pursuant to this section; and
 - (E) May enter into financing agreements as that term is defined in section 37D-1;
- (13) Appoint or retain by contract one or more attorneys who are independent of the attorney general to provide legal services solely in cases of negotiations in which the attorney general lacks the sufficient expertise; provided that the independent attorney shall consult and work in conjunction with the designated deputy attorney general;
- (14) Use the department of human resources development or the department of education to recruit, hire, and retain exempt employees, architects, engineers, existing civil service positions, and other technical positions for the development, planning, and construction related to capital improvement projects;

- (15) Partner with public and private development agencies to develop:
 - (A) Housing on or off campus; ~~and~~
 - (B) Classrooms; ~~and~~
 - (C) Prekindergarten, preschool, child care, and early learning program facilities;
- (16) Request any state or county agency to render services to the authority;
- (17) Transfer the property to another public agency or contract to manage the leasing and property management of housing projects; and
- (18) Do any and all things necessary to carry out its purposes and exercise the powers given and granted in this subpart.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 for the planning and construction of a new middle school in central Maui.

The sum appropriated shall be expended by the school facilities authority for the purposes of this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 for the planning and construction of a workforce housing project in Mililani.

The sum appropriated shall be expended by the school facilities authority for the purposes of this Act.

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, 2025.

(Approved June 24, 2025.)

ACT 205

S.B. NO. 423

A Bill for an Act Relating to the Early Learning Board.

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

SECTION 1. Section 302L-1.6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The board shall consist of the following voting members:

- (1) One voting member from the county of Hawaii;
- (2) One voting member from the county of Maui;
- (3) One voting member from the county of Kauai;
- (4) Three voting members from the city and county of Honolulu; and
- (5) Three at-large voting members[-];

provided that one voting member shall have experience as a local provider of early childhood education and development services.

The superintendent of education, director of human services, director of health, ~~and~~ president of the ~~[University]~~ university of Hawaii, ~~and director of the Hawaii head start state collaboration office~~ shall serve as ex officio, nonvoting members of the board.

The board shall invite the chief executive officer of Kamehameha Schools [and], the executive director of the Hawaii Association of Independent Schools, and president of the Head Start Association of Hawaii, or their designees, to serve as ex officio, [~~non-voting~~] nonvoting members of 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 June 24, 2025.)

ACT 206**H.B. NO. 987**

A Bill for an Act Relating to Procurement.

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

SECTION 1. The legislature finds that it is necessary for the State to investigate and employ new and innovative ways of maintaining and improving state services and infrastructure, while ensuring the prudent and cost-effective expenditure of public moneys.

The legislature further finds that in 2022, the legislature authorized a procurement automation system for the executive branch and state agencies. This procurement automation system increases efficiency, saves personnel time, maintains consistency, mitigates confusion for both the buyer and contractor, and produces accurate purchasing data to leverage economies of scale. The legislature also authorized the state procurement office to implement a transaction fee imposed upon vendors using the procurement automation system beginning in fiscal year 2024-2025. This fee is intended to pay for the management of the procurement automation system, including but not limited to implementation, legacy transition, maintenance, system training, and system configuration. This fee is estimated to save the state approximately \$1,200,000 in general funds each year and will assist with funding the growth and enhancement of the procurement automation system.

While the legislature authorized the implementation of the procurement automation system and a transaction fee collected from vendors using the system, the legislature stopped short of authorizing a state procurement automation system special fund to hold the transaction fee. Until a special fund is authorized and established, the fees are being held in trust by the vendor who developed the procurement automation system; the state procurement office does not have direct control of the fees. The establishment of a special fund would direct that all fees received by the state procurement office pursuant to section 103D-206(7), Hawaii Revised Statutes, be deposited into the state procurement automation system special fund to be administered by the state procurement office for the implementation and configuration of the procurement automation system’s Marketplace and eProcurement system, as well as its maintenance, enhancement, and expansion of additional modules to remain relevant and current with industry standards for the benefit of all stakeholders statewide.

The legislature also finds that the school facilities authority was established in 2020 by Act 72, Session Laws of Hawaii 2020, codified at section 302A-1702, Hawaii Revised Statutes, with a mandate that the executive director of the school

facilities authority serve as its chief procurement officer. Therefore, it is necessary to designate the executive director of the school facilities authority as its chief procurement officer in the Hawaii Public Procurement Code.

The purpose of this Act is to enhance procurement accountability by:

- (1) Establishing the state procurement automation system special fund to receive the transaction fees from the procurement automation system to pay for its administration, management, operation, maintenance, and upgrade of the procurement automation system; and
- (2) Aligning section 103D-203(a), Hawaii Revised Statutes, with section 302A-1702, Hawaii Revised Statutes, by adding the executive director of the school facilities authority as the chief procurement officer for the school facilities authority.

SECTION 2. Chapter 103D, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“§103D- State procurement automation system special fund; transaction fee. (a) There is established in the state treasury the state procurement automation system special fund to be administered by the state procurement office and into which shall be deposited:

- (1) Vendor-collected transaction fees, pursuant to section 103D-206(7), for administration, management, operation, maintenance, and upgrade of the procurement automation system; and
 - (2) Appropriations made by the legislature to the special fund.
- (b) The state procurement automation special fund shall be expended by the administrator of the state procurement office for the purposes of the administration, management, operation, maintenance, and upgrade of the procurement automation system.”

SECTION 3. 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]~~ university of Hawaii—the chief financial officer of the ~~[University]~~ university of Hawaii;
 - (6) The department of education, excluding the Hawaii public library system—the superintendent of education;
 - (7) The Hawaii health systems corporation—the chief executive officer of the Hawaii health systems corporation; ~~[and]~~
 - (8) The school facilities authority—the executive director of the school facilities authority; and
- ~~[(8)]~~ (9) 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 4. Section 103D-204, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There shall be a state procurement office, placed for administrative purposes only, within the department of accounting and general services, which shall be headed by the administrator of the state procurement office. The administrator shall be the chief procurement officer for those governmental bodies of the executive branch as provided in section ~~[[103D-203(a)(8)]]~~ 103D-203(a)(9). The administrator shall be a full-time public official. The administrator shall serve a term of four years, and shall be paid a salary not to exceed eighty-seven per cent of the salary of the director of human resources development, without diminution during the administrator’s term of office unless by general law applying to all deputies or assistants to department heads.”

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

SECTION 6. This Act shall take effect upon its approval; provided that the amendments made to section 103D-203(a), Hawaii Revised Statutes, by this Act shall not be repealed when section 103D-203(a), Hawaii Revised Statutes, is reenacted on June 30, 2028, pursuant to Section 16 of Act 8, Special Session Laws of Hawaii 2021, as amended by section 3 of Act 111, Session Laws of Hawaii 2024.

(Approved June 25, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 207

H.B. NO. 960

A Bill for an Act Relating to Transportation.

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

SECTION 1. The legislature finds that the State has been struggling to expedite capital advancement projects that increase harbor resilience and operational efficiency. The department of transportation is authorized to enter into capital advancement contracts with private parties for any public improvement to, or construction of, a state harbor facility if the director of transportation determines that the contract promotes the best interest of the State and meets certain requirements.

The legislature further finds that the fiscal caps on capital advancement projects limit the scope, type of work, and number of projects that can be executed under such contracts.

Accordingly, the purpose of this Act is to:

- (1) Increase the maximum value of capital advancement contracts that may be executed by the department of transportation without legislative approval;
- (2) Increase the minimum value of capital advancement contracts requirement for the department of transportation to obtain legislative approval through concurrent resolution;
- (3) Increase the total aggregate value of capital advancement contracts that the department of transportation may enter into in a fiscal year; and

- (4) Establish certain reporting requirements related to capital advancement contracts.

SECTION 2. Section 266-19.5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) The department of transportation may execute capital advancement contracts pursuant to subsection (a) with a total contract value of ~~[\$2,000,000]~~ \$5,000,000 or less without legislative approval. If the total value of a capital advancement contract pursuant to subsection (a) is greater than ~~[\$2,000,000]~~ \$5,000,000 then the department of transportation shall obtain legislative approval in the form of the adoption of a concurrent resolution affirming the purpose, project, and contract issuance ~~[prior to]~~ before executing the capital advancement contract. The total aggregate value of all capital advancement contracts entered into by the department pursuant to this section shall not exceed ~~[\$5,000,000]~~ \$30,000,000 in any ~~[calendar]~~ fiscal year. The department shall submit a report to the legislature of all executed capital advancement contracts for the previous twelve-month period from July 1 to June 30 no later than twenty days prior to the convening of each regular session.”

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved June 25, 2025.)

ACT 208

H.B. NO. 648

A Bill for an Act Relating to Guardianship and Conservatorship Services.

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

SECTION 1. The legislature finds that since 2023, a working group has been formed to identify and address issues in the State’s guardianship and conservatorship statutory procedures. This working group is named the “uniform guardianship, conservatorship, and other protective arrangements act working group”, and it has met regularly in 2024 under the facilitation of the staff of the Hawaii state council on developmental disabilities. An important issue identified by the working group is the accessibility of certain resources that the court may order for individuals, also statutorily referred to as respondents, for whom a guardianship or conservatorship is being sought. The specific services are “kokua kanawai”, who are individuals appointed by the court to review the personal circumstances of the respondent and provide the court with an independent assessment of the situation; guardians ad litem, who are individuals appointed by the court to represent the best interests of the respondent; and “professional evaluations”, including but not limited to a psychological evaluation, neurocognitive evaluation, or functional evaluation, by a physician, psychologist, or other individual appointed by the court who is qualified to evaluate the respondent’s alleged impairment.

While the court has the statutory authority to order these resources, it does not always order them. The information provided by these resources supplies the court with essential information to support a court’s informed decisions regarding

the capacity and circumstances of respondents. Overall, they make the procedures surrounding guardianship and conservatorship more equitable. When respondents do not receive these resources, it is usually because they do not have the personal finances to afford them.

Accordingly, the purpose of this Act is to establish a two-year guardianship- and conservatorship-related court resources pilot program in the circuit court of the first circuit that will ensure these resources are available to all respondents.

SECTION 2. (a) There shall be established within the judiciary a two-year pilot program in the probate court and family court of the first circuit to fund the following guardianship- and conservatorship-related court resources in situations where the respondent does not have sufficient funds to pay for one or more of the resources and the court has deemed the resource or resources beneficial:

- (1) An investigation and report by a kokua kanawai appointed with the powers and duties pursuant to section 560:5-305(c) and (d), Hawaii Revised Statutes, for guardianships and powers and duties pursuant to section 560:5-406(c) and (d), Hawaii Revised Statutes, for conservatorships;
- (2) A guardian ad litem appointed pursuant to section 560:5-115, Hawaii Revised Statutes; and
- (3) A professional evaluation of the respondent's alleged impairment pursuant to section 560:5-306, Hawaii Revised Statutes, for guardianships or section 560:5-406(f), Hawaii Revised Statutes, for conservatorships, that includes information as noted in rule 102, Hawaii probate rules; provided that the professional evaluation may include but not be limited to a psychological evaluation, neurocognitive evaluation, or functional evaluation.

(b) The judiciary shall submit a report of its findings and recommendations, including any proposed legislation, to the governor and legislature no later than forty days prior to the convening of the regular sessions of 2026 and 2027 on the guardianship- and conservatorship-related court resources pilot program and include the following information aggregated by each type of court:

- (1) The status of the guardianship- and conservatorship-related court resources pilot program;
- (2) The number of people served by the pilot program;
- (3) The number of people who received resources from the pilot program who otherwise would not have been able to pay for these resources;
- (4) Recommendations as to whether the pilot program should continue as a pilot program, be made permanent, or be discontinued; and
- (5) If continuation or permanency of the pilot program is recommended, recommendations for funding for the program.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the provision of guardianship- and conservatorship-related court resources in the first circuit probate court as part of the pilot program established pursuant to section 2 of this Act.

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

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the provision of guardianship- and conservatorship-related court resources in the first circuit family court as part of the pilot program established pursuant to section 2 of this Act.

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

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved June 25, 2025.)

ACT 209

H.B. NO. 242

A Bill for an Act Relating to Electric Vehicle Batteries.

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

SECTION 1. The legislature finds that electric vehicle usage in the State has grown dramatically, with a twenty-three per cent increase in the number of registered electric vehicles from October 2023 to October 2024. As electric vehicle usage increases, more electric vehicle batteries will enter the waste stream. Proper recycling and disposal practices are needed to ensure that electric vehicle batteries do not contribute to environmental harm.

The purpose of this Act is to establish a working group to examine how to maximize the recycling and reuse of electric vehicle batteries and recommend electric vehicle battery management practices.

SECTION 2. (a) There is established within the Hawaii state energy office an electric vehicle battery recycling and reuse working group to examine how to maximize the recycling and reuse of electric vehicle batteries and recommend electric vehicle battery management practices.

(b) The working group shall:

- (1) Develop a plan for best management practices for the recycling, reuse, or repurposing of electric vehicle batteries;
- (2) Coordinate with any other organization, working group, or relevant entity within or outside of the State that has similar objectives as the working group, or is researching the recycling, reuse, or repurposing of electric vehicle batteries; and
- (3) Develop policy recommendations for the legislature to implement based on the working group's findings.

(c) The working group shall consist of:

- (1) The chief energy officer, or the chief energy officer's designee, who shall serve as the co-chairperson of the working group;
- (2) The director of health, or the director's designee, who shall serve as the co-chairperson of the working group;
- (3) One representative from the department of environmental services of the city and county of Honolulu; and
- (4) One representative from the Hawaii natural energy institute.

(d) The co-chairpersons of the working group shall invite the following individuals to serve as members of the working group:

- (1) Two representatives from the electric vehicle manufacturing industry;

- (2) One representative from the automotive repair industry;
 - (3) One representative from the battery energy storage industry;
 - (4) One representative from the electronic waste recycling industry;
 - (5) One representative from an electric utility;
 - (6) One representative from an organization that specializes in extended producer responsibility policy;
 - (7) One representative from an environmental organization that specializes in waste reduction and recycling;
 - (8) One representative from the automotive recycling industry;
 - (9) One representative from a company specializing in the recycling of electric vehicle batteries; and
 - (10) Other individuals as invited by the co-chairpersons.
- (e) The working group shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2027. The report shall include an analysis of:
- (1) Opportunities for and barriers to the reuse of electric vehicle batteries as a first option, as potential stationary energy storage systems as a second option, and for recycling as a third option, taking into account the additional costs of transporting electric vehicle batteries to be recycled out of State;
 - (2) Best practices for the management of electric vehicle batteries at end-of-life;
 - (3) The cost, safety, and environmental impacts of in-state versus out-of-state recycling options;
 - (4) The feasibility of pursuing any recycling options outside of the United States;
 - (5) The feasibility in terms of costs, available infrastructure, and enforcement of an electric vehicle battery recycling program;
 - (6) The overall effect of different management practices on the environment; and
 - (7) Any other factors deemed necessary and relevant.
- (f) The working group shall be dissolved on June 30, 2027.

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

(Approved June 25, 2025.)

ACT 210

H.B. NO. 277

A Bill for an Act Relating to Vehicular Pursuit.

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

SECTION 1. The legislature appreciates the sanctity of life and acknowledges that vehicular pursuits involving law enforcement are inherently dangerous due to the conditions of the State's roads.

Accordingly, the purpose of this Act is to statutorily establish statewide vehicular law enforcement pursuit policies.

SECTION 2. Chapter 139, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§139- Vehicular pursuit. (a) Beginning January 1, 2027, no law enforcement officer shall engage in a vehicular pursuit unless:

- (1) The law enforcement officer has a reasonable suspicion to believe that a person in the vehicle to be pursued is attempting to commit, has committed, or is committing one or more of the following:
 - (A) A felony offense under chapter 707 or 708 that involves physical injury to the person or another, or the threat, or significant risk, of physical injury to a person or another;
 - (B) The offense of kidnapping, unlawful imprisonment in the first or second degree, or custodial interference in the first or second degree under part IV of chapter 707;
 - (C) The offense of robbery in the first or second degree under part V of chapter 708;
 - (D) A sexual offense under part V of chapter 707;
 - (E) Assault in the first degree under section 707-710 or assault in the second degree under section 707-711 by a person operating a vehicle:
 - (i) In a reckless manner; or
 - (ii) Without regard for the safety of others;
 - (F) The offense of abuse of family or household members under section 709-906;
 - (G) The offense of escape in the first degree under section 710-1020;
 - (H) The offense of escape in the second degree under section 710-1021; or
 - (I) The offense of operating a vehicle under the influence of an intoxicant under section 291E-61;
- (2) The vehicular pursuit is necessary to identify or apprehend the person;
- (3) The person poses a serious risk of harm to others and the law enforcement officer reasonably believes that, under the circumstances, the safety risks of failing to identify or apprehend the person are greater than the safety risks of the vehicular pursuit; and
- (4) The pursuing law enforcement officer notifies a supervising law enforcement officer immediately upon initiating the vehicular pursuit; provided that:
 - (A) The supervising law enforcement officer oversees the vehicular pursuit; and
 - (B) The pursuing law enforcement officer, in consultation with the supervising law enforcement officer, considers:
 - (i) Alternatives to the vehicular pursuit;
 - (ii) The justification for the vehicular pursuit; and
 - (iii) Other safety factors, including speed, weather, traffic, road conditions, and any known presence of minors in the vehicle.
- (b) Beginning January 1, 2027, in any vehicular pursuit under this section:
 - (1) The pursuing law enforcement officer and the supervising law enforcement officer shall comply with any applicable procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to engage in the vehicular pursuit;
 - (2) The supervising law enforcement officer, pursuing law enforcement officer, or dispatcher shall notify other law enforcement agencies that may be affected by the vehicular pursuit or called upon to assist with the vehicular pursuit;

- (3) To the extent practicable, the pursuing law enforcement officer shall use a common radio channel or other direct means of communication to directly communicate with other law enforcement officers engaging in the vehicular pursuit, the supervising law enforcement officer, and the dispatching law enforcement agency;
 - (4) As soon as practicable after initiating a vehicular pursuit, the pursuing law enforcement officer, supervising law enforcement officer, or responsible law enforcement agency shall develop a plan to end the vehicular pursuit through the use of available pursuit intervention options, techniques, or tactics approved by the applicable law enforcement agency; and
 - (5) Upon initiation of a pursuit, the pursuing law enforcement officer or officers shall immediately activate all emergency warning lights, siren, headlights, motor vehicle recorder, and body-worn camera. If a law enforcement officer terminates a pursuit without stopping the pursued vehicle, upon terminating the pursuit, the pursuing law enforcement officer or officers shall immediately cease all emergency vehicle operations, including turning off all emergency warning lights and sirens and disengaging from the fleeing vehicle.
- (c) Beginning January 1, 2027, any law enforcement officer who engages in a vehicular pursuit that fails to satisfy the requirements of this section shall terminate the pursuit. The supervising law enforcement officer shall order the pursuing law enforcement officer to terminate the pursuit as soon as the supervising law enforcement officer determines that the pursuit, or continued pursuit, would not be authorized under this section.
- (d) Beginning January 1, 2027, no law enforcement officer shall fire a weapon at, into, or from a moving vehicle unless:
- (1) It is necessary to protect against an imminent risk of serious physical harm or death to an officer or another; and
 - (2) The imminent risk cannot be avoided through other reasonable means, including by avoiding the path of the vehicle.
- (e) Beginning January 1, 2027, each law enforcement agency shall annually furnish to the department of the attorney general, in a manner defined and prescribed by the department of the attorney general, a report of all vehicular pursuits conducted in the prior year by law enforcement officers employed by the law enforcement agency.
- (f) Each report required under subsection (e) shall include, at a minimum, the following information for each vehicular pursuit:
- (1) The reason for the pursuit, including the offenses or infractions that served as a basis for the pursuit;
 - (2) The date, start time, and end time of the pursuit;
 - (3) The start and end locations of the pursuit;
 - (4) A summary of the circumstances surrounding the pursuit, including but not limited to the number of law enforcement officers involved, the number of law enforcement vehicles involved, weather conditions, the type of law enforcement vehicles and pursued vehicles involved (e.g., motorcycle or sedan), and maximum speeds;
 - (5) Whether a body-worn camera was worn and active for the duration of the pursuit;
 - (6) Whether a dashboard camera was present and active for the duration of the pursuit;
 - (7) Whether the pursuit resulted in a crash or collision; injury requiring medical treatment; or death to a law enforcement officer, a driver or passenger in the pursued vehicle, or an uninvolved third party;

- (8) If the pursuit resulted in a crash or collision, injury requiring medical treatment, or death, a description of the accident and details of each law enforcement officer, driver or passenger, or uninvolved third party injured or killed, including the type and severity of the injuries sustained by each, if any;
- (9) Why and how the pursuit was discontinued or terminated, including whether the law enforcement officer used any pursuit intervention tactics or tools, and if so, which tactics or tools;
- (10) Unique identification numbers for each pursuing and supervising law enforcement officer;
- (11) If a citation was issued, the violations cited;
- (12) If an arrest was made, the offense charged; and
- (13) Whether the law enforcement officer searched the person or any property, and, if so, the type of search, the basis for the search, and the type of contraband or evidence discovered, if any.
- (g) The department of the attorney general shall make all information obtained from law enforcement agencies under subsection (e) publicly available on the department of the attorney general's website, classified by law enforcement agency, in a manner that is clear, understandable, and machine-readable.
- (h) No law enforcement agency shall report or make publicly available the name, address, social security number, or other unique personal identifying information of the persons pursued. Law enforcement agencies shall be solely responsible for ensuring that personal identifying information of individuals pursued is not transmitted to the department of the attorney general or otherwise released to the public.
 - (i) No later than:
 - (1) July 1, 2026, the department of the attorney general shall adopt rules pursuant to chapter 91 regarding the collection and reporting of data required under this section;
 - (2) July 1, 2026, the board shall develop a model vehicular pursuit policy that is consistent with the requirements of this section and shall seek public comment on the policy in accordance with chapter 91; provided that in its policy, the board shall include guidance on:
 - (A) Supervisory review and investigation of pursuits; and
 - (B) The use of pursuit intervention tools and tactics, including but not limited to vehicle paralleling and vehicle contact action;
 - (3) January 1, 2027, each law enforcement agency in the State shall adopt a written policy that is consistent with:
 - (A) The requirements of this section;
 - (B) The board's model vehicular pursuit policy; and
 - (C) The department of the attorney general's rules regarding the collection and reporting of data; and
 - (4) January 1, 2027, each law enforcement agency shall make publicly available all of its policies, including procedures, general orders, special orders, regulations, and guidance, related to vehicular pursuits.
 - (j) The policies under subsection (i)(4) shall be presumed to be a public record. Redaction of limited portions of these policies shall be permitted only if:
 - (1) They would be permitted under chapter 92F; and
 - (2) The redacted material, if made public, would substantially and materially undermine ongoing investigations or endanger the life or safety of officers or members of the public.
 - (k) The policies under subsection (i)(4), including their component procedures, general orders, special orders, regulations, and guidance, related to

vehicular pursuits, shall include the month and year during which they were last updated.

(l) If any law enforcement agency adopts new or revised policies under subsection (i)(4), the policies shall be made publicly available within thirty days of the adoption.

(m) The board shall develop minimum requirements for both introductory and in-service training for law enforcement officers and supervising law enforcement officers on vehicular pursuits to explain the requirements of this section and any implementing rules and guidance. The board shall require law enforcement officers and supervising law enforcement officers to complete in-service training on vehicular pursuits every two years.

(n) Each law enforcement agency shall, as part of its pursuit policies, make clear to law enforcement officers and supervising law enforcement officers that any violation of the policies shall result in discipline, up to and including termination.

(o) The attorney general may investigate and, if warranted, bring a civil action against any law enforcement agency to obtain equitable or declaratory relief to enforce this section.

(p) For the purposes of this section:

“Law enforcement agency” has the same meaning as in section 78-52.

“Law enforcement vehicle” means a county law enforcement vehicle, department of law enforcement vehicle, or department of land and natural resources division of conservation and resources enforcement vehicle authorized and approved pursuant to section 291-31.5.

“Vehicle” has the same meaning as in section 286-2.

“Vehicle contact action” means any action undertaken by the pursuing law enforcement officer intended to result in contact between the moving law enforcement vehicle and the pursued vehicle.

“Vehicle paralleling” means a deliberate offensive tactic by one or more law enforcement vehicles where they are driven alongside the pursued vehicle while the pursued vehicle is in motion.

“Vehicular pursuit” or “pursuit” means an attempt by a law enforcement officer in a law enforcement vehicle to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the law enforcement officer is signaling the operator of the moving vehicle to stop the vehicle and the operator of the moving vehicle appears to wilfully resist or ignore the law enforcement officer’s attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or law enforcement officer.

Following a vehicle whose operator fails to yield to the law enforcement officer’s signal to stop for a brief period of time no longer than necessary to obtain basic information about the vehicle and its occupants shall not constitute a pursuit if both the law enforcement officer and operator continue to substantially obey all other traffic laws during the brief period the officer is following the operator, and the officer reasonably believes that briefly following the vehicle would not increase the threat that either the operator’s or the officer’s driving poses a danger to the safety of the public or other officers.”

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

SECTION 4. New statutory material is underscored.¹

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

(Approved June 25, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 211

H.B. NO. 1159

A Bill for an Act Relating to Commercial Harbors.

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

SECTION 1. (a) There is established the commercial harbors emergency evacuation working group within the department of transportation for administrative purposes.

(b) The working group shall:

- (1) Review current federal and state laws regarding emergency evacuation procedures for commercial harbors;
- (2) Determine whether there is adequate space in commercial harbors for all vessels to moor should they be required to evacuate Honolulu harbor and come up with a comprehensive mooring plan; and
- (3) Review and evaluate whether current federal and state penalties are sufficient to ensure compliance with emergency evacuation orders for commercial harbors.

(c) The working group shall consist of the following:

- (1) The deputy director of the harbors division of the department of transportation who shall serve as chair of the working group;
- (2) The chairs of the senate and house of representatives standing committees whose subject matter purview includes transportation;
- (3) The United States Coast Guard captain of the port Honolulu sector, to be invited by the chair of the working group; and
- (4) Users of the commercial harbors that are invited by the chair of the working group including but not limited to transpacific ocean carriers, interisland ocean carriers, a representative of the Hawaii Longline Association, a representative of the United Fishing Agency, cruise line operators, and tug and barge operators.

(d) The chair of the working group shall provide an option to attend each meeting remotely.

(e) The members of the working group shall serve without compensation; provided that members who are employees of the State shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties. No member of the working group shall be subject to chapter 84, Hawaii Revised Statutes, solely because of the member's participation in the working group.

(f) The working group shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2027.

(g) The department of transportation shall provide necessary administrative support to the working group in carrying out their duties, including facilitating stakeholder engagement, arranging informational briefings, coordinating relevant site visits, and preparation of the report pursuant to subsection (f).

(h) The working group shall be dissolved on June 30, 2027.

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

(Approved June 25, 2025.)

ACT 212

H.B. NO. 1231

A Bill for an Act Relating to Traffic Safety.

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

SECTION 1. The legislature finds that Hawaii has among the highest rates of traffic related fatalities. The implementation of photo red light imaging detector systems at intersections with the most dangerous and highest risk transit infrastructure, as well as photo speed detector systems in school zones with the most dangerous and high-risk transit infrastructure, can help prevent drivers from running red lights, and slow speeders in key areas, to help reduce fatalities and injuries.

The legislature further finds that it should be a priority to ensure dedicated funding necessary to support accelerating improvements in the most dangerous transit corridors.

Accordingly, the purpose of this Act is to:

- (1) Establish a safe routes to school program vehicle registration surcharge on certain motor vehicle registrations, to be imposed and collected no later than December 31, 2025;
- (2) Prohibit the use of facial recognition software in the operation of any photo red light imaging detector system; and
- (3) Clarify the summons and citations processes for the automated speed enforcement systems program.

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

“§249- Safe routes to school program vehicle registration surcharge.

(a) In addition to any other fees required by law, each county shall impose and collect a \$5 surcharge on every motor vehicle registration issued under section 249-31 or 249-31.5, no later than December 31, 2025.

(b) The director of finance shall notify the department of transportation in writing of the county’s intended start date at least ninety days before implementing this section.

(c) The surcharge shall be deposited into the safe routes to school program special fund established under section 291C-4.”

SECTION 3. Chapter 291J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§291J- Facial recognition software; prohibited. (a) No photo red light imaging detector system authorized under this chapter shall use or be equipped with facial recognition software or biometric identification technology.

(b) This section shall not apply to:

- (1) Automated license plate reader systems; or
- (2) Any non-biometric technology used to verify vehicle identity, registration status, or to generate photographic evidence of a traffic violation.

(c) For the purposes of this section:

“Biometric identification” includes but is not limited to recognition of facial features, iris scans, retinal scans, fingerprints, or voice patterns.

“Facial recognition software” means technology that analyzes facial features to identify or verify the identity of an individual.”

SECTION 4. Chapter 291L, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§291L- Facial recognition software; prohibited. (a) No automated speed enforcement system authorized under this chapter shall use or be equipped with facial recognition software or biometric identification technology.

(b) This section shall not apply to:

- (1) Automated license plate reader systems; or
- (2) Any non-biometric technology used to verify vehicle identity, registration status, or to generate photographic evidence of a traffic violation.

(c) For the purposes of this section:

“Biometric identification” includes but is not limited to recognition of facial features, iris scans, retinal scans, fingerprints, or voice patterns.

“Facial recognition software” means technology that analyzes facial features to identify or verify the identity of an individual.”

SECTION 5. Section 291C-4, Hawaii Revised Statutes, is amended to read as follows:

“§291C-4 Safe routes to school program special fund; establishment.

There is established in the state treasury the safe routes to school program special fund, into which shall be deposited:

- (1) Assessments collected for speeding in a school zone, pursuant to section 291C-104; ~~and~~
- (2) Safe routes to school program surcharges collected in accordance with sections 291-16 and 291C-5~~[-]; and~~
- (3) The surcharge collected pursuant to section 249- .”

SECTION 6. Section 291L-5, Hawaii Revised Statutes, is amended to read as follows:

“~~§291L-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-108, 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].~~ The summons or citation shall be mailed to the registered owner’s address on record at the vehicle licensing division~~[-]~~ and 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. 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.

(g) Any summons or citations issued or convictions resulting from this chapter shall not be recorded on a person's traffic abstract and shall not be used for insurance purposes in the provision of motor vehicle insurance coverage."

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

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

(Approved June 25, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 213

H.B. NO. 159

A Bill for an Act Relating to Qualified Community Rehabilitation Programs.

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

SECTION 1. Section 76-77, Hawaii Revised Statutes, is amended to read as follows:

"§76-77 Civil service and exemptions. The civil service to which this part applies comprises all positions in the public service of each county, now

existing or hereafter established, and embraces all personal services performed for each county, except the following:

- (1) Positions in the office of the mayor; provided that the positions shall be included in the classification systems;
- (2) Positions of officers elected by public vote, positions of heads of departments, and positions of one first deputy or first assistant of heads of departments;
- (3) Positions of deputy county attorneys, deputy corporation counsel, deputy prosecuting attorneys, and law clerks;
- (4) Positions of members of any board, commission, or agency;
- (5) Positions filled by students; positions filled through federally funded programs [which] that provide temporary public service employment such as the federal Comprehensive Employment and Training Act of 1973; and employees engaged in special research or demonstration projects approved by the mayor, for which projects federal funds are available;
- (6) Positions of district judges, jurors, and witnesses;
- (7) Positions filled by persons employed by contract where the personnel director has certified that the service is special or unique, is essential to the public interest, and that because of the circumstances surrounding its fulfillment, personnel to perform the service cannot be recruited through normal civil service procedures; provided that no contract pursuant to this paragraph shall be for any period exceeding one year;
- (8) Positions of a temporary nature needed in the public interest where the need does not exceed ninety days; provided that before any person may be employed to render temporary service pursuant to this paragraph, the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable; and provided further that the employment of any person pursuant to this paragraph may be extended for good cause for an additional period not to exceed ninety days upon similar certification by the director;
- (9) Positions of temporary election clerks in the office of the county clerk employed during election periods;
- (10) Positions specifically exempted from this part by any other state statutes;
- (11) Positions of one private secretary for each department head; provided that the positions shall be included in the classification systems;
- (12) 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, if any, and whose duties require only a portion of their time, where it is impracticable to ascertain or anticipate the portion of time devoted to the service of the county and that fact is certified by the director;
- (13) Positions filled by persons with a severe disability who are certified by the state vocational rehabilitation office as able to safely perform the duties of the positions;
- (14) Positions of the housing and community development office or department of each county; provided that this exemption shall not preclude each county from establishing these positions as civil service positions;
- (15) The following positions in the office of the prosecuting attorney: private secretary to the prosecuting attorney, secretary to the first

- deputy prosecuting attorney, and administrative or executive assistants to the prosecuting attorney; provided that the positions shall be included in the classification systems; and
- (16) Positions or contracts for personal services with private persons or entities for services lasting no ~~[more]~~ longer than one year and at a cost of no more than \$750,000; provided that the exemption under this paragraph shall apply to contracts for building, custodial, and grounds maintenance services with qualified community rehabilitation programs, as defined in section 103D-1001, lasting for no ~~[more]~~ longer than a year and at a cost of no more than ~~[\$850,000.]~~ \$3,000,000 in the aggregate per private person or entity, regardless of the number of contracts or qualified community rehabilitation programs utilized for the personal service.

The director shall determine the applicability of this section to specific positions and shall determine whether or not positions exempted by paragraphs (7) and (8) shall be included in the classification systems.

Nothing in this section shall be deemed to affect the civil service status of any incumbent private secretary of a department head who held that position on May 7, 1977.”

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

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved June 25, 2025.)

ACT 214

H.B. NO. 477

A Bill for an Act Relating to the Hawaii Employment Security Law.

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

SECTION 1. Section 383-1, Hawaii Revised Statutes, is amended by amending the definition of “registered for work” or “registration for work” to read as follows:

““Registered for work” or “registration for work” means that an individual shall provide information to the ~~[employment office to be posted on the department’s internet job matching system, including the individual’s name, job skills, education, training, prior employment history and work duties, preferred working conditions, occupational licenses, and other relevant occupational information]~~ department to facilitate work search efforts by the individual and increase job referrals by the employment office.”

SECTION 2. Section 383-29, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

- (1) The individual has made a claim for benefits with respect to that week in accordance with rules the department may prescribe and with section 383-29.7 for partially unemployed individuals;
- (2) The individual has registered for work, as defined in section 383-1, and thereafter continued to report, at an employment office in accordance with rules the department may prescribe, or such other place as the department may approve, except that the department~~[- by rule,]~~ may waive or alter either or both of the requirements of this paragraph for ~~partially~~:
 - (A) Partially unemployed individuals pursuant to section 383-29.8 ~~[- individuals];~~
 - (B) Individuals attached to regular jobs~~[- and other];~~
 - (C) Union members in good standing being referred to jobs through the labor union job placement service; provided that the labor union agrees to report to the department all individuals who refuse job referrals or offers of work and all individuals not ready, willing, and able to work, and the labor union is approved by the department for the purpose of waiving work registration;
 - (D) Individuals involved in a labor dispute and for whom an employer-employee relationship continues to exist;
 - (E) Individuals who are suspended from work and for whom an employer-employee relationship continues to exist; provided that the waiver shall apply only to the period of suspension but shall not exceed four consecutive weeks of unemployment immediately following the week in which the individual was suspended; or
 - (F) Other types of cases or situations [with respect to which it in which the department finds that compliance with those requirements would be oppressive, or would be inconsistent with the purpose of this chapter; [provided that no rule shall conflict with section 383-21;]
- (3) The individual is able to work and is available for work; provided that no claimant shall be considered ineligible with respect to any week of unemployment for failure to comply with this paragraph if the failure is due to an illness or disability, as evidenced by a physician's certificate, which occurs during an uninterrupted period of unemployment with respect to which benefits are claimed and no work ~~[which]~~ that would have been suitable ~~[prior to]~~ before the beginning of the illness ~~[and]~~ or disability has been offered the claimant;
- (4) The individual has been unemployed for a waiting period of one week within the individual's benefit year~~[- No];~~ provided that no week shall be counted as a waiting period:
 - ~~(A) If]~~ if benefits have been paid with respect thereto;
 - ~~(B) Unless]~~ unless the individual was eligible for benefits with respect thereto as provided in this section and section 383-30, except for the requirements of this paragraph;
- (5) In the case of an individual whose benefit year begins:
 - (A) On or after January 2, 1966, but prior to October 1, 1989, the individual has had during the individual's base period a total of fourteen or more weeks of employment, as defined in section 383-1, and has been paid wages for insured work during the individual's base period in an amount equal to at least

thirty times the individual's weekly benefit amount as determined under section 383-22(b). For the purposes of this subparagraph, wages for insured work shall include wages paid for services:

- (i) Which were not employment, as defined in section 383-2, or pursuant to an election under section 383-77 prior to January 1, 1978, at any time during the one-year period ending December 31, 1975; and
 - (ii) Which are agricultural labor, as defined in section 383-9 except service excluded under section [383-7(a)(1)], or are domestic service except service excluded under section [383-7(a)(2)]; except to the extent that assistance under title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of those services;
- (B) On and after October 1, 1989, to January 4, 1992, the individual has been employed, as defined in section 383-2, and has been paid wages for insured work during the individual's base period in an amount equal to not less than thirty times the individual's weekly benefit amount, as determined under section 383-22(b), and the individual has been paid wages for insured work during at least two quarters of the individual's base period; provided that no otherwise eligible individual who established a prior benefit year under this chapter or the unemployment compensation law of any other state, shall be eligible to receive benefits in a succeeding benefit year until, during the period following the beginning of the prior benefit year, that individual worked in covered employment for which wages were paid in an amount equal to at least five times the weekly benefit amount established for that individual in the succeeding benefit year; and
- (C) ~~After~~ after January 4, 1992, the individual has been employed, as defined in section 383-2, and has been paid wages for insured work during the individual's base period in an amount equal to not less than twenty-six times the individual's weekly benefit amount, as determined under section 383-22(b), and the individual has been paid wages for insured work during at least two quarters of the individual's base period; provided that no otherwise eligible individual who established a prior benefit year under this chapter or the unemployment compensation law of any other state, shall be eligible to receive benefits in a succeeding benefit year until, during the period following the beginning of the prior benefit year, that individual worked in covered employment for which wages were paid in an amount equal to at least five times the weekly benefit amount established for that individual in the succeeding benefit year.

For purposes of this paragraph, wages and weeks of employment shall be counted for benefit purposes with respect to any benefit year only if the benefit year begins subsequent to the dates on which the employing unit by which the wages or other remuneration, as provided in the definition of weeks of employment in section 383-1, were paid has satisfied the conditions of section 383-1 with respect to becoming an employer.

Effective for benefit years beginning January 1, 2004, and thereafter, if an individual fails to establish a valid claim for unemployment insurance benefits under this paragraph, the department

shall make a redetermination of entitlement based upon the alternative base period, as defined in section 383-1; provided further that the individual shall satisfy the conditions of ~~[section 383-29(a)(5)]~~ this paragraph that apply to claims filed using the base period, as defined in section 383-1, and the establishment of claims using the alternative base period shall be subject to the terms and conditions of sections 383-33 and 383-94; and

- (6) Effective November 24, 1994, an individual who has been referred to reemployment services pursuant to the profiling system under section 383-92.5 shall participate in those services or in similar services. The individual may not be required to participate in reemployment services if the department determines the individual has completed those services, or there is justifiable cause for the claimant's failure to participate in those services.

For the purposes of this subsection, employment and wages used to establish a benefit year shall not thereafter be reused to establish another benefit year."

2. By amending subsection (e) to read:

"(e) Notwithstanding any provisions of this chapter to the contrary, a claimant shall not be denied benefits because of the claimant's regular attendance at a vocational training or retraining course which the director has approved and continues from time to time to approve for the claimant. The director may approve such course for a claimant only if:

- (1) The training activity is authorized under ~~[titles I, II, III, and IV (except on-the-job training) of the Job Partnership Training Act (P.L. 97-300);]~~ the Workforce Innovation and Opportunity Act, Public Law 113-128; or
- (2) All of the following conditions apply:
 - (A) Reasonable employment opportunities for which the claimant is fitted by training and experience do not exist in the locality or are severely curtailed;
 - (B) The training course relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities in the locality;
 - (C) The training course is offered by a competent and reliable agency; and
 - (D) The claimant has the required qualifications and aptitudes to complete the course successfully."

SECTION 3. Section 383-29.8, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) An individual shall be exempted from the work search requirements as determined by rules of the department, or be subject to modified work search requirements as authorized by the department if the individual is waived from the registration for work requirements ~~[as defined in section 383-1.]~~ under section 383-29(a)."

SECTION 4. Section 383-36, Hawaii Revised Statutes, is amended to read as follows:

"§383-36 Notice of determinations. Notice of a determination or redetermination upon a claim shall be promptly given to the claimant ~~[by delivery thereof or]~~ by electronic notification unless an election was made to receive notices by mail, and in such case, by mailing the notice to the claimant's last

known address. In addition, notice of a determination or redetermination with respect to the first week of a benefit year shall be given to each employer by whom the claimant was employed during the claimant's base period, and to the last employing unit by whom the claimant was employed, and notice of any determination or redetermination which involves the application of section 383-30 shall be given to the last employing unit by whom the claimant was employed, in every case by ~~[delivery thereof to such party or]~~ electronic notification unless an election was made to receive notices by mail, and in such case, by mailing the notice to the party's last known address. The date of electronic notification shall be equivalent to the mailing date."

SECTION 5. Section 383-38, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) and (b) to read:

"(a) The claimant or any other party entitled to notice of a determination or redetermination as ~~herein~~ provided in this subsection may file an appeal from the determination or redetermination at the office of the department in the county in which the claimant resides or in the county in which the claimant was last employed, or with a copy of the contested determination at the employment security appeals referee's office, within ten days after the date of mailing of the notice to the claimant's or party's last known address, or if the notice is not mailed, within ten days after the date of ~~[delivery]~~ the electronic notification of the notice to the claimant or party. The department may for good cause extend the period within which an appeal may be filed to thirty days. The notice of a determination or redetermination shall be final and shall be binding upon each party unless an appeal is filed by a party pursuant to this subsection. Written notice of a hearing of an appeal shall be sent by first class, nonregistered, non-certified mail to the claimant's or party's last known address at least twelve days ~~[prior to]~~ before the initial hearing date[-] or by electronic notification.

(b) The appeal under subsection (a) shall be heard in the county in which the appeal is filed, except that the department may by its rules provide for the holding of a hearing in another county with the consent of all parties or where necessary in order that a fair and impartial hearing may be had, and may provide for the taking of depositions. Unless the appeal is withdrawn with the permission of the referee, the referee after affording the parties reasonable opportunity for a fair hearing shall make findings and conclusions and on the basis thereof affirm, modify, or reverse such determination or redetermination. The parties to any appeal shall be promptly notified of the decision of the referee and shall be furnished with a copy of the decision and the findings and conclusions in support thereof and the decisions shall be final and shall be binding upon each party unless a proceeding for judicial review is ~~[initiated]~~ filed by the party pursuant to section 383-41; provided that within the time provided for taking an appeal and ~~[prior to]~~ before the filing of a notice of appeal, the referee may reopen the matter, upon the application of the director or any other party, or upon the referee's own motion, and thereupon may take further evidence or may modify or reverse the referee's decision, findings, or conclusions. If the matter is reopened, the referee shall render a further decision in the matter either reaffirming or modifying or reversing the referee's original decision, and notice shall be given thereof in the manner hereinbefore provided. Upon reopening, the referee who heard the original appeal shall reconsider the matter, except where the referee is no longer employed as a referee or the referee disqualifies oneself from reconsidering the referee's decision."

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

“(d) If a claimant or party does not receive the written notice under subsection (a), a second written notice shall be sent by certified mail~~[-]~~ or by electronic notification, and the hearing on the appeal shall be rescheduled accordingly.

(e) ~~[Upon application to, and approval by, the employment security appeals referee’s office, a claimant or party to an appeal may elect to receive hearing notices, decisions, and other appeal documents from the referee’s office in electronic format in lieu of notice by mail. The date of electronic transmission is equivalent to the mailing date for purposes of this section.] A claimant or party shall receive hearing notices, decisions, and other appeal documents from the referee’s office by electronic notification, unless an election was made to receive notices, decisions, and other appeal documents from the referee’s office by mail, and in such case, the notices, decisions, and other appeal documents shall be mailed to the claimant’s or party’s last known address. The date of electronic notification shall be equivalent to the mailing date. Electronic notification status may be rescinded at any time by the referee’s office, claimant, or any party upon written notification.]~~

SECTION 6. Section 383-66, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department, for the nine-month period April 1, 1941, to December 31, 1941, and for each calendar year thereafter, except as otherwise provided in this part, shall classify employers in accordance with their actual experience in the payment of contributions and with respect to benefits charged against their accounts with a view to fixing the contribution rates to reflect this experience. The department shall determine the contribution rate of each employer in accordance with the following requirements:

- (1) The standard rate of contributions payable by each employer for any calendar year through 1984 shall be three per cent. For calendar years 1985 and thereafter, the standard rate of contributions payable by each employer shall be five and four-tenths per cent;
- (2) No employer’s rate for the calendar year 1942 and for any calendar year thereafter shall be other than the maximum rate unless and until the employer’s account has been chargeable with benefits throughout the thirty-six consecutive calendar month period ending on December 31 of the preceding calendar year, except that, for the calendar year 1956 and for each calendar year thereafter, an employer who has not been subject to the law for a sufficient period to meet this requirement may qualify for a rate other than the maximum rate if the employer’s account has been chargeable throughout a lesser period but in no event less than the twelve consecutive calendar month period ending on December 31 of the preceding calendar year. For the calendar years 1985 through 1991, the contribution rate for a new or newly covered employer shall be the sum of the employer’s basic contribution rate of three and six-tenths per cent and the fund solvency contribution rate determined for that year pursuant to section 383-68(a), until the employer’s account has been chargeable with benefits throughout the twelve consecutive calendar month period ending on December 31 of the preceding calendar year; except that no employer’s contribution rate shall be greater than five and four-tenths per cent and no employer with a negative reserve ratio shall have a contribution rate less than the employer’s basic contribution rate. For calendar years 1992 and thereafter, the contribution rate for a new or newly covered employer shall be the

- contribution rate assigned to any employer with .0000 reserve ratio, until the employer's account has been chargeable with benefits throughout the twelve consecutive calendar month period ending on December 31 of the preceding calendar year;
- (3) Any amount credited to this State under section 903 of the Social Security Act[~~;~~] of 1935, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund, shall be excluded from the fund for the purposes of this paragraph. Any advance that may be made to this State under section 1201 of the Social Security Act[~~;~~] of 1935, whether or not withdrawn from this trust fund, shall be excluded from the fund for the purposes of this paragraph. No employer's rate shall be reduced in any amount that is not allowable as an additional credit, against the tax levied by the [~~federal~~] Unemployment Tax Act pursuant to section 3302(b) of the federal Internal Revenue Code of 1986, as amended, or pursuant to any other federal statute, successor to section 3302(b), which provides for the additional credit now provided for in section 3302(b);
 - (4) If, when any classification of employers is to be made (which may be after the commencement of the period for which the classification is to be made), the department finds that any employer has failed to file any report required in connection therewith or has filed a report that the department finds incorrect or insufficient, the department shall notify the employer thereof by mail addressed to the employer's last known address. Unless the employer files the report or a corrected or sufficient report, as the case may be, within fifteen days after the mailing of the notice, the maximum rate of contributions shall be payable by the employer for the period for which the contribution rate is to be fixed. Effective January 1, 1987, the director, for excusable failure, may redetermine the assignment of the maximum contribution rate in accordance with this section, provided the employer files all reports as required by the department and submits a written request for redetermination before December 31 of the year for which the contribution rate is to be fixed;
 - (5) For the purpose of sections 383-63 to 383-69, if after December 31, 1939, any employing unit in any manner succeeds to or acquires the organization, trade, or business, or substantially all the assets thereof (whether or not the successor or acquiring unit was an "employing unit", as that term is defined in section 383-1 [~~prior to~~] before the acquisition), or after December 31, 1988 and [~~prior to~~] before December 31, 1992, acquires a clearly identifiable and segregable portion of the organization, trade, or business of another that at the time of the acquisition was an employer subject to this chapter, and the successor continues or resumes the organization, trade, or business and continues to employ all or nearly all of the predecessor's employees, or the successor continues or resumes the clearly identifiable and segregable portion of the organization, trade, or business and continues to employ all or nearly all of the employees of the clearly identifiable and segregable portion, an application may be made for transfer of the predecessor's experience record. If the predecessor employer has submitted all information and reports required by the department including amended quarterly wage reports identifying the employees transferred or retained and executed

and filed with the department before December 31 of the calendar year following the calendar year in which the acquisition occurred on a form approved by the department a waiver relinquishing the rights to all or the clearly identifiable and segregable portion of the predecessor's prior experience record with respect to its separate account, actual contribution payment, and benefit chargeability experience, annual payrolls and other data for the purpose of obtaining a reduced rate, and requesting the department to permit the experience record to inure to the benefit of the successor employing unit upon request of the successor employing unit, the experience record for rate computation purposes of the predecessor shall thereupon be deemed the experience record of the successor and the experience record shall be transferred by the department to the successor employing unit and shall become the separate account of the employing unit as of the date of the acquisition. Benefits chargeable to the predecessor employer or successor employer in case of an acquisition of a clearly identifiable and segregable portion of the organization, trade, or business, after the date of acquisition on account of employment ~~[prior to]~~ before the date of the acquisition shall be charged to the separate account of the successor employing unit. In case of an acquisition of a clearly identifiable and segregable portion of the organization, trade, or business, the experience record that inures to the benefit of the successor employer shall be determined as follows:

- (A) Wages, as used in section 383-61, attributable to the clearly identifiable and segregable portion shall be for the period beginning with the most recent three consecutive calendar years immediately preceding the determination of rates under sections 383-63 to 383-69 and through the date of acquisition; and
- (B) Reserve balance attributable to the clearly identifiable and segregable portion shall be the amount determined by dividing the wages, as used in section 383-61, of the clearly identifiable and segregable portion in the three calendar years (or that lesser period as the clearly identifiable and segregable portion may have been in operation) immediately preceding the computation date of the rating period ~~[prior to]~~ before which the acquisition occurred by the total taxable payrolls of the predecessor for the three-year period (or that lesser period as the clearly identifiable and segregable portion may have been in operation) and multiplying the quotient by the reserve balance of the predecessor employer calculated as of the acquisition date;

provided that the waiver or waivers required herein are filed with the department within sixty days after the date of acquisition, the successor employing unit, unless already an employer subject to this chapter, shall be subject from the date of acquisition to the rate of contribution of the predecessor or of two or more predecessors if they have the same contribution rate. If there are two or more predecessors having different contribution rates, the successor shall be subject to the rate prescribed for new or newly covered employers under paragraph (2) until the next determination of rates under sections 383-63 to 383-69, at which time the experience records of the predecessors and successor shall be combined and shall be deemed

to be the experience record of a single employing unit and the successor's rate shall thereupon be determined upon the basis of the combined experience. If the successor at the time of the transfer is an employer subject to this chapter, the rate of contribution to which the successor is then subject shall remain the same until the next determination of rates under sections 383-63 to 383-69, at which time the experience records of the predecessor and successor shall be combined and shall be deemed to be the experience record of a single employing unit and the successor's rate shall thereupon be determined upon the basis of the combined experience. For the purpose of determination of rates under sections 383-63 to 383-69 of all successor employing units, waivers as required herein, if not previously filed as hereinabove provided, shall be filed with the department not later than March 1 of the year for which the rate is determined; provided that no waiver shall be accepted by the department for filing unless the employing unit executing the waiver has filed all reports and paid all contributions required by this chapter;

- [(6)] ~~The department may prescribe rules for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and, in accordance with the rules and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, shall maintain the joint account as if it constituted a single employer's account. The rules shall be consistent with the federal requirements for additional credit allowance in section 3303 of the federal Internal Revenue Code and consistent with this chapter;~~
- (7) (6) Whenever there is an amendment to this chapter which, if immediately effective, would change an employer's rate of contributions, the rate of the employer shall be changed in accordance with the amendment and the new rate shall apply for the remainder of the calendar year beginning with the calendar quarter immediately following the effective date of the amendment providing for the change, unless otherwise provided by the amendment;
- [(8)] (7) For the purposes of this section, "contribution rate" shall mean the basic contribution rate as defined in section 383-68 when applied to calendar year 1978 or any calendar year thereafter; and
- [(9)] (8) For the purposes of this section, the terms "employing unit", "employer", "predecessor", and "successor" shall include both the singular and the plural of each term. Nothing in this section shall prevent two or more successor employing units, which each succeed to or acquire a clearly identifiable and segregable portion of a predecessor employing unit, from gaining the benefit of the clearly identifiable and segregable portion of the predecessor's experience record;

provided that the terms of this section are complied with, nothing herein shall bar a predecessor employer from waiving the rights to all or the clearly identifiable and segregable portion of the predecessor's prior experience record in favor of a successor employer where the successor acquired a clearly identifiable and segregable portion of the predecessor's organization, trade, or business after December 31, 1988 and ~~[prior to]~~ before December 31, 1992."

SECTION 7. Section 383-163.6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) An individual filing a new claim for unemployment compensation shall, at the time of filing the claim, be advised that:

- (1) Unemployment compensation is subject to federal and state income tax;
- (2) Requirements exist pertaining to estimated tax payments;
- (3) The individual may elect to have federal income tax deducted and withheld from the individual’s payment of unemployment compensation at the amount specified in the [federal] Internal Revenue Code[;] of 1986, as amended;
- (4) The individual may elect to have state income tax deducted and withheld from the individual’s payment of unemployment compensation at the amount specified in section 235-69;
- (5) The individual may elect to have state and local income taxes deducted and withheld from the individual’s payment of unemployment compensation for other states and localities outside [this] the State at the percentage established by the state or locality, if the department by agreement with the other state or locality is authorized to deduct and withhold income tax; and
- (6) The individual shall be permitted to change a previously elected withholding status [no more than once] during a benefit year.”

SECTION 8. Section 383-12, Hawaii Revised Statutes, is repealed.

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

SECTION 10. This Act shall take effect on July 1, 2025; provided that sections 4 and 5 shall take effect upon April 1, 2027.

(Approved June 25, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 215

H.B. NO. 1424

A Bill for an Act Relating to Appropriations.

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

SECTION 1. The legislature finds that for fiscal year 2025, the executive branch had requested about \$3,600,000,000 in funding for more than forty-seven thousand permanent and three thousand six hundred temporary authorized positions. The amount requested accounted for more than twenty per cent of all authorized funds in fiscal year 2025.

The legislature further finds that there has been a high vacancy rate in public employment positions and funds appropriated for these positions are either transferred or used for purposes that are not consistent with the purpose for which the appropriation was authorized. A vacancy report from December 2024 from the department of human resources development identified four thousand eighty-five vacancies, or about twenty-four per cent of civil service positions, in the State.

The purpose of this Act is to increase legislative oversight to ensure that funds appropriated by the legislature are used for their intended purpose by requiring an annual report to the legislature on the transfer of funds originally appropriated for positions but used for operating expenses, and vice versa.

SECTION 2. Chapter 37, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§37- Transfers of funds; positions; operating expenses; report. The director of finance shall submit an annual report to the legislature no later than sixty days after the end of the fiscal year that shall, at minimum:

- (1) Identify all positions funded by appropriations intended for operating expenses including but not limited to equipment and motor vehicles;
- (2) Identify operating expenses funded by appropriations intended for filling positions during the preceding fiscal year; and
- (3) Include, if applicable, a list of departments that failed to provide information necessary to complete the report.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 25, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 216

S.B. NO. 1526

A Bill for an Act Relating to the Drug and Alcohol Toxicology Testing Laboratory.

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

SECTION 1. The legislature finds that the establishment of a state laboratory for drug and alcohol testing is crucial to ensuring the health and safety of the State’s communities. This effort requires close coordination between the department of health and county governments to create a facility that can deliver timely, accurate, and reliable toxicology testing services statewide. The department of transportation recognizes the critical importance of implementing consistent standards and practices across the State to ensure the laboratory meets the needs of all counties effectively. To achieve this, additional time is necessary to build, equip, and establish the laboratory, along with the administrative framework to support its operations.

Accordingly, the purpose of this Act is to extend the timeline for the establishment and maintenance of the drug and alcohol toxicology testing laboratory.

SECTION 2. Act 148, Session Laws of Hawaii 2023, is amended by amending section 13 to read as follows:

“SECTION 13. Any provision of this Act to the contrary notwithstanding, the ~~[appropriation]~~ appropriations for fiscal year 2023-2024 and fiscal year 2024-2025 authorized under section 12 of this Act shall not lapse at the end of the fiscal year for which the appropriation is made; provided that all moneys

from the [~~appropriation~~] appropriations that are unencumbered as of [~~June 30, 2025,~~] June 30, 2028, shall lapse to the credit of the state highway fund as of that date.”

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

SECTION 4. This Act shall take effect on June 29, 2025.

(Approved June 25, 2025.)

ACT 217

S.B. NO. 1281

A Bill for an Act Relating to Telehealth.

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

SECTION 1. Act 107, Session Laws of Hawaii 2023, is amended by amending section 8 to read as follows:

“SECTION 8. This Act shall take effect upon its approval; provided that on December 31, [~~2025,~~] 2027, this Act shall be repealed and sections 346-59.1, 431:10A-116.3, 432:1-601.5, 432D-23.5, and 453-1.3, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective date of this Act.”

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

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved June 25, 2025.)

ACT 218

S.B. NO. 934

A Bill for an Act Relating to the State Budget.

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

SECTION 1. The legislature finds that the current special fund ceiling for the mass transit special fund has produced carry-over balances, impacting the use of funds by the department of budget and finance in the subsequent fiscal year.

The legislature further finds that in fiscal year 2022-2023, there was a carry-over balance of \$95,877,228 from fiscal year 2021-2022. The department of budget and finance was unable to disburse the available moneys in fiscal year 2022-2023, leading to a carry-over balance in fiscal year 2023-2024. Based on the special fund carry-over balance of \$123,756,991 from fiscal year 2022-2023, and estimated revenue of \$410,240,000 for fiscal year 2023-2024, the department of budget and finance anticipates another shortfall in the special fund ceiling authorized by Act 88, Session Laws of Hawaii 2021, as amended by Act 248, Session Laws of Hawaii 2022. In anticipation of this shortfall, the department

of budget and finance received an emergency appropriation of \$179,000,000 for the disbursement of funds by Act 23, Session Laws of Hawaii 2024.

The legislature further finds that the Waiawa Pearl Highlands station has been identified as critical to expanding access to potential users across Central Oahu and increasing initial ridership. Therefore, the Waiawa Pearl Highlands station is essential to the financial sustainability of the Honolulu rail transit project. As such, the Honolulu authority for rapid transportation proposed the construction of an access ramp at the Waiawa Pearl Highlands station from the H-2 freeway and bus transit center, as detailed in the authority's 2022 recovery plan. The amended full funding grant agreement with the Federal Transit Administration, which initiated federal funding for the Honolulu rail transit project in 2017, is based on the recovery plan. The recovery plan clearly states that the Ala Moana transit center and Pearl Highlands parking garage must be provided by non-Federal Transit Administration capital investment grant program funds, affirming the commitment for the Honolulu authority for rapid transportation to complete the project.

The estimated cost for completion of the rail transit project is approximately \$9,000,000,000, with upwards of \$1,500,000,000 from the federal government and the remainder from the State's general excise tax and the transient accommodations tax. The request for an increase in the mass transit special fund ceiling is in recognition of the incoming tax revenue collected at an increased rate, allocating the additional available funds to fulfill the obligations as provided in the recovery plan.

Accordingly, the purpose of this Act is to increase the special fund expenditure ceiling for the mass transit special fund for the fiscal year beginning July 1, 2025, and ending June 30, 2026, for the developments detailed in the Honolulu authority for rapid transportation 2022 recovery plan.

SECTION 2. There is appropriated out of the mass transit special fund the sum of \$572,695,000 or so much thereof as may be necessary for fiscal year 2025-2026 for making disbursements pursuant to section 248-2.7, Hawaii Revised Statutes; provided that:

- (1) A preliminary analysis of financing options and potential partners for the planning, design, and construction of a park-and-ride facility adjacent to the Pearl Highlands rail transit station shall be completed no later than January 1, 2026;
- (2) Remaining project cash balances after the completion of the minimum operating segment between East Kapolei and Civic Center (Kakaako) as identified in the amended full funding grant agreement shall be prioritized in obligation to planning and design of:
 - (A) A park-and-ride facility for the Pearl Highlands rail transit station, dedicated to serving Central Oahu and North Shore commuters, unless already completed; and
 - (B) The extension to Ala Moana; and
- (3) Moneys remaining in the mass transit special fund above the amount appropriated in this section shall remain in the mass transit special fund consistent with the prioritization provided in paragraph (2).

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

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved June 25, 2025.)

ACT 219

S.B. NO. 1322

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 the State's mental health laws provide the State with a variety of methods to help and support individuals suffering from mental illness or substance abuse. As the number of individuals in need of help increases, so has the need to enhance these laws in a manner that demystifies the complexities of existing procedures, clarifies the circumstances under which action can be taken, and bolsters available tools to best serve these individuals. Legal mechanisms, such as emergency procedures, involuntary hospitalization, assisted community treatment, and authorization for the administration of treatment, enable the State and mental health providers to provide compassionate assistance to individuals suffering from mental illness or substance abuse when they need it the most.

Accordingly, the purpose of this Act is to clarify, update, and revise Hawaii's mental health laws by:

- (1) Requiring the department of health to submit annual reports to the legislature on emergency transportations and assisted community treatment petitions and orders, based on information provided by service providers and the department of the attorney general;
- (2) Clarifying emergency transportation, examination, and hospitalization procedures for individuals who may be mentally ill or suffering from substance abuse and are imminently dangerous to self or others;
- (3) Requiring treatment providers to provide relevant treatment information to the department of the attorney general, upon the department's request, for purposes of preparing a petition for assisted community treatment;
- (4) Amending the procedures for involuntary hospitalizations and assisted community treatment petitions;
- (5) Clarifying the circumstances under which a subject of an order for assisted community treatment can be administered medication over the subject's objection; and
- (6) Allowing a single psychiatrist, rather than a panel of three, to provide administrative authorization for medical treatment over the objection of a patient who is in the custody of the director of health and in a psychiatric facility.

SECTION 2. Chapter 334, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§334-A Annual report; emergency transportations; assisted community treatment. Each provider of services involved in an emergency transportation initiated by a law enforcement officer, court order, or health care provider; assisted community treatment petition; or assisted community treatment order pursuant to part IV or VIII, and the department of the attorney general, shall provide the necessary data to the department to complete the report under this section. Based on this data, the department shall submit an annual report to the legislature no later than thirty days prior to the convening of each regular session.

The report shall include, at a minimum, an evaluation of the effectiveness of the strategies employed by each provider operating pursuant to parts IV and

VIII in reducing hospitalization of persons subject to emergency transportation or assisted community treatment and in reducing involvement with local law enforcement by persons subject to assisted community treatment orders. The evaluation and report shall also include any other measures identified by the department regarding individuals subject to assisted community treatment petitions and orders and all of the following, based on information that is available:

- (1) The number of individuals brought to each of the facilities operated by service providers through emergency transportation, and the number of those individuals transported due to enforcement of an order for assisted community treatment;
- (2) The number of individuals involuntarily hospitalized through emergency transportation and emergency examination;
- (3) The number of individuals subject to assisted community treatment orders;
- (4) The petitioner's relationship to the individual subject to the assisted community treatment petition;
- (5) The number of individuals under assisted community treatment orders who become involved with the criminal justice system by way of arrests, convictions, probation, incarceration, or other relevant data;
- (6) The need for hospitalization and related length of stay for individuals after they become subject to an assisted community treatment order;
- (7) Adherence to prescribed treatment by individuals subject to an assisted community treatment order; and
- (8) Other indicators of successful engagement, if any, by individuals subject to an assisted community treatment order."

SECTION 3. Chapter 334, Hawaii Revised Statutes, is amended as follows:

1. By adding a new subpart to part IV to be designated as subpart A and to read:

"A. Emergency Procedures

§334-B Emergency procedures. The emergency procedures in this subpart shall consist of emergency transportation, emergency examination, and emergency hospitalization for individuals who may be mentally ill or suffering from substance abuse and imminently dangerous to self or others.

§334-C Emergency transportation initiated by a law enforcement officer. (a) When a law enforcement officer has a reasonable suspicion that an individual is imminently dangerous to self or others and needs to be detained for emergency examination, the law enforcement officer shall contact a mental health emergency worker; provided that the law enforcement officer may temporarily detain the individual if the law enforcement officer:

- (1) Is unable to reach a mental health emergency worker telephonically after three attempts;
- (2) Has reason to believe that the situation requires immediate intervention to prevent harm to the individual or others;
- (3) Contacts a mental health emergency worker at the earliest time possible; and
- (4) Documents the reasons why the situation necessitated that the individual be detained.

If the mental health emergency worker determines that the individual is mentally ill or suffering from substance abuse and is imminently dangerous to

self or others, the law enforcement officer shall detain the individual for transportation to a facility for an emergency examination.

(b) When a crisis intervention officer has probable cause to believe that an individual is mentally ill or suffering from substance abuse and is imminently dangerous to self or others, the crisis intervention officer shall detain the individual for transportation to a facility for an emergency examination. The crisis intervention officer shall contact a mental health emergency worker to determine the type of facility where the individual shall be transported.

(c) Any individual detained under this section shall be transported directly to a psychiatric facility or other facility designated by the director, as determined by a mental health emergency worker; provided that if a medical emergency occurs during transport, the individual shall be transported to the nearest emergency department. A law enforcement officer shall make an application for the emergency examination of the individual. The application shall state in detail the circumstances under which and reasons why the individual was taken into custody. The application shall be transmitted with the individual to the psychiatric facility or other facility designated by the director and be made a part of the individual's clinical record.

(d) For the purposes of this section, "crisis intervention officer" has the same meaning as defined in section 353C-1.

§334-D Emergency transportation initiated by a court order. (a)

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 a written or oral ex parte order:

- (1) Stating that there is probable cause that the individual is:
 - (A) Mentally ill or suffering from substance abuse; and
 - (B) Imminently dangerous to self or others;
- (2) Stating the findings upon which the conclusion is based; and
- (3) Directing that a law enforcement officer take the individual into custody and transport the individual directly to a psychiatric facility or other facility designated by the director for an emergency examination.

The person who made the application shall notify a mental health emergency worker of the written or oral ex parte order and, when possible, shall coordinate the transport of the individual with the emergency worker.

(b) If an application under subsection (a) was made orally, the person who made the application shall reduce the application to writing and submit it to the judge who issued the ex parte order by noon of the next court day after the order was issued. The written application shall be made under penalty of law but need not be sworn to before a notary public. If the judge issued an ex parte order orally, the judge shall reduce the oral order to writing by the close of the next court day after the order was issued. The written ex parte order shall be transmitted with the individual to the psychiatric facility or other facility designated by the director and be made a part of the individual's clinical record.

§334-E Emergency transportation initiated by a health care provider. (a)

Any licensed physician, advanced practice registered nurse, physician assistant, licensed clinical social worker, or psychologist who has examined an individual and determines that the individual is mentally ill or suffering from substance abuse and is imminently dangerous to self or others may direct a law enforcement officer to detain and transport the individual by ambulance or other suitable means to a psychiatric facility or other facility designated by the director for an emergency examination, and may administer treatment, within

the examining health care provider's scope of practice, as necessary for the individual's safe transportation. The examining health care provider shall provide a written statement of circumstances and reasons necessitating the emergency examination. The written statement shall be transmitted with the individual to the psychiatric facility or other facility designated by the director and be made a part of the individual's clinical record.

(b) Any individual who is subject to an order for assisted community treatment and fails to comply with the order for assisted community treatment, despite reasonable efforts made by a designated assisted community treatment provider, as defined in section 334-122, to solicit compliance, may be transported to a psychiatric facility or other facility designated by the director for an emergency examination if it is in the clinical judgment of a licensed physician, advanced practice registered nurse, physician assistant, licensed clinical social worker, or psychologist that the individual may be in need of emergency hospitalization pursuant to section 334-G. At the direction of the examining health care provider, a law enforcement officer may detain and transport the individual by ambulance or other suitable means to a psychiatric facility or other facility designated by the director. The examining health care provider shall provide a written statement of circumstances and reasons explaining why the individual may be in need of emergency hospitalization. The written statement shall be transmitted with the individual to the psychiatric facility or other facility designated by the director and be made a part of the individual's clinical record.

(c) Those performing the emergency transport shall coordinate the transport of the individual with the mental health emergency worker.

(d) The examining health care provider shall also provide a copy of the written statement required under this section to the department within five business days.

§334-F Emergency examination. (a) A licensed physician, medical resident under the supervision of a licensed physician, physician assistant, psychologist, or advanced practice registered nurse may conduct an initial examination and screening of a patient transported under section 334-C, 334-D, or 334-E to determine whether the criteria for involuntary hospitalization listed in section 334.60.2 persists and administer treatment as indicated by good medical practice; provided that if after the examination, screening, and treatment, the licensed physician, medical resident under the supervision of a licensed physician, physician assistant, psychologist, or advanced practice registered nurse determines that the involuntary hospitalization criteria persists, then the patient shall be further examined by a qualified psychiatric examiner to diagnose the presence or absence of a mental illness or substance use disorder, further assess the risk that the patient may be dangerous to self or others, and assess whether or not the patient continues to meet the criteria for involuntary hospitalization as provided in section 334-60.2. If no initial examination and screening of the patient is conducted, a qualified psychiatric examiner shall conduct an emergency examination of a patient transported under section 334-C, 334-D, or 334-E without unnecessary delay and provide the patient with treatment as indicated by good medical practice; provided that the emergency examination shall include a determination of whether the patient meets the criteria for involuntary hospitalization as provided in section 334-60.2.

(b) If, following an emergency examination of a patient under subsection (a), a qualified psychiatric examiner determines that the criteria for involuntary hospitalization do not exist, the patient shall be discharged expeditiously; provided that if the patient is not under an order for assisted community treatment, a qualified psychiatric examiner shall conduct an examination pursuant to

section 334-121.5 before the discharge. A patient under criminal charges shall be returned to the custody of a law enforcement officer.

§334-G Emergency hospitalization. (a) If, following an emergency examination pursuant to section 334-F(a), a qualified psychiatric examiner determines that the criteria for involuntary hospitalization exist, the patient shall be hospitalized on an emergency basis or transferred to another psychiatric facility or other facility designated by the director for emergency hospitalization.

(b) The patient admitted under subsection (a) shall be released within seventy-two hours of the patient's admission to a psychiatric facility or other facility designated by the director, unless:

- (1) The patient voluntarily agrees to further hospitalization; or
- (2) A proceeding for court-ordered evaluation or hospitalization is initiated as provided in section 334-60.3.

If the seventy-two-hour time period expires on a Saturday, Sunday, or holiday, the time for initiation shall be extended to the close of the next court day. Upon initiation of the proceeding, the facility may detain the patient until further order of the court.

(c) If at any time during the period of emergency hospitalization a qualified psychiatric examiner determines that a patient no longer meets the criteria for emergency hospitalization, the patient shall be discharged expeditiously; provided that if the patient is not under an order for assisted community treatment, a qualified psychiatric examiner shall conduct an examination pursuant to section 334-121.5 before the discharge. A patient under criminal charges shall be returned to the custody of a law enforcement officer.

(d) The patient shall have the right, immediately upon emergency hospitalization, to telephone an attorney and the patient's surrogate, guardian, family member including a reciprocal beneficiary, or adult friend. The patient shall be allowed to confer with an attorney in private.

§334-H Notice of emergency transportation, examination, and hospitalization. Notice of an individual's emergency transportation, examination, and hospitalization under this subpart may be given to at least one of the following persons in the following order of priority: the individual's spouse or reciprocal beneficiary, legal parents, adult children, surrogate, legal guardian, or if none can be found, the closest adult relative, as long as the individual:

- (1) Has capacity to make health care decisions and consents that notice may be given to at least one of the persons listed in this section;
- (2) Is given the opportunity to object and does not object, or the health care provider can reasonably infer from the circumstances based on the exercise of professional judgment that the individual does not object; or
- (3) Is incapacitated or an emergency circumstance exists, and the health care provider determines, based on the exercise of professional judgment, that giving notification is in the best interest of the individual.

The staff of the facility shall make reasonable efforts to ensure that the patient's family, including a reciprocal beneficiary, is notified of the emergency hospitalization, unless the patient is an adult and waives notification."

2. By designating section 334-60.1 as subpart B and inserting a title before section 334-60.1 to read:

"B. Voluntary Admission"

3. By designating sections 334-60.2 through 334-60.7 as subpart C and inserting a title before section 334-60.2 to read:

“C. Involuntary Hospitalization”

4. By designating sections 334-61 and 334-62 as subpart D and inserting a title before section 334-61 to read:

“D. General Provisions”

SECTION 4. Chapter 334, Hawaii Revised Statutes, is amended by adding a new section to part VIII to be appropriately designated and to read as follows:

“§334-I Records and disclosure of information. (a) A treatment provider who provided or is providing medical, psychiatric, therapeutic, or social services treatment to an individual shall provide relevant treatment information, if available, to the department of the attorney general upon the department’s request for the purpose of preparing a petition for assisted community treatment. The treatment information may include a certificate issued pursuant to section 334-123(c), a treatment plan prepared pursuant to section 334-126(g), records related to actions or proceedings pursuant to part IV, records relating to the individual’s treatment history, and other records deemed relevant by the individual’s treatment provider.

(b) The petitioner of an assisted community treatment order, department of the attorney general, and family court shall disclose an assisted community treatment order to state and county law enforcement agencies, an assisted community treatment provider, or any other entity necessary to carry out the terms of the assisted community treatment order.”

SECTION 5. Section 334-1, Hawaii Revised Statutes, is amended as follows:

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

““Qualified psychiatric examiner” means a licensed psychiatrist or advanced practice registered nurse with prescriptive authority who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization.

“Surrogate” means a person appointed under:

(1) A power of attorney for health care to make a health care decision for the individual who made the appointment; or

(2) Law or court order to make health care decisions for an individual.”

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

“Patient” means [a person] an individual under observation, care, or treatment at a psychiatric facility[-] or other facility designated by the director.”

3. By amending the definition of “treatment” to read:

“Treatment” means the broad range of emergency, out-patient, intermediate, domiciliary, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation, psychosocial rehabilitation, career counseling, and other special services [which] that may be extended to [handicapped persons.] an individual with a disability.”

SECTION 6. Section 334-60.2, Hawaii Revised Statutes, is amended to read as follows:

“§334-60.2 Involuntary hospitalization criteria. [A person] An individual may be committed to a psychiatric facility for involuntary hospitalization[-] if the court finds:

- (1) That the ~~[person]~~ individual is mentally ill or suffering from substance abuse;
- (2) That the ~~[person]~~ individual is imminently dangerous to self or others; and
- (3) That the ~~[person]~~ individual is in need of care or treatment, or both, and there is no suitable alternative available through existing facilities and programs ~~[which]~~ that would be less restrictive than hospitalization.”

SECTION 7. Section 334-60.3, Hawaii Revised Statutes, is amended to read as follows:

“§334-60.3 Initiation of proceeding for involuntary hospitalization. (a) Any person may file a petition alleging that ~~[a person located in the county]~~ an individual meets the criteria for commitment to a psychiatric facility~~[-]~~ as provided in section 334-60.2. The petition shall be filed in the county where the individual resides and executed subject to [the] penalties [of perjury] provided by law but need not be sworn to before a notary public. The [attorney general, the attorney general's deputy, special deputy, or appointee designated to present the case] department of the attorney general shall assist the petitioner [to state] in stating the substance of the petition in plain and simple language. The petition may be accompanied by a certificate of the [licensed physician, advanced practice registered nurse,] qualified psychiatric examiner or psychologist who has examined the [person] individual within two days before [submission of] the petition[-] is filed, unless the [person] individual whose commitment is sought has refused to submit to medical or psychological examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the signs and symptoms relied upon by the [physician, advanced practice registered nurse,] qualified psychiatric examiner or psychologist to determine the [person] individual is in need of [care or] treatment[- or both,] and whether the [person] individual is capable of realizing and making a rational decision with respect to the [person's] individual's need for treatment. If the petitioner believes that further [evaluation] examination is necessary before commitment, the petitioner may request [such] further [evaluation,] examination.

(b) In the event the subject of the petition has been given an examination, evaluation, or treatment in a psychiatric facility within five days before submission of the petition, and hospitalization is recommended by the staff of the facility, the petition may be accompanied by the administrator's certificate in lieu of a ~~[physician's]~~ qualified psychiatric examiner's or psychologist's certificate.

(c) 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, surrogate, 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,] child, surrogate,~~ or legal guardian, or if none can be found, notice shall be served on at least one of the subject's closest adult relatives, if any can be found.”

SECTION 8. Section 334-60.4, Hawaii Revised Statutes, is amended by amending subsections (a) through (c) to read as follows:

“(a) The court shall set a hearing on the petition and notice of the time and place of the hearing shall be served in accordance with, and to those persons specified in, a current order of commitment. If there is no current order of commitment, notice of the hearing shall be served personally on the subject of the petition and served personally or by certified or registered mail, return receipt

requested, deliverable to the addressee only, on the subject's spouse or reciprocal beneficiary, legal parents, adult children, surrogate, 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,~~ child, surrogate, or legal guardian, or if none can be found, notice of the hearing shall be served on at least one of the subject's closest adult relatives, if any can be found. Notice of the hearing to the subject's spouse or reciprocal beneficiary, legal parents, adult children, or closest adult relative may be waived if the subject of the petition is an adult and requests that these persons not be notified. Notice of the hearing shall also be served on the public defender, attorney for the subject of the petition, or other court-appointed attorney ~~[as the case may be]~~. If the subject of the petition is a minor, notice of the hearing shall also be served upon the person who has had the principal care and custody of the minor during the sixty days preceding the date of the petition, if that person can be found within the State. Notice shall also be given to other persons as the court may designate.

(b) The notice shall include the following:

- (1) The date, time, and place of the hearing[~~;~~]; a clear statement of the purpose of the proceedings and of possible consequences to the subject[~~;~~] of the petition; and a statement of the legal standard upon which commitment is authorized;
- (2) A copy of the petition;
- (3) A ~~[written notice,]~~ statement, in plain and simple language, that the subject may waive the hearing by voluntarily agreeing to hospitalization[~~;~~] or, with the approval of the court, to some other form of treatment;
- (4) A filled-out form indicating ~~[such]~~ the waiver;
- (5) A ~~[written notice,]~~ statement, in plain and simple language, that the subject or the subject's surrogate, guardian, or representative may apply at any time for a hearing on the issue of the subject's need for hospitalization, if the subject has previously waived such a hearing;
- (6) ~~[Notice]~~ A statement that the subject is entitled to the assistance of an attorney and that the public defender has been notified of these proceedings; and
- (7) ~~[Notice]~~ A statement that if the subject does not want to be represented by the public defender, the subject may contact the subject's own attorney[~~;~~and
- (8) ~~If applicable, notice that the petitioner intends to adduce evidence to show that the subject of the petition is an incapacitated or protected person, or both, under article V of chapter 560, and whether appointment of a guardian is sought at the hearing. If appointment of a guardian is to be recommended, and a nominee is known at the time the petition is filed, the identity of the nominee shall be disclosed].~~

(c) If the subject of the petition executes and files a waiver of the hearing, upon acceptance by the court following a court determination that the ~~[person]~~ subject understands the ~~[person's]~~ subject's rights and is competent to waive them, the court shall order the subject to be committed to a facility that has agreed to admit the subject as an involuntary patient or, if the subject is at such a facility, that the subject be retained there."

SECTION 9. Section 334-60.5, Hawaii Revised Statutes, is amended to read as follows:

"§334-60.5 Hearing on petition. (a) The court shall adjourn or continue a hearing for failure to timely notify the subject of the petition's spouse or

reciprocal beneficiary, legal ~~[parents,]~~ parent, adult ~~[children,]~~ child, surrogate, guardian, or relative, or other person determined by the court to be entitled to notice, or for failure by the subject to contact an attorney as provided in section 334-60.4(b)(7) unless the subject waived notice pursuant to section 334-60.4(a) or the court determines that the interests of justice require that the hearing continue without adjournment or continuance.

(b) The time and form of the procedure incident to hearing the issues in the petition shall be provided by court rule. Unless the hearing is waived, the judge shall hear the petition as soon as possible and no later than ten days after the date the petition is filed unless a reasonable delay is sought for good cause shown by the subject of the petition, the subject's attorney, or those persons entitled to receive notice of the hearing under section 334-60.4.

(c) The subject of the petition shall be present at all hearings unless the subject waives the right to be present, is unable to attend, or creates conditions that make it impossible to conduct ~~[the]~~ a hearing in a reasonable manner as determined by the judge. A waiver is valid only upon acceptance by the court following a judicial determination that the subject understands the subject's rights and is competent to waive them, or is unable to participate. If the subject is unable to participate, the judge shall appoint a guardian ad litem or a temporary guardian as provided in article V of chapter 560, to represent the subject throughout the proceedings.

(d) Hearings may be held at any convenient place within the circuit. Hearings may be conducted by video conferencing unless the court determines personal appearance is necessary. The subject of the petition, any interested party, or the court on its own motion may request a hearing in another circuit because of convenience to the parties, witnesses, or the court or because of the ~~[individual's]~~ subject's mental or physical condition.

(e) ~~The [attorney general, the attorney general's deputy, special deputy, or appointee]~~ department of the attorney general shall present the case for a petitioner for hearings convened under this chapter, ~~[except that the attorney general, the attorney general's deputy, special deputy, or appointee need not participate in or be present at a hearing whenever]~~ unless a petitioner [or some other appropriate person] has retained private counsel who will be present in court and will present to the court the case for involuntary hospitalization.

(f) Counsel for the subject of the petition 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 counsel believes necessary to a proper disposition of the proceedings, including evidence as to alternatives to inpatient hospitalization.

(g) No individual may be found to require treatment in a psychiatric facility unless at least one ~~[physician, advanced practice registered nurse,]~~ qualified psychiatric examiner or psychologist who has personally examined the individual testifies in person at the hearing. This testimony may be waived by the subject of the petition. If the subject of the petition ~~[has refused]~~ refuses to be examined by a ~~[licensed physician, advanced practice registered nurse,]~~ qualified psychiatric examiner or psychologist, the subject may be examined by a court-appointed ~~[licensed physician, advanced practice registered nurse,]~~ qualified psychiatric examiner or psychologist. If the subject refuses to be examined and there is sufficient evidence to believe that the allegations of the petition are true, the court may make a temporary order committing the subject to a psychiatric facility for a period of no more than five days for the purpose of a diagnostic examination

~~[and evaluation]~~. The subject's refusal to be examined shall be treated as a denial that the subject is mentally ill or suffering from substance abuse. Nothing in this section shall limit the ~~[individual's]~~ subject's privilege against self-incrimination.

(h) The subject of the petition in a hearing under this section has the right to secure an independent ~~[medical or psychological evaluation]~~ examination and present evidence thereon.

(i) If after hearing all relevant evidence, including the result of any diagnostic examination ordered by the court, the court finds that ~~[an individual]~~ a subject of a petition is not a person requiring medical, psychiatric, psychological, or other rehabilitative treatment or supervision, the court shall order that the ~~[individual]~~ subject be discharged if the ~~[individual]~~ subject has been hospitalized ~~[prior to]~~ before the hearing.

(j) If the court finds that the criteria for involuntary hospitalization under section 334-60.2(1) has been met beyond a reasonable doubt and that the criteria under ~~[sections]~~ section 334-60.2(2) and ~~[334-60.2(3)]~~ (3) have been met by clear and convincing evidence, the court may issue an order to any law enforcement officer to ~~[deliver]~~ transport the subject of the order to a facility that has agreed to admit the subject as an involuntary patient, or if the subject is already a patient in a psychiatric facility, authorize the facility to retain the patient for treatment for a period of ninety days unless sooner discharged. The court may also authorize the involuntary administration of medication, where the subject has an existing order for assisted community treatment~~[,] issued pursuant to part VIII of this chapter[, relating to assisted community treatment,]~~ and in accordance with the treatment prescribed by that ~~[prior]~~ existing order. Notice of the subject's commitment and the facility name and location where the subject will be committed shall be provided to those persons entitled to notice pursuant to section 334-60.4. An order of commitment shall specify which of those persons served with notice pursuant to section 334-60.4, together with such other persons as the court may designate, shall be entitled to receive any subsequent notice of intent to discharge, transfer, or recommit. The court shall forward to the Hawaii criminal justice data center all orders of involuntary civil commitment or information from all orders of involuntary civil commitment, as requested by the Hawaii criminal justice data center, which in turn shall forward the information to the Federal Bureau of Investigation, or its successor agency, for inclusion in the National Instant Criminal Background Check System database. The orders or information shall also be maintained by the Hawaii criminal justice data center for disclosure to and use by law enforcement officials for the purpose of firearms permitting, licensing, or registration pursuant to chapter 134. This subsection shall apply to all involuntary civil commitments without regard to the date of the involuntary civil commitment.

~~[(k) The court may find that the subject of the petition is an incapacitated or protected person, or both, under article V of chapter 560, and may appoint a guardian or conservator, or both, for the subject under the terms and conditions as the court shall determine.]~~

~~(H)~~ (k) Persons entitled to notice ~~[are]~~ pursuant to this section shall also be entitled to be present in the courtroom for the hearing and to receive a copy of the hearing transcript or recording, unless the court determines that the interests of justice require otherwise."

SECTION 10. Section 334-60.7, Hawaii Revised Statutes, is amended to read as follows:

“§334-60.7 Notice of intent to discharge. (a) When the administrator, the administrator’s deputy, or the attending physician of a psychiatric facility contemplates discharge of an involuntary patient because of expiration of the court order for commitment or because the patient is no longer a proper subject for commitment, as determined by the criteria for involuntary hospitalization in section 334-60.2, the administrator, the administrator’s deputy, or the attending physician shall provide notice of intent to discharge, or if the patient voluntarily agrees to further hospitalization, the administrator, the administrator’s deputy, or the attending physician shall provide notice of the patient’s admission to voluntary inpatient treatment. The following requirements and procedures shall apply:

- (1) The notice and a certificate of service shall be filed with the family court and served on those persons whom the order of commitment specifies as entitled to receive notice, by mail at the person’s last known address. ~~[Notice]~~ If the commitment resulted directly from legal proceedings under chapter 704 or 706, notice shall also be sent to the prosecuting attorney of the county from which the person was originally committed, by facsimile or electronically, for the sole purpose of victim notification; and
- (2) Any person specified as entitled to receive notice may waive this right in writing with the psychiatric facility;
- (3) ~~If no objection is filed within five calendar days of mailing the notice, the administrator or attending physician of the psychiatric facility shall discharge the patient or accept the patient for voluntary inpatient treatment;~~
- (4) ~~If any person specified as entitled to receive notice files a written objection, with a certificate of service, to the discharge or to the patient’s admission to voluntary inpatient treatment on the grounds that the patient is a proper subject for commitment, the family court shall conduct a hearing as soon as possible, prior to the termination of the current commitment order, to determine if the patient still meets the criteria for involuntary hospitalization in section 334-60.2. The person filing the objection shall also notify the psychiatric facility by telephone on the date the objection is filed;~~
- (5) ~~If the family court finds that the patient does not meet the criteria for involuntary hospitalization in section 334-60.2, the court shall issue an order of discharge from the commitment; and~~
- (6) ~~If the family court finds that the patient does meet the criteria for involuntary hospitalization in section 334-60.2, the court shall issue an order denying discharge from the commitment].~~

(b) For civil commitments that do not result directly from legal proceedings under ~~[chapters]~~ chapter 704 ~~[and]~~ or 706, when the administrator, the administrator’s deputy, or the attending physician of a psychiatric facility contemplates discharge of an involuntary patient, the administrator, the administrator’s deputy, or the attending physician ~~[may]~~ shall assess whether an assisted community treatment plan is indicated pursuant to section 334-123 and, if so indicated, may communicate with an aftercare provider as part of discharge planning, as appropriate.”

SECTION 11. Section 334-76, Hawaii Revised Statutes, is amended to read as follows:

“§334-76 Discharge from custody. (a) Subject to any special requirements of law as provided in sections 704-406, 704-411, and 706-607 or elsewhere, with respect to patients committed on court order from a criminal proceeding, the administrator of a psychiatric facility, the administrator’s deputy, or the attending physician, pursuant to section 334-60.7, shall:

- (1) Send a notice of intent to discharge or notice of the patient’s admission to voluntary inpatient treatment to those persons specified in the order of commitment as entitled to receive notice of intent to discharge, by mail at their last known address; and
 - (2) ~~[Send]~~ In cases where the commitment directly resulted from legal proceedings under chapter 704 or 706, send a notice of intent to discharge or notice of the patient’s admission to voluntary inpatient treatment to the prosecuting attorney of the county from which the person was originally committed, by facsimile or electronically.
- (b) The administrator ~~[or],~~ the administrator’s deputy, or the physician assuming medical responsibility for the patient shall discharge an involuntary patient when the patient is no longer a proper subject for commitment, as determined by the criteria for involuntary hospitalization in section 334-60.2.
- (c) Nothing in this section shall preclude a psychiatric facility from accepting for voluntary inpatient treatment, in accordance with the procedures in section 334-60.1, a patient for whom the facility contemplates discharge pursuant to section 334-60.7 and who voluntarily agrees to further hospitalization after the period of commitment has expired or where the patient is no longer a proper subject for commitment.”

SECTION 12. Section 334-121, Hawaii Revised Statutes, is amended to read as follows:

“§334-121 Criteria for assisted community treatment. ~~[A person]~~ An individual may be ordered to obtain assisted community treatment if the family court finds, based on the professional opinion of a ~~[psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization,]~~ qualified psychiatric examiner, that:

- (1) The ~~[person]~~ individual is mentally ill or suffering from substance abuse;
- (2) The ~~[person]~~ individual is unlikely to live safely in the community without available supervision, is now in need of treatment in order to prevent a relapse or deterioration that would predictably result in the ~~[person]~~ individual becoming imminently dangerous to self or others, and the ~~[person’s]~~ individual’s current mental status or the nature of the ~~[person’s]~~ individual’s disorder limits or negates the ~~[person’s]~~ individual’s ability to make an informed decision to voluntarily seek or comply with recommended treatment;
- (3) The ~~[person]~~ individual has a:
 - (A) Mental illness that has caused that ~~[person]~~ individual to refuse needed and appropriate mental health services in the community; or
 - (B) History of lack of adherence to treatment for mental illness or substance abuse that resulted in the ~~[person]~~ individual becoming dangerous to self or others and that now would predictably result in the ~~[person]~~ individual becoming imminently dangerous to self or others; and

- (4) Considering less intrusive alternatives, assisted community treatment is essential to prevent the danger posed by the ~~[person,]~~ individual, is medically appropriate, and is in the ~~[person's]~~ individual's medical interests.”

SECTION 13. 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]~~ qualified psychiatric examiner associated with the ~~[licensed]~~ psychiatric facility where a ~~[person]~~ patient 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]~~ patient's discharge, examine the ~~[person]~~ patient 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]~~ qualified psychiatric examiner shall prepare the certificate specified by 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]~~ patient from the psychiatric facility after the examination for assisted community treatment indication has been completed.”

SECTION 14. Section 334-122, Hawaii Revised Statutes, is amended as follows:

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

““Assisted community treatment provider” means a mental health provider, which may include a qualified psychiatric examiner or a mental health program, that is or will be responsible, in accordance with an assisted community treatment order, for the coordination, management, or administration of a subject of the order’s treatment.

“Mental health program” means a hospital, psychiatric facility, clinic, or other facility providing mental health treatment to individuals suffering from mental illness or substance abuse.”

2. By amending the definition of “assisted community treatment” to read:

““Assisted community treatment” includes medication specifically authorized by court order; individual or group therapy; day or partial day programming activities; services and training, including educational and vocational activities; supervision of living arrangements; and any other services prescribed to either alleviate the ~~[person's]~~ subject of the order's disorder or disability, maintain or maximize semi-independent functioning, or prevent further deterioration that may reasonably be predicted to result in the need for hospitalization or more intensive or restrictive levels of care in the community or incarceration for criminal behavior.”

3. By amending the definitions of “subject of the order” and “subject of the petition” to read:

““Subject of the order” means ~~[a person]~~ an individual who has been ordered by the court to obtain assisted community treatment.

“Subject of the petition” means the ~~[person]~~ individual who, under a petition filed under section 334-123, is alleged to meet the criteria for assisted community treatment.”

4. By deleting the definition of “advanced practice registered nurse”.

~~[““Advanced practice registered nurse” means a registered nurse licensed to practice in this State who:~~

- ~~(1) Has met the qualifications set forth in chapter 457 and this part;~~
- ~~(2) Because of advanced education and specialized clinical training, is authorized to assess, screen, diagnose, order, utilize, or perform medical, therapeutic, preventive, or corrective measures;~~
- ~~(3) Holds an accredited national certification in an advanced practice registered nurse psychiatric specialization; and~~
- ~~(4) Holds prescriptive authority pursuant to section 457-8.6.”]~~
5. By deleting the definition of “treating psychiatrist”.

~~[““Treating psychiatrist” means the psychiatrist who is responsible for the management and supervision of a person’s treatment under order of the court.”]~~

SECTION 15. Section 334-123, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(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]~~ qualified psychiatric examiner who has examined the subject of the petition in person within twenty calendar days 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]~~ qualified psychiatric examiner has obtained enough information from the subject of the petition and has had face-to-face contact 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]~~ examination is necessary before treatment, the petitioner may request further ~~[evaluation.]~~ examination.

(d) The petition shall include the name of a proposed assisted community treatment provider and 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]~~ surrogate, or legal guardian~~[-if one has been appointed]~~. If the subject of the petition has no living spouse or reciprocal beneficiary, legal parent, adult ~~[children.]~~ child, surrogate, 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 16. Section 334-124, Hawaii Revised Statutes, is amended to read as follows:

“§334-124 **Hearing date.** The family court shall set a hearing date on a petition, and any subsequent hearing dates for the petition, as soon as possible~~[-]~~ but no later than ten days after the filing of the petition. A hearing on the petition may be continued pending further examination of the subject of the petition, for the appointment of a guardian ad litem, or for good cause.”

SECTION 17. Section 334-125, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Notice of the hearing under this part shall be:

- (1) Served personally on the subject of the petition pursuant to family court rules;
- (2) Served personally or by certified or registered mail, return receipt requested, deliverable to the addressee only, to as many as are known to the petitioner of the subject’s spouse or reciprocal beneficiary, legal ~~[parents,]~~ parent, adult ~~[children,]~~ child, surrogate, 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,]~~ child, surrogate, or legal guardian, or if none can be found, notice of the hearing shall be served on at least one of the subject’s closest adult relatives, if any can be found;
- (3) Served on the guardian ad litem appointed for the subject of the petition ~~[or the subject’s existing guardian, if the court determines the existence of one,]~~ as provided in section 334-123.5;
- (4) Served on the attorney for the subject of the petition, if applicable; ~~[and]~~
- (5) Served on the assisted community treatment provider proposed in the petition, unless the petitioner is also the proposed assisted community treatment provider; and
- ~~[(5)]~~ (6) Given to other persons as the court may designate.”

2. By amending subsection (c) to read:

“(c) Notice ~~[of all subsequent hearings shall be served in accordance with subsections (a) and (b), and in accordance with all applicable family court rules relating to service of notice, including that service need not be made on parties in default for failure to appear.]~~ to the subject of the petition’s spouse or reciprocal beneficiary, legal parent, adult child, or closest adult relative may be waived if the subject is an adult and requests that these persons not be notified.”

SECTION 18. Section 334-126, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) No subject of the petition shall be ordered to receive assisted community treatment unless at least one ~~[psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization testifies in person at the hearing]~~ qualified psychiatric examiner who has personally ~~[assessed]~~ examined the subject~~[:]~~ within a reasonable time before the filing of the petition ~~[up to the time when 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]~~ provides oral testimony at [court,] the hearing. The ~~[testimony of 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]~~ qualified psychiatric examiner shall ~~[state]~~ provide the facts ~~[which]~~ that support the allegation that the subject meets all the criteria for assisted community treatment, provide a written treatment plan, which shall include non-mental health treatment if appropriate, provide the rationale for the recommended treatment, and identify the ~~[designated mental health program responsible for the coordination of care,]~~ assisted community treatment provider.

If the recommended assisted community treatment includes medication, the testimony ~~[of]~~ provided by 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] qualified psychiatric examiner shall describe the types or classes of medication ~~[which]~~ that should be authorized, and describe the physical and mental beneficial and detrimental effects of ~~[such]~~ the medication.”

SECTION 19. Section 334-127, Hawaii Revised Statutes, is amended to read as follows:

“**§334-127 Disposition.** (a) If, after ~~[hearing]~~ considering all relevant evidence, including the results of any diagnostic examination ordered by the family court, the family court finds that the subject of the petition does not meet the criteria for assisted community treatment, the family court shall dismiss the petition. Notice of the dismissal shall be provided to those persons entitled to notice pursuant to section 334-125.

(b) If, after hearing all relevant evidence, including the results of any diagnostic examination ordered by the family court, the family court finds that the criteria for assisted community treatment under section 334-121(1) have been met beyond a reasonable doubt and that the criteria under section 334-121(2) to (4) have been met by clear and convincing evidence, the family court shall order the subject to obtain assisted community treatment for a period of no more than two years. The written treatment plan submitted pursuant to section 334-126(g) shall be attached to the order and made a part of the order.

If the family court finds by clear and convincing evidence that the beneficial mental and physical effects of recommended medication outweigh the detrimental mental and physical effects, if any, the order may authorize types or classes of medication to be included in treatment at the discretion of the ~~[treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization]~~ assisted community treatment provider.

The court order shall ~~[also]~~ state who should receive notice of intent to discharge early in the event that the ~~[treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization]~~ assisted community treatment provider determines, before the end of the court ordered period of treatment, that the subject should be discharged early from assisted community treatment.

Notice of the order shall be provided to the director, the ~~[interested party who filed the petition;]~~ petitioner, and those persons entitled to notice pursuant to section 334-125.

(c) The family court shall also designate on the order the ~~[treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization who is to be responsible for the management and supervision of the subject's treatment, or shall assign an administrator of a designated mental health program to, in turn, designate the treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization during the treatment period without court approval, and may designate either a publicly employed psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization, or a private psychiatrist or advanced practice registered nurse with prescriptive~~

authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization; provided that the private 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 agree to the designation. The order for assisted community treatment shall be subject to the Health Care Privacy Harmonization Act, chapter 323B.] assisted community treatment provider.

(d) Nothing in this section shall preclude the subject's stipulation to the continuance [[of]] an existing court order."

SECTION 20. Section 334-129, Hawaii Revised Statutes, is amended to read as follows:

"§334-129 Failure to comply with assisted community treatment. (a) A ~~[treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization]~~ qualified psychiatric examiner may prescribe or administer to the subject of the order reasonable and appropriate medication or medications, if specifically authorized by ~~[the]~~ a court order, and treatment that is consistent with accepted medical standards and the ~~[family]~~ court order, including the written treatment plan submitted pursuant to section 334-126(g)[-], in accordance with the procedures described in subsection (b).

(b) ~~[No subject of the order shall be physically forced to take medication under a family court order for assisted community treatment unless the subject is within an emergency department or admitted to a hospital, subsequent to the date of the current assisted community treatment order.]~~ A qualified psychiatric examiner may administer medication or medications specifically authorized by a court order to a subject of the order over objection of the subject during emergency examination or hospitalization under part IV, subpart A or while committed for involuntary hospitalization under part IV, subpart C.

(c) A subject of the order may be transported to ~~[a designated mental health program, or a hospital emergency department,]~~ a psychiatric facility or other facility designated by the director for failure to comply with an order for assisted community treatment via the following methods:

(1) By an interested party with the consent of the subject of the order; or

(2) In accordance with section ~~[334-59-]~~ 334-E(b).

(d) The ~~[designated mental health program's treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization or designee of 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]~~ assisted community treatment provider shall make ~~[all]~~ reasonable efforts to solicit the subject's compliance with the prescribed treatment. If the subject fails or refuses to comply after the efforts to solicit compliance, the ~~[treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization]~~ assisted community treatment provider shall ~~[assess whether the subject of the order meets criteria for involuntary hospitalization¹ under part IV of this chapter, and]~~ proceed ~~[with the admission pursuant to section ¹334-59(a)(2) or (3);]~~ pursuant to section 334-D or 334-E; provided that the refusal of treatment shall not, by itself, constitute a basis for involuntary hospitalization.

(e) Notice of any transport or ~~[admission]~~ hospitalization under this section shall be provided pursuant to section ~~[334-59.5.]~~ 334-H.”

SECTION 21. Section 334-130, Hawaii Revised Statutes, is amended to read as follows:

“§334-130 **Period of assisted community treatment.** (a) ~~[The]~~ Unless a family court orders otherwise, the assisted community treatment order shall continue to apply to the subject, for the duration specified in the order, regardless of whether the treatment setting changes.

(b) A subject of ~~[assisted community treatment is]~~ the order shall be automatically and fully discharged at the end of the family ~~[court-ordered]~~ court-ordered period of treatment~~[-]~~ pursuant to an assisted community treatment order, a period of no more than two years, unless a new family court order has been obtained ~~[as provided hereinbelow].~~

(c) Nothing in this section shall preclude the subject’s stipulation to the continuance ~~[of]~~ an existing court order.”

SECTION 22. Section 334-131, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) When the ~~[treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization]~~ assisted community treatment provider contemplates discharge for a subject of the order because of ~~the imminent~~ expiration of the court order or because the subject of the order is no longer a proper subject for assisted community treatment, as determined by the criteria in section 334-121, the ~~[treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization]~~ assisted community treatment provider shall provide notice of intent to discharge.”

SECTION 23. Section 334-161, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A patient who has been committed to a psychiatric facility for involuntary hospitalization or who is in the custody of the director and residing in a psychiatric facility may be ordered to receive treatment over the patient’s objection, including the taking or application of medication, if the court, or administrative ~~[panel]~~ decision-maker through the administrative authorization process established pursuant to section 334-162, finds that:

- (1) The patient suffers from a physical or mental disease, disorder, or defect;
 - (2) The patient is imminently dangerous to self or others;
 - (3) The proposed treatment is medically appropriate; and
 - (4) After considering less intrusive alternatives,
- treatment is necessary to forestall the danger posed by the patient.”

SECTION 24. Section 334-162, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A patient who is in the custody of the director and in a psychiatric facility may be ordered to receive medical treatment over the patient’s objection through an administrative authorization process that includes the following due process safeguards:

- (1) The facility shall give notice to the patient of the authorization process and the reasons for initiating the process;
- (2) The administrative ~~[panel shall consist of three members]~~ decision-maker, who shall be a psychiatrist with relevant clinical training and experience, and who ~~[are]~~ is not involved with the current treatment of the patient~~;~~, shall, after considering all relevant evidence, determine whether the criteria under section 334-161 are met;
- (3) The patient shall have the right to attend the hearing, receive assistance from an advisor, cross examine witnesses, and present testimony, exhibits, and witnesses; and
- (4) The patient shall have the right to appeal the decision of the administrative ~~[panel.]~~ decision-maker."

SECTION 25. Section 334E-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any patient in a psychiatric facility shall be afforded rights, and any psychiatric facility shall provide the rights to all patients; provided that when a patient is not able to exercise the patient’s rights, the patient’s legal guardian or legal representative shall have the authority to exercise the same on behalf of the patient. The rights shall include but not be limited to the following:

- (1) Access to written rules and regulations with which the patient is expected to comply;
- (2) Access to the facility’s grievance procedure or to the department of health as provided in section 334-3;
- (3) Freedom from reprisal;
- (4) Privacy, respect, and personal dignity;
- (5) A humane environment;
- (6) Freedom from discriminatory treatment based on race, color, creed, national origin, age, and sex;
- (7) A written treatment plan based on the individual patient;
- (8) Participation in the planning of the patient’s treatment plan;
- (9) Refusal of treatment except in emergency situations or when a court order or an administrative order pursuant to chapter 334, part VIII or X, has been issued;
- (10) Refusal to participate in experimentation;
- (11) The choice of physician if the physician chosen agrees;
- (12) A qualified, competent staff;
- (13) A medical examination before initiation of non-emergency treatment;
- (14) Confidentiality of the patient’s records;
- (15) Access to the patient’s records;
- (16) Knowledge of rights withheld or removed by a court or by law;
- (17) Physical exercise and recreation;
- (18) Adequate diet;
- (19) Knowledge of the names and titles of staff members with whom the patient has frequent contact;
- (20) The right to work at the facility and fair compensation for work done; provided that work is available and is part of the patient’s treatment plan;
- (21) Visitation rights, unless the patient poses a danger to self or others; provided that where visitation is prohibited, the legal guardian or legal representative shall be allowed to visit the patient upon request;
- (22) Uncensored communication;
- (23) Notice of and reasons for an impending transfer;
- (24) Freedom from seclusion or restraint, except:

- (A) When necessary to prevent injury to self or others;
 - (B) When part of the treatment plan; or
 - (C) When necessary to preserve the rights of other patients or staff;
- (25) Disclosure to a court, at an involuntary civil commitment hearing, of all treatment procedures ~~[which]~~ that have been administered ~~[prior to]~~ before the hearing; and
- (26) Receipt by the patient and the patient's guardian or legal guardian, if the patient has one, of this enunciation of rights at the time of admission."

SECTION 26. Section 586-5.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) If, after hearing all relevant evidence, the court finds that the respondent has failed to show cause why the order should not be continued and that a protective order is necessary to prevent domestic abuse or a recurrence of abuse, the court may order that a protective order be issued for a further fixed reasonable period as the court deems appropriate, including, in the case where a protective order restrains any party from contacting, threatening, or physically abusing a minor, a fixed reasonable period extending to a date after the minor has reached eighteen years of age.

The protective order may include all orders stated in the temporary restraining order and may provide for further relief as the court deems necessary to prevent domestic abuse or a recurrence of abuse, including orders establishing temporary visitation and custody with regard to minor children of the parties and orders to either or both parties to participate in domestic violence intervention services. If the court finds that the party meets the requirements under section ~~[334-59(a)(2);]~~ 334-D, the court ~~[further]~~ may further order that the party be taken to the nearest facility for emergency examination and treatment."

SECTION 27. Section 334-59, Hawaii Revised Statutes, is repealed.

SECTION 28. Section 334-59.5, Hawaii Revised Statutes, is repealed.

SECTION 29. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 30. 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 31. In codifying the new sections added by sections 2, 3, and 4 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 32. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.³

SECTION 33. This Act shall take effect upon its approval.

(Approved June 25, 2025.)

Notes

1. Prior to amendment, “admission to a psychiatric facility”, not “involuntary hospitalization”, appeared here.
2. Prior to amendment, no bracket appeared here.
3. Edited pursuant to HRS §23G-16.5.

ACT 220

S.B. NO. 1245

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 there is currently a statewide physician shortage. According to the federal Health Resources and Services Administration, each county in the State contains a region that is a medically underserved area, as defined by the Public Health Service Act of 1944, Public Law 78-410.

The legislature further finds that pharmacists can help bridge the gaps created by the physician shortage. A pharmacist’s skill set includes educating patients on how and when to check blood sugar, ways to avoid and manage hypoglycemia, how to take their medications correctly to avoid adverse effects, and various medication utilization techniques. Additionally, patients are significantly less likely to be readmitted to the hospital when pharmacists provide clinical services after a hospital discharge.

Accordingly, the purpose of this Act is to require private and public health plans issued in the State to recognize licensed pharmacists as participating providers and mandate payment or reimbursement for services provided by participating registered pharmacists within their scope of practice to the extent that the policy or plan provides coverage for the same service rendered by another health care provider.

SECTION 2. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section to article 10A to be appropriately designated and to read as follows:

“§431:10A- Services provided by participating registered pharmacists; coverage. (a) Each individual or group policy of accident and health or sickness insurance delivered or issued for delivery in the State on or after July 1, 2026, shall:

- (1) Recognize pharmacists licensed pursuant to chapter 461 as participating providers;
- (2) Include coverage for a service provided by a participating registered pharmacist practicing within the scope of the participating registered pharmacist’s license for purposes of health maintenance or treatment to the extent that the policy provides coverage for the same service rendered by another health care provider; and
- (3) Pay or reimburse a pharmacist or pharmacy for the cost of a service provided by a pharmacist within the scope of the pharmacist’s practice.

(b) For the purposes of this section, “participating registered pharmacist” means a registered pharmacist licensed pursuant to chapter 461 who has contracted with the insurer to provide health care services to its insureds.”

SECTION 3. Chapter 432, Hawaii Revised Statutes, is amended by adding a new section to article 1 to be appropriately designated and to read as follows:

“§432:1- Services provided by participating registered pharmacists; coverage. (a) Each individual or group hospital or medical service plan contract delivered or issued for delivery in the State on or after July 1, 2026, shall:

- (1) Recognize pharmacists licensed pursuant to chapter 461 as participating providers;
- (2) Provide coverage for a service provided by a participating registered pharmacist practicing within the scope of the participating registered pharmacist’s license for purposes of health maintenance or treatment to the extent that the plan contract provides coverage for the same service rendered by another health care provider; and
- (3) Pay or reimburse a pharmacist or pharmacy for the cost of a service performed by a pharmacist within the scope of the pharmacist’s practice.

(b) For the purposes of this section, “participating registered pharmacist” means a registered pharmacist licensed pursuant to chapter 461 who has contracted with the mutual benefit society to provide health care services to its subscribers or members.”

SECTION 4. Chapter 432D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§432D- Services provided by participating registered pharmacists; coverage. (a) Each health maintenance organization policy, contract, plan, or agreement that is issued, amended, or renewed in the State on or after July 1, 2026, shall:

- (1) Recognize pharmacists licensed pursuant to chapter 461 as participating providers;
- (2) Provide coverage for a service provided by a participating registered pharmacist practicing within the scope of the participating registered pharmacist’s license for purposes of health maintenance or treatment to the extent that the plan contract provides coverage for the same service rendered by another health care provider; and
- (3) Pay or reimburse a pharmacist or pharmacy for the cost of a service provided by a pharmacist within the scope of the pharmacist’s practice.

(b) For the purposes of this section, “participating registered pharmacist” means a registered pharmacist licensed pursuant to chapter 461 who has contracted with the health maintenance organization to provide health care services to its enrollees or subscribers.”

SECTION 5. Section 346-59, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Rates of payment to providers of medical care who are individual practitioners, including doctors of medicine, dentists, podiatrists, psychologists, osteopaths, optometrists, pharmacists, and other individuals providing services, shall be based upon the Hawaii medicaid fee schedule. The amounts paid shall not exceed the maximum permitted to be paid individual practitioners or other individuals under federal law and regulation, the medicare fee schedule for the current year, the state limits as provided in the appropriation act, or the provider’s billed amount.

The appropriation act shall indicate the percentage of the medicare fee schedule for the year 2000 to be used as the basis for establishing the Hawaii medicaid fee schedule. For any subsequent adjustments to the fee schedule, the legislature shall specify the extent of the adjustment in the appropriation act.”

SECTION 6. Section 346-59.1, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) For the purposes of this section:

“Distant site” means the location of the health care provider delivering services through telehealth at the time the services are provided.

“Health care provider” means a provider of services, as defined in title 42 United States Code section 1395x(u), a provider of medical and other health services, as defined in title 42 United States Code section 1395x(s), other practitioners licensed by the State and working within their scope of practice, and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business, including but not limited to primary care providers, mental health providers, oral health providers, physicians and osteopathic physicians licensed under chapter 453, advanced practice registered nurses licensed under chapter 457, psychologists licensed under chapter 465, pharmacists licensed under chapter 461, and dentists licensed under chapter 448.

“Interactive telecommunications system” has the same meaning as the term is defined in title 42 Code of Federal Regulations section 410.78(a).

“Originating site” means the location where the patient is located, whether accompanied or not by a health care provider, at the time services are provided by a health care provider through telehealth, including but not limited to a health care provider’s office, hospital, critical access hospital, rural health clinic, federally qualified health center, a patient’s home, and other nonmedical environments such as school-based health centers, university-based health centers, or the work location of a patient.

“Telehealth” means the use of telecommunications services, as defined in section 269-1, to encompass four modalities: store and forward technologies, remote monitoring, live consultation, and mobile health; and which shall include but not be limited to real-time video conferencing-based communication, secure interactive and non-interactive web-based communication, and secure asynchronous information exchange, to transmit patient medical information, including diagnostic-quality digital images and laboratory results for medical interpretation and diagnosis, for the purpose of delivering enhanced health care services and information while a patient is at an originating site and the health care provider is at a distant site. Except as provided through an interactive telecommunications system, standard telephone contacts, facsimile transmissions, or e-mail text, in combination or alone, do not constitute telehealth services.”

SECTION 7. The department of human services shall apply to the United States Department of Health and Human Services for any amendment to the state medicaid plan or for any medicaid waiver necessary to implement sections 5 and 6 of this Act.

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

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

SECTION 10. This Act shall take effect upon its approval; provided that sections 5 and 6 shall take effect upon approval of the Hawaii medicaid state plan by the Centers for Medicare and Medicaid Services; provided further that the amendments made to section 346-59.1, Hawaii Revised Statutes, by section 6 of this Act shall not be repealed when that section is reenacted on December 31, 2025, pursuant to section 8 of Act 107, Session Laws of Hawaii 2023.

(Approved June 25, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 221

S.B. NO. 1491

A Bill for an Act Relating to Departmental Data Sharing.

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

SECTION 1. The legislature finds that the statewide longitudinal data system stores and analyzes career and technical education data it receives from all state educational systems and workforce training agencies to support research and evaluation that will improve outcomes throughout the early education to workforce pipeline. While other state agencies are included in the system to provide data as appropriate, the determination of whether or not data from another department is appropriate is left to the department of education, the executive office on early learning, the university of Hawaii, the department of labor and industrial relations, and the department of human services.

The legislature further finds that data currently collected by state educational systems and workforce training agencies does not include information from certain segments of Hawaii's workforce, such as those who are self-employed. This leaves the current workforce data incomplete. Gathering data from the tax filings of those who are self-employed will provide a more accurate analysis of the State's workforce.

The purpose of this Act is to include the department of taxation and department of business, economic development, and tourism in the departmental data sharing through the statewide longitudinal data system to allow for a more accurate analysis of the State's workforce.

SECTION 2. Section 27-7, Hawaii Revised Statutes, is amended to read as follows:

“§27-7 Departmental data sharing. (a) The department of education[;]; the executive office on early learning[;]; the [University] university of Hawaii[;]; the department of labor and industrial relations[;]; the department of human services[;]; the department of taxation; the department of business, economic development, and tourism; and other state agencies, as appropriate, shall share data through the statewide longitudinal data system to support research and evaluation that will improve outcomes throughout the early education to workforce pipeline. The data to be shared shall be determined jointly by the department of education[;]; the executive office on early learning[;]; the [University] university of Hawaii[;]; the department of labor and industrial rela-

tions[;]; the department of human services[;]; the department of taxation; the department of business, economic development, and tourism; and other state agencies, as appropriate, and shall be shared no less than annually[;]; provided that any data provided by the department of business, economic development, and tourism or department of taxation shall also be aggregated or anonymized.

(b) The department of education[;]; the executive office on early learning[;]; the [University] university of Hawaii[;]; the department of labor and industrial relations[;]; the department of human services[;]; the department of taxation; the department of business, economic development, and tourism; and other state agencies, as appropriate, shall share data in a manner that safeguards the confidentiality of student education records, as defined by the federal Family Educational Rights and Privacy Act, and workforce data, as provided by applicable federal and state laws, rules, and regulations.

(c) The statewide longitudinal data system shall store and analyze career and technical education data it receives from all state educational systems and workforce training agencies pursuant to section 304A-304 to analyze the cross-agency longitudinal education and workforce outcomes of students who attempted an educational course, training program, career program, postsecondary program, or other state-supported workforce training program. Data to be shared shall be determined jointly by the relevant agencies and shall be shared no less than annually.

(d) All data shared by or with the department of human services[;]; department of taxation; department of business, economic development, and tourism; department of education[;]; public charter school authorizers[;]; public charter schools[;]; executive office on early learning[;]; and other entities as required by statute shall be subject to any state or federal laws and any administrative rule regarding privacy adopted by the department or agency that collected the data.

(e) The department of education[;]; the executive office on early learning[;]; the [University] university of Hawaii[;]; the department of labor and industrial relations[;]; the department of human services[;]; the department of taxation; the department of business, economic development, and tourism; and other state agencies, as appropriate, shall partner to collectively govern the statewide longitudinal data system and determine protocols to:

- (1) Prioritize analyses and research questions that will provide information to improve educational and workforce outcomes and policies; and
- (2) Approve requests for access to data provided by the department of education[;]; the executive office on early learning[;]; the [University] university of Hawaii[;]; the department of labor and industrial relations[;]; the department of human services[;]; the department of taxation; the department of business, economic development, and tourism; and other state agencies, as appropriate.

(f) All state agency directors shall consider sharing data for the statewide longitudinal data system.”

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved June 25, 2025.)

A Bill for an Act Relating to Mopeds.

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

SECTION 1. Section 286-81, Hawaii Revised Statutes, is amended by amending subsection (b) as follows:

“(b) Notwithstanding subsection (a) [~~and section 291C-195~~], no person shall operate a moped or motor scooter leased from a rental company on any roadway in the State unless the person wears a safety helmet, which shall be provided by the rental company unless the person provides the person’s own safety helmet; provided that this subsection shall not apply to persons who possess a valid license under this chapter to operate a motorcycle or an equivalent license issued from another state. To meet the requirements of this subsection, the safety helmet shall meet the specifications and requirements established by rules adopted by the director.”

SECTION 2. Section 291C-195, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Notwithstanding section 286-81(b), no person:

- (1) Less than [~~fifteen~~] sixteen years of age shall drive a moped on a highway, street, or roadway, or any other public property in the State; and
- (2) [~~Less than eighteen years of age shall~~] Shall drive a moped unless the person wears a safety helmet securely fastened with a chin strap.

The safety helmet shall meet the specifications and requirements established by rules adopted by the director.”

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 25, 2025.)

A Bill for an Act Relating to Revolving Funds.

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

SECTION 1. Section 37-52.4, Hawaii Revised Statutes, is amended to read as follows:

“**§37-52.4 Criteria for the establishment and continuance of revolving funds.** Revolving funds shall only be established pursuant to an act of the legislature. The legislature, in establishing or reviewing a revolving fund to determine whether it should be continued, shall ensure that the revolving fund:

- (1) Serves a need, as demonstrated by:
 - (A) The purpose of the program to be supported by the fund;
 - (B) The scope of the program, including financial information on fees to be charged, sources of projected revenue, and costs; and
 - (C) An explanation of why the program cannot be implemented successfully under the general fund appropriation process;

- (2) Reflects a clear nexus between the benefits sought and charges made upon the program users or beneficiaries or a clear link between the program and the sources of revenue, as opposed to serving primarily as a means to provide the program or users with an automatic means of support that is removed from the normal budget and appropriation process;
- (3) Provides an appropriate means of financing for the program or activity that is used only when essential to the successful operation of the program or activity; and
- (4) Demonstrates the capacity to be financially self-sustaining[.] by:
 - (A) Annual projections that show that the revolving fund will be sustainable without appropriations of general funds into the revolving fund; or
 - (B) A schedule of projected collections of outstanding payments to the revolving fund that will capitalize the revolving fund.”

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

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

(Approved June 25, 2025.)

ACT 224

H.B. NO. 735

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 existing administrative rules allow an individual wastewater system to serve no more than five bedrooms, whether the five bedrooms are in one dwelling unit or two dwelling units. However, the definition of a dwelling unit under chapter 62, Hawaii Administrative Rules, does not clearly consider the varied types of development, such as dwelling units that may have exterior bedrooms without a kitchen or guest houses with a bathroom but without a kitchen. Certain dwelling units may be prohibited from using an individual wastewater system solely because the bedrooms are outside the dwelling unit.

Therefore, the purpose of this Act is to allow an individual wastewater system to serve up to five bedrooms, regardless of the number of dwellings, dwelling units, or accessory units, whether the dwellings, dwelling units, or accessory units are attached or detached, with certain exclusions.

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

“§342D- Individual wastewater system; dwelling units. An individual wastewater system may serve up to five bedrooms, regardless of the number of:

- (1) Dwellings or dwelling units; or
- (2) Accessory units as defined by the counties,

whether the dwellings, dwelling units, or accessory units are attached or detached; provided that this section shall not apply to any new requests to connect additional dwelling units to an existing cesspool.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 25, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 225

H.B. NO. 1348

A Bill for an Act Relating to Public Lands.

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

SECTION 1. The purpose of this Act is to establish a lottery system for the leasing of cabins on public lands for recreation-residence use.

SECTION 2. Section 171-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Good standing” means the status of a lessee who is in full compliance with the lessee’s obligations under the lease.

“Recreation-residence” means a part-time residence for occasional, recreational use and not for continuous occupancy by the lessee or lessee’s family, friends, and guests.”

SECTION 3. Section 171-7, Hawaii Revised Statutes, is amended to read as follows:

“§171-7 **General duties of the board.** Except as provided by law, the board of land and natural resources through the chairperson shall:

- (1) Maintain an accurate inventory of public lands;
- (2) Prevent illegal activities on, unlawful occupation of, or trespassing on public lands;
- (3) Cause all trespassers and persons unlawfully occupying public lands, and their effects, and all animals trespassing on the lands to be removed therefrom and to impound the animals according to law;
- (4) Enter on any public land in order to take possession thereof, and to resume possession of, any public land in case of surrender, forfeiture, or escheat;
- (5) Enforce contracts respecting sales, leases, licenses, permits, or other disposition of public lands;
- (6) Conduct all public auctions, lotteries, and sales pertaining to the disposition of public lands and other property authorized by the board;
- (7) Recover money due the State for damage done to any public lands by wrongful entry and occupation or by wrongful removal therefrom or destruction of any property;
- (8) Bring ~~[such]~~ actions and proceedings as may be necessary to carry out the powers and duties of the board in the name of the State and ~~[to]~~ defend ~~[such]~~ these actions brought against the State as may be authorized;

- (9) Keep a record of all official transactions~~[;]~~ relating to public lands within the chairperson's jurisdiction ~~[and such record]~~, which shall be a public record; and
- (10) Administer oaths in all matters pertaining to the administration of the public lands."

SECTION 4. Section 171-44, Hawaii Revised Statutes, is amended to read as follows:

"§171-44 Lease for recreation-residence use. ~~[(a)]~~ Notwithstanding any limitations to the contrary, the board of land and natural resources ~~[may]~~ shall lease, by ~~[direct negotiation]~~ public lottery and without recourse to public auction, lands within a state park or forest reserve and other lands set aside under executive orders, for recreation-residence use for a period not to exceed twenty years on ~~[such]~~ terms and conditions as may be prescribed by the board~~[;]~~; provided that:

- (1) A lessee determined to be in good standing by the board at the expiration of the lessee's lease may directly negotiate with the board to renew the lease for an additional term not to exceed twenty years;
- (2) The annual rent for any renewed lease shall be adjusted by the board to reflect changes to the implicit price deflator for the gross domestic product as published by the Bureau of Economic Analysis, applied on a five-year rolling average; and
- (3) A lessee shall notify the board in writing no less than sixty days before the termination of the lease if the lessee intends to renew the lease.

~~[(b)]~~ The ~~[(board)]~~ of land and natural resources shall enforce all provisions of ~~[recreation-residential]~~ recreation-residence use lease agreements and shall establish a schedule of penalties and fines for any breach of the provisions of a ~~[recreation-residential]~~ recreation-residence use lease agreement unless penalties and fines are specified in the lease agreement.

(c) Recreation-residence use leases offered by public lottery shall be:

- (1) Offered at fair market value, to be determined by appraisal pursuant to section 171-17;
- (2) Limited to one person per recreation-residence; provided that if two or more lessees intend to jointly reside in the same recreation-residence, only one lessee may enter the public lottery; and
- (3) For vacant recreation-residences, offered within twelve months of the recreation-residence becoming vacant.

(d) The board shall limit participation in the public lottery of recreation-residence use leases to residents of the same county in which the land to be leased is located; provided that limiting participation in the public lottery to residents of the county will be for the benefit of the residents of the county; ensure premises leased will be properly maintained by the lessee; and preserve the environmental, cultural, and scenic values of the leased premises. If the number of county residents participating in the public lottery is fewer than the number of leases available, the board shall open the public lottery to all residents of the State, followed by nonresidents.

(e) Any transfer or assignment of a recreation-residence use lease shall be subject to a fee of \$1,200, to be paid to the board. The board shall annually increase or decrease the fee to reflect changes to the implicit price deflator for the gross domestic product as published by the Bureau of Economic Analysis, applied on a five-year rolling average."

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 7. This Act shall take effect on July 1, 2025.

(Approved June 25, 2025.)

ACT 226

S.B. NO. 176

A Bill for an Act Relating to Recounts.

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

SECTION 1. The legislature finds that Act 1, Session Laws of Hawaii 2024 (Act 1), changed the criteria for an election outcome to cause an automatic recount by the State or county. The result has been that a very limited number of election races now qualify for an automatic recount. Under Act 1, the required vote difference is the lower number of two benchmarks:

- (1) Less than one hundred votes between the top two candidates; or
- (2) Less than one-quarter of one per cent of the total number of votes cast in that race.

The one-quarter of one per cent of the total number of votes cast benchmark has been the more determinative standard, even though the vote difference between candidates has been less than one hundred votes. In the 2024 primary and general elections, there were three races where the difference was less than one hundred votes but the per cent difference was higher than one-quarter of one per cent of the total number of votes cast.

The legislature further finds that election recounts help to ensure fair and accurate election outcomes and can boost the public's perception of the election process. According to a FairVote analysis of election recounts, the majority of states that require automatic recounts use the standard of a margin of vote difference that is double of Act 1's: one-half of one per cent of the total number of votes in that race.

Accordingly, the purpose of this Act is to allow certain ballots to be included in the initial tabulation and modestly increase the qualifying criteria for an automatic election recount.

SECTION 2. Section 11-108, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Any initial recount provided by law shall include only ballots verified for the purpose of the initial tabulation. ~~[In no event shall a recount of an initial tabulation include ballots the validity of which could not be verified by 6:00 a.m. on the day following an election day.]~~ The initial tabulation shall include any ballots designated by the clerk for inclusion. The initial tabulation shall not include any ballots that the clerk initially determines are deficient under section 11-106 and need additional time to be corrected by the voter, or any ballots the validity of which the clerk could not verify and determines under this section need up to five business days following the election to be validated to include in the final tabulation.”

SECTION 3. Section 11-158, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(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~~] one-half of one per cent of the total number of votes cast for the contest, whichever is lesser.”

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 25, 2025.)

Note

1. So in original.

ACT 227

H.B. NO. 400

A Bill for an Act Relating to the Judiciary.

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

PART I. GENERAL PROVISIONS

SECTION 1. This Act shall be known and may be cited as the Judiciary Appropriations Act of 2025.

SECTION 2. Unless otherwise clear from the context, as used in this Act:

“Means of Financing,” or “MOF,” means the source from which funds are appropriated, or authorized, as the case may be, to be expended for the programs and projects specified in this Act. All appropriations are followed by letter symbols. The letter symbols, where used, shall have the following meanings:

- A General funds
- B Special funds
- C General obligation bond funds
- W Revolving funds

“Position ceiling” means the maximum number of permanent or temporary positions authorized for a particular program during a specified period or periods, as noted by an asterisk or pound sign, respectively.

“Program ID” means the unique identifier for the specific program and consists of the abbreviation for the judiciary (JUD) followed by a designated number for the program.

PART II. PROGRAM APPROPRIATIONS

SECTION 3. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are appropriated or authorized from the sources of funding specified to the judiciary for the fiscal biennium beginning July 1, 2025, and ending June 30, 2027. 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 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F
The Judicial System					
1.		JUD101 - COURTS OF APPEAL		85.00 *	85.00 *
				0.48#	0.48#
		OPERATING	JUD	9,592,659A	9,657,093A
2.		JUD310 - FIRST JUDICIAL CIRCUIT		1,115.50 *	1,115.50 *
				57.58#	57.58#
		OPERATING	JUD	98,130,866A	98,298,808A
				35.00 *	35.00 *
			JUD	4,261,273 B	4,261,273 B
3.		JUD320 - SECOND JUDICIAL CIRCUIT		210.50 *	210.50 *
				1.68#	1.68#
		OPERATING	JUD	20,093,034A	20,093,034A
4.		JUD330 - THIRD JUDICIAL CIRCUIT		246.00 *	246.00 *
				5.20#	5.20#
		OPERATING	JUD	24,912,104A	24,903,209A
5.		JUD350 - FIFTH JUDICIAL CIRCUIT		103.00 *	103.00 *
				2.60#	2.60#
		OPERATING	JUD	9,159,756A	9,159,756A
6.		JUD501 - JUDICIAL SELECTION COMMISSION		1.00 *	1.00 *
		OPERATING	JUD	114,074A	114,074A
7.		JUD601 - ADMINISTRATION		234.50 *	234.50 *
				8.48#	8.48#
		OPERATING	JUD	39,723,183A	37,353,371A
				1.00 *	1.00 *
				9.00#	9.00#
			JUD	8,241,219 B	8,241,219 B
			JUD	343,261W	343,261W
		INVESTMENT CAPITAL	JUD	12,900,000C	C

PART III. PROGRAM PROVISIONS

SECTION 4. Provided that whenever the need arises, the chief justice, in administering an equitable and expeditious judicial process, may transfer sufficient funds and positions between programs for operating purposes; provided further that no transfer shall be made to implement any collective bargaining contract signed after this legislature adjourns sine die.

SECTION 5. Provided that if the chief justice, or any agency or government unit, secures federal funds or other property under any act of Congress, or any funds or other property from private organizations or individuals, to be expended in connection with any program or works authorized by this Act or otherwise, the chief justice, or the agency or government unit with the chief justice's approval, may enter into the undertaking with the federal government, private organization, or individual.

SECTION 6. Provided that the judiciary may transfer savings from its general fund appropriation to the driver education and training fund to accommodate any temporary cash flow deficits.

SECTION 7. Provided that of the general fund appropriation for administration (JUD601), the sum of \$2,218,922 or so much thereof as may be necessary for fiscal year 2025-2026 shall be expended for salary adjustments as recommended by the commission on salaries; provided further that the chief justice may transfer funds between programs to implement any salary adjustments as recommended by the commission on salaries.

PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 8. The sum of \$12,900,000 appropriated or authorized in part II of this Act for capital improvement projects shall be expended by the judiciary for the projects listed below; provided that several related or similar projects may be combined into a single project, if a combination is advantageous or convenient for implementation; provided further that the total cost of the projects thus combined shall not exceed the total of the sums specified for the projects separately. The amount after each cost element and the total funding for each project listed in this part are in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR	FISCAL YEAR
				2025-2026	2026-2027
				M O F	M O F
A. ECONOMIC DEVELOPMENT					
JUD601 - ADMINISTRATION					
1.		KAUAI JUDICIARY COMPLEX CHILLER REPLACEMENT, KAUAI			
		PLANS, CONSTRUCTION AND EQUIPMENT			
		FOR THE REPLACEMENT OF A KAUAI			
		JUDICIARY COMPLEX CHILLER UNIT.			
		TOTAL FUNDING	JUD	900C	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M	FISCAL M
				YEAR O 2025-2026 F	YEAR O 2026-2027 F

2.		LUMP SUM CIP FOR JUDICIARY FACILITIES, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR GENERAL ALTERATIONS, UPGRADES, AND IMPROVEMENTS TO JUDICIARY FACILITIES, STATEWIDE.			
		TOTAL FUNDING	JUD	8,000C	C
3.		SOUTH KOHALA DISTRICT COURTHOUSE, HAWAII ISLAND PLANS AND DESIGN FOR A NEW SOUTH KOHALA DISTRICT COURTHOUSE.			
		TOTAL FUNDING	JUD	4,000C	C

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 \$12,900,000.

PART VI. SPECIAL PROVISIONS

SECTION 10. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized in part II and listed in part IV of this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all appropriations made for fiscal year 2025-2026 and fiscal year 2026-2027 that are unencumbered as of June 30, 2028, shall lapse as of that date.

SECTION 11. The judiciary may delegate to other state or county agencies the planning, acquisition of land, design, construction, and equipment of any capital improvement project when it is determined by the judiciary to be advantageous to do so.

SECTION 12. All unrequired balances in the general obligation bond fund, after the objectives of part II appropriations for capital improvements program purposes listed as projects in part IV of this Act have been met, shall be transferred to the judiciary project adjustment fund.

SECTION 13. If the amount allocated from the general obligation bond fund for a capital improvement project listed in part IV of this Act is insufficient, the chief justice may make supplemental allotments from the judiciary project adjustment fund; provided that supplemental allotments shall not be used to increase the scope of the project.

SECTION 14. Where it has been determined that changed conditions, such as a reduction in the particular population being served, permit the reduction in the scope of a project listed in part IV of this Act, the chief justice may authorize such reduction of project scope.

SECTION 15. The chief justice shall determine when and the manner in which the authorized capital improvement projects shall be initiated. The chief justice shall notify the governor from time to time of the specific amounts required for the projects, and the governor shall provide for those amounts through the issuance of bonds authorized in part V of this Act.

SECTION 16. Any law or any provision of this Act to the contrary notwithstanding, the chief justice may supplement funds for any cost element for a capital improvement project authorized under this Act by transferring sums as may be needed from the funds appropriated for other cost elements of the same project by this Act or by any other prior or future Act that has not lapsed; provided that the total expenditure of funds for all cost elements for the project shall not exceed the total appropriation for that project.

PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 17. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, the remainder of this Act and any provision thereof shall not be affected. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and shall be expended to fulfill the objective and intent of the appropriation to the extent possible.

SECTION 18. 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 19. This Act shall take effect on July 1, 2025.

(Approved June 26, 2025.)

ACT 228

H.B. NO. 727

A Bill for an Act Relating to the Women's Court.

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

PART I

SECTION 1. The legislature finds that there has been a significant increase in the number of women in Hawai'i jails and prisons over the past forty years, resulting in a higher proportion of women who are incarcerated. Research reflects that for women, histories of abuse, trauma, poverty, mental illness, substance use disorders, and unhealthy relationships intersect with their entry into criminal behavior. Women offenders also face unique barriers to success after incarceration. They are more likely to be primary caregivers for young children, have lower educational attainment, lack stable work history, and experience economic or social marginalization, which prevents them from having more positive outcomes.

The legislature further finds that Act 243, Session Laws of Hawaii 2022, established a three-year women's court pilot program in the circuit court of the first circuit. This program, known as Mohala Wahine, focuses on non-violent

women who are at high risk of recidivism and in need of multiple services such as substance abuse treatment, therapy, or housing. The program began accepting participants in January 2023, with a goal of admitting twenty women each year. As of August 2024, twenty-three women are currently participating in the program, with eleven participants in phase one of treatment and twelve participants in phase two of treatment.

The purpose of this Act is to:

- (1) Permanently establish the women's court program in the first circuit;
- (2) Establish a two-year women's court pilot program in the circuit court of the Kona division of the third circuit, which is intended to acknowledge the distinct pathways that lead women into the criminal justice system and address their individualized needs; and
- (3) Require the judiciary to submit reports to the legislature regarding the pilot program for women's court.

PART II

SECTION 2. Chapter 603, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§603- Women's court program; first circuit. (a) There shall be established within the first circuit of the judiciary the women's court program. The program shall implement trauma-informed and evidence-based practices, employ gender-responsive programming, collaborate with stakeholders, and provide services to women in the court system with the goal of diverting participants from incarceration, supporting their success in the community, and reducing recidivism.

(b) The services offered by the program shall address the following areas:

- (1) Trauma and mental health treatment;
- (2) Family support, including parenting, education, and relationship improvement;
- (3) Life-skills training;
- (4) Education and vocational training;
- (5) Domestic violence prevention;
- (6) Medical services and health education;
- (7) Substance abuse detection, prevention, and treatment;
- (8) Mentoring; and
- (9) Housing support.”¹

PART III

SECTION 3. (a) There shall be established within the third circuit Kona division of the judiciary the women's court pilot program. The women's court pilot program shall be under the supervision of the big island drug court. The judiciary shall be responsible for providing mental health services under this pilot program. The pilot program shall implement trauma-informed and evidence-based practices, employ gender-responsive programming, collaborate with stakeholders, and provide services to women in the court system with the goal of diverting participants from incarceration, supporting their success in the community, and reducing recidivism.

(b) The services offered by the pilot program shall address the following areas:

- (1) Trauma and mental health treatment;

- (2) Family support, including parenting, education, and relationship improvement;
- (3) Life-skills training;
- (4) Education and vocational training;
- (5) Domestic violence prevention;
- (6) Medical services and health education;
- (7) Substance abuse detection, prevention, and treatment;
- (8) Mentoring; and
- (9) Housing support.

SECTION 4. The judiciary shall submit a report of its findings and recommendations, including any proposed legislation, on the pilot program to the governor and legislature no later than forty days prior to the convening of the regular sessions of 2026 and 2027, regarding:

- (1) The status of the women's court pilot program;
- (2) The number of women accepted into the women's court pilot program;
- (3) The number of women who were eligible to participate in the women's court pilot program but who could not be accepted into the pilot program because of pilot program limitations;
- (4) The number of women completing the women's court pilot program;
- (5) The number of women who were removed from the women's court pilot program; and
- (6) Recommendations as to whether the women's court pilot program should:
 - (A) Continue as a pilot program;
 - (B) Expand to include additional participants;
 - (C) Provide additional services; or
 - (D) Be discontinued.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$514,900 or so much thereof as may be necessary for fiscal year 2025-2026 and \$557,000 or so much thereof as may be necessary for fiscal year 2026-2027 for mental health, substance abuse treatment, and other services and equipment, and the establishment of one full-time equivalent (1.0 FTE) temporary Kona drug court probation supervisor position for the women's court pilot program established pursuant to section 3 of this Act.

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

PART IV²

SECTION 6. This Act shall take effect on July 1, 2025; provided that part III shall be repealed on June 30, 2027.

(Approved June 26, 2025.)

Notes

1. Edited pursuant to HRS §23G-16.5.
2. No Ramseyer section.

A Bill for an Act Relating to the Community Outreach Court.

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

SECTION 1. The legislature finds that the worsening problem of homelessness on Oahu has led to residents being cited or arrested for drinking liquor in public, being in public parks after hours, trespassing, illegal camping on sidewalks and other public areas, and other nonviolent or status offenses. Many of those cited are unable to attend court or have misplaced their paperwork due to the transient and unstable nature of homelessness. When a person fails to appear for court and has no known address, courts are left with no option but to issue a bench warrant.

Under Act 55, Session Laws of Hawaii 2017, the judiciary, office of the public defender, and department of the prosecuting attorney of the city and county of Honolulu established a community court outreach project. The goal of the community court outreach project is to assist nonviolent offenders who are charged with offenses that disproportionately impact the homeless community by making court attendance more accessible through holding court in community locations where offenders are found, resolving any active charges, and utilizing alternative sentences such as community service work in cases where prior court judgments could not be satisfied and offenders lack the present ability to pay fines and fees. By resolving these cases, the participants are in a better position to obtain basic necessities such as jobs, income assistance, and housing. The community court outreach project social worker assesses offenders for participation in programs deemed appropriate based upon an offender's need for mental health services, substance abuse treatment, sustenance, shelter, or other appropriate available social services and assists the offenders in obtaining and voluntarily participating in these referred services.

The legislature finds that the community court outreach project has been successful. Since its inception, the project has addressed over ten thousand cases, recalled over nine hundred bench warrants, lifted more than seven thousand driver license stoppers, and provided assistance to over six hundred participants at community-based sites in the judicial districts where participants may live or have access to mental health services, substance abuse treatment, sustenance, shelter, or other social services and who have completed more than seven thousand community service work hours.

Accordingly, the purpose of this Act is to permanently establish and appropriate funds for the community outreach court as a division of the district court of the first circuit.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER COMMUNITY OUTREACH COURT

§ -1 Definitions. As used in this chapter:

“Community outreach court” or “court” means a division of the district court of the first circuit that shall address cases brought before it for nonviolent, nonfelony defendants in which the prosecuting attorney and public defender have reached plea agreements.

“Prosecuting attorney” means:

- (1) The prosecuting attorney for the city and county of Honolulu; and
- (2) Any deputy prosecuting attorney of the department of the prosecuting attorney of the city and county of Honolulu.

“Public defender” means the public defender and any deputy public defender of the office of the public defender, including any court-appointed private attorney appearing on behalf of a defendant based on a conflict with the office of the public defender.

§ -2 Community outreach court; establishment. (a) The community outreach court shall be established as a division of the district court of the first circuit.

(b) The community outreach court shall be held at any duly designated location within the first judicial circuit by any designated judge of the community outreach court.

§ -3 Jurisdiction. (a) The community outreach court shall have concurrent jurisdiction with all district courts of the first circuit to consider and adjudicate nonviolent, nonfelony criminal and traffic offenses, including traffic infractions under chapter 291D, charged to defendants deemed appropriate, after application and acceptance, for participation in the community outreach court.

(b) In any case in which it has jurisdiction, the community outreach court shall exercise general equity powers as authorized by law. Nothing in this chapter shall be construed to limit the jurisdiction and authority of any judge designated as a judge of the community outreach court on matters within the scope of this chapter.

§ -4 Principles and components of the court. The community outreach court shall include the following components:

- (1) Emphasis on the early identification and timely placement of eligible defendants;
- (2) Cooperation between the prosecuting attorney and public defender to resolve cases;
- (3) Alternative sentencing of defendants, such as community service and participation in programs based upon the defendant’s need for mental health services, substance abuse treatment, sustenance, shelter, or other social services and willingness to voluntarily participate in those programs;
- (4) Establishment of a coordinated strategy by the community outreach court to respond to a defendant’s compliance or noncompliance with the defendant’s sentence; and
- (5) Encouragement by the community outreach court of partnerships between the court, public agencies, community-based organizations, and other entities to promote the court’s effectiveness.

§ -5 Court process. (a) The court shall hold hearings at community sites to dispose of cases for which the prosecuting attorney and public defender have negotiated and reached plea agreements on the disposition of the defendants.

(b) The court may only hear and dispose of cases involving nonviolent, nonfelony offenses under laws of the State and ordinances of the city and county of Honolulu determined to be appropriate by the department of the prosecuting attorney of the city and county of Honolulu.

(c) The public defender shall engage a social service or health care professional to provide outreach services to defendants charged with nonviolent, nonfelony offenses who:

- (1) Are willing to participate in the court;
- (2) Are willing to be represented by the public defender; and
- (3) May benefit from participation in the court.

After consulting with the social service or health care professional, the public defender shall develop a list of the defendants who are potential participants in the court and transmit the list to the prosecuting attorney.

(d) Defendants on the potential participant list charged by the department of the prosecuting attorney of the city and county of Honolulu shall be reviewed by the prosecuting attorney, who will decide whether they should participate in the court proceedings. The prosecuting attorney may enter into plea agreement negotiations with the public defender for disposition of those defendants accepted into the community outreach court.

(e) The plea agreement for a defendant may include a fine, community service, court-ordered treatment, other court-ordered condition, or any other action that the court has the authority to take and deems appropriate.

(f) At the hearing, the court may finalize the plea agreement by court order or judgment; provided that the court shall not be bound by the proposed disposition in the plea agreement.”

SECTION 3. Act 55, Session Laws of Hawaii 2017, is repealed.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$71,030 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for one full-time equivalent (1.0 FTE) deputy sheriff position to support the community outreach court.

The sums appropriated under this section shall be expended by the department of law enforcement for the purposes of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$45,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for one full-time equivalent (1.0 FTE) paralegal position.

The sums appropriated shall be expended by the office of the public defender for the purposes of this Act.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$90,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 as a grant-in-aid for one full-time equivalent (1.0 FTE) paralegal position.

The sums appropriated shall be expended by the office of the prosecuting attorney of the city and county of Honolulu for the purposes of this Act.

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. This Act shall take effect on July 1, 2025.

(Approved June 26, 2025.)

ACT 230

H.B. NO. 398

A Bill for an Act Relating to Compensation for Court-Appointed Representation.
Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 571-87, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) The court shall determine the amount of reasonable compensation paid to appointed counsel and ~~guardian~~ guardians ad litem, based on the following rates:

- (1) ~~[\$90]~~ \$150 an hour for in-court or out-of-court services provided by an attorney licensed to practice law in the State; and
- (2) ~~[\$60]~~ \$122 an hour for:
 - (A) ~~Out-of-court services provided by an attorney licensed to practice law in the State; and~~
 - (B) ~~All~~ all services provided by a person who is not an attorney licensed to practice law in the State, whether performed in-court or out-of-court.
- (c) The maximum allowable fee shall not exceed the following schedule:
 - (1) Cases arising under chapters ~~[[587A] and]~~ 346, part X~~[:]~~, and 587A:
 - (A) Predisposition..... ~~[\$3,000;]~~ \$5,500; and
 - (B) Postdisposition review hearing..... ~~[\$1,000;]~~ \$2,000; and
 - (2) Cases arising under chapters 560, 571, 580, and 584 ~~[\$3,000;]~~ \$5,500.

Payments in excess of any maximum provided for under paragraphs (1) and (2) may be made whenever the court in which the representation was rendered certifies, based upon representations of extraordinary circumstances, attested to by the applicant, that the amount of the excess payment is necessary to provide fair compensation in light of those circumstances, and the payment is approved by the administrative judge of that court.”

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 26, 2025.)

ACT 231

H.B. NO. 399

A Bill for an Act Relating to District Court Judges.

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

SECTION 1. Section 604-1, Hawaii Revised Statutes, is amended to read as follows:

“~~§604-1~~ **Judicial circuits; district judges; sessions.** ~~[(a)]~~ There shall be established in each of the judicial circuits of the State a district court with the powers and under the conditions herein set forth, which shall be styled as follows:

- (1) For the First Judicial Circuit: The District Court of the First Circuit[-];
- (2) For the Second Judicial Circuit: The District Court of the Second Circuit[-];
- (3) For the Third Judicial Circuit: The District Court of the Third Circuit[-]; and
- (4) For the Fifth Judicial Circuit: The District Court of the Fifth Circuit.

[(b)] There shall be appointed one or more district judges for each judicial circuit. The district court of the first circuit shall consist of [~~fourteen~~] fifteen judges, who shall be styled as first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, [~~and~~] fourteenth, and fifteenth judge, respectively. One of the district judges shall hear landlord-tenant and small claims matters[-]; provided that when in the discretion of the chief justice of the supreme court the urgency or volume of cases so requires, the chief justice may authorize the judge to substitute for or act in addition to or otherwise in place of any other district judge of the district court of the first circuit. The district court of the second circuit shall consist of three judges, who shall be styled as first, second, and third judge, respectively. The district court of the third circuit shall consist of three judges, who shall be styled as first, second, and third judge, respectively. The district court of the fifth circuit shall consist of two judges who shall be styled as first and second judge, respectively. The chief justice may designate a judge in each circuit as the administrative judge for the circuit.

[(c)] The district courts shall hold sessions at [~~such places~~] any place in their respective circuits and as often as the respective district judges deem essential to the promotion of justice.”

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 26, 2025.)

ACT 232

H.B. NO. 401

A Bill for an Act Relating to District Court Judges.

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

SECTION 1. Section 604-1, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“[(b)] There shall be appointed one or more district judges for each judicial circuit. The district court of the first circuit shall consist of fourteen judges, who shall be styled as first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth judge, respectively. One of the district judges shall hear landlord-tenant and small claims matters[-]; provided that when in the discretion of the chief justice of the supreme court the urgency or volume of cases so requires, the chief justice may authorize the judge to substitute for or act in addition to or otherwise in place of any other district judge of the district court of the first circuit. The district court of the second circuit shall consist of three judges, who shall be styled as first,

second, and third judge, respectively. The district court of the third circuit shall consist of [~~three~~] four judges, who shall be styled as first, second, [~~and~~] third, and fourth judge, respectively. The district court of the fifth circuit shall consist of two judges who shall be styled as first and second judge, respectively. The chief justice may designate a judge in each circuit as the administrative judge for the circuit.”

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 26, 2025.)

ACT 233

S.B. NO. 304

A Bill for an Act Relating to the Judiciary.

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

SECTION 1. The legislature finds that in June 2024, the American Probation and Parole Association published national standards for community supervision which indicated that the optimal caseload distribution according to risk level is: intensive, twenty to one; moderate to high risk, fifty to one; and low risk, two hundred to one. One study highlighted the benefits of following these national standards, showing that recidivism fell by thirty per cent where agencies redistributed caseloads to ensure smaller caseloads of higher-risk individuals. Other research has confirmed that moderate to high-risk persons on probation on a fifty to one caseload receive significantly more office sessions, field visits, employer contacts, telephone check-ins, and substance use disorder and mental health treatment, leading to significantly better probation outcomes, including fewer drug tests and other technical violations. Although the adult client services branch has made efforts to align with the national standards recommended by the American Probation and Parole Association, these standards are unattainable with existing staffing at the adult client services branch.

Accordingly, the purpose of this Act is to enable the adult client services branch to move toward the recommended national best practice standards for community supervision by establishing positions and appropriating funds for the adult client services branch of the first circuit.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$739,440 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to establish permanent positions in the adult client services branch of the first circuit court, including:

- (1) \$73,836 each for eight full-time equivalent (8.0 FTE) probation officer positions;
- (2) \$50,880 for one full-time equivalent (1.0 FTE) social worker assistant position; and
- (3) \$48,936 each for two full-time equivalent (2.0 FTE) clerk positions.

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

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$140,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for operating expenses for the adult client services branch of the first circuit court.

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved June 26, 2025.)

ACT 234

S.B. NO. 694

A Bill for an Act Relating to the Detention of Minors.

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

SECTION 1. Section 571-32, Hawaii Revised Statutes, is amended as follows:

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

“(d) No minor shall be held in a detention facility for juveniles or shelter longer than twenty-four hours, excluding weekends and holidays, unless a petition or motion for revocation of probation[;] or motion for revocation of protective supervision has been filed, or unless the judge orders otherwise after a court hearing. No ex parte motions shall be considered. ~~[For the purposes of this section:~~

- (1) ~~Unless a court finds, after a hearing and in writing, that it is in the interest of justice as provided for in subsection (g)(2), a minor believed to come within section 571-11(1), or a minor awaiting trial or another legal process, who is treated as an adult for purposes of prosecution in criminal court and housed in a secure facility shall not:~~
 - (A) ~~Have sight or sound contact with adult inmates; or~~
 - (B) ~~Be held in any jail or lockup for adults, except as provided in subsection (g)(3); and~~
- (2) ~~Detention in a jail or lockup for adults may be permitted for:~~
 - (A) ~~A minor accused of a non-status offense who is held for a period not to exceed six hours; provided that the minor is being held:~~
 - (i) ~~For processing or release;~~
 - (ii) ~~While awaiting transfer to a juvenile facility; or~~
 - (iii) ~~For a court appearance that occurs within the period of detention; or~~
 - (B) ~~A minor accused of a non-status offense who is awaiting an initial court appearance that will occur within forty-eight hours of the minor being taken into custody, excluding weekends and holidays, and where the jail or lockup for adults is in a location:~~
 - (i) ~~Outside a metropolitan statistical area, as defined by the Office of Management and Budget, and no acceptable alternative placement is available;~~

- (ii) ~~Where the distance to be traveled or the lack of highway, road, or transportation does not allow for court appearances within forty-eight hours, excluding weekends and holidays, such that a brief delay of no more than an additional forty-eight hours is excusable; or~~
- (iii) ~~Where safety concerns exist, such as severe and life-threatening weather conditions that do not allow for reasonably safe travel, in which case the time for an appearance may be delayed until twenty-four hours after the time that conditions allow for reasonably safe travel;~~

~~provided that the minor shall not have sight or sound contact with adult inmates; provided further that the State shall have a policy in effect that requires individuals who work with both minor and adult inmates in collocated facilities to be trained and certified to work with juveniles.]~~

(e) No minor [may] shall be held after the filing of a petition or motion, as specified in subsection (d), unless an order for continued detention or shelter has been made by a judge after a court hearing. If there is probable cause to believe that the minor comes within section 571-11(1), the minor may be securely detained, following a court hearing, in a detention facility for juveniles or may be held in a shelter. If there is probable cause to believe that the minor comes within section 281-101.5 or 571-11(2), the minor may be held, following a court hearing, in a shelter but shall not be securely detained in a detention facility for juveniles for longer than twenty-four hours, excluding weekends and holidays, unless the minor is subject to the provisions of chapter 582, Interstate Compact on Juveniles, or chapter 582D, Interstate Compact for Juveniles, or is allegedly in or has already been adjudicated for a violation of a valid court order, as provided under the federal Juvenile Justice and Delinquency Prevention Act of 1974, as amended.”

2. By amending subsections (g) through (i) to read:

“(g) When a minor is ordered to be held or detained by the court[:

(1) ~~Where a minor transferred for criminal proceedings pursuant to a waiver of family court jurisdiction is detained, the minor shall not:~~

(A) ~~Have sight or sound contact with adult inmates; or~~

(B) ~~Be held in any jail or lockup for adults, unless a court finds, after a hearing and in writing, that it is in the interest of justice;~~

(2) ~~In determining whether it is in the interest of justice to permit a minor to be held in any jail or lockup for adults, or to have sight or sound contact with adult inmates, a court shall consider:~~

(A) ~~The age of the minor;~~

(B) ~~The physical and mental maturity of the minor;~~

(C) ~~The present mental state of the minor, including whether the minor presents an imminent risk of self-harm;~~

(D) ~~The nature and circumstances of the alleged offense;~~

(E) ~~The minor’s history of prior delinquent acts;~~

(F) ~~The relative ability of the available adult and juvenile detention facilities to meet the specific needs of the minor and protect the safety of the public as well as other detained minors; and~~

(G) ~~Any other relevant factor; and~~

(3) ~~If a court determines that it is in the interest of justice to permit a minor to be held in any jail or lockup for adults, or to have sight or sound contact with adult inmates:~~

- (A) ~~The court shall hold a hearing no less frequently than once every thirty days, or in the case of a rural jurisdiction, no less frequently than once every forty-five days, to review whether it remains in the interest of justice to permit the minor to be held in a jail or lockup for adults or to have sight or sound contact with adult inmates; and~~
 - (B) ~~The minor shall not be held in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than one hundred eighty days, unless the court, in writing, determines there is good cause for an extension, or the minor expressly waives this limitation.]~~
- the minor shall not be held in any jail, lockup, or prison for adults.
- (h) A minor may be placed in room confinement in a juvenile detention ~~[or adult jail]~~ facility only under the following conditions:
 - (1) Room confinement may only be used as a temporary response to a minor's behavior, and only if:
 - (A) The behavior poses an immediate and substantial risk of danger to the minor's self or another individual, or a serious and immediate threat to the safety and orderly operation of the facility; provided that any decision to hold a minor in room confinement due to a mental health emergency shall be made by a mental health professional and based upon the mental health professional's examination of the minor; or
 - (B) The minor is an imminent escape risk;
 - (2) Because of the potential impact on a minor's mental or physical health, room confinement may only be used for the minimum time necessary for the minor to regain self-control, and only after less restrictive options or techniques, including de-escalation, conflict and behavioral management techniques, and intervention by a mental health professional, have been attempted, exhausted, and failed;
 - (3) If a minor is placed in room confinement, the reasons for the room confinement shall be explained to the minor. The minor shall also be informed that release from room confinement will occur immediately when the minor exhibits self-control and is no longer deemed a threat to the minor's safety or the safety of others;
 - (4) If a minor is placed in room confinement, the following individuals shall be notified on the next business day and provided the reasons for the room confinement as well as the location and duration of the confinement:
 - (A) The senior judge of the family court;
 - (B) The presiding judge who ordered the minor to be held at the facility;
 - (C) The deputy chief court administrator; and
 - (D) The social services manager of the juvenile client services branch for the circuit court of the first circuit;
 - (5) Room confinement shall not be used for purposes of punishment or disciplinary sanction, coercion, convenience, or retaliation, or to address staffing shortages at the facility;
 - (6) A minor may be held in room confinement for no more than three hours unless the minor is a danger to themselves or another, or the on-call judge grants an extension of no more than three additional hours of confinement. Thereafter, the minor shall be returned to the

general population; provided that if a minor is held in room confinement for more than three hours, a hearing shall be held before the family court on the next business day, at which time the minor shall be provided legal representation;

- (7) A minor shall not be returned to room confinement immediately after returning to the general population from room confinement for the purposes of evading the reporting requirements and room confinement restrictions pursuant to this section;
- (8) If the minor is not returned to the general population following a hearing pursuant to paragraph (6), the minor shall be transferred to a location where services may be provided to the minor without the need for room confinement; provided that if a mental health professional determines that the level of crisis service needed is not presently available at the location, the superintendent or deputy superintendent of the facility shall initiate a referral to a facility that can meet the needs of the minor;
- (9) All rooms used for room confinement shall have adequate and operational lighting, ventilation for the comfort of the minor, and shall be clean and resistant to suicide and self-harm;
- (10) The minor shall have access to drinking water, toilet facilities, hygiene supplies, and reading materials approved by a mental health professional;
- (11) The minor shall have the same access as provided to minors in the general population of the facility to meals, contact with parents or legal guardians, legal assistance, educational programs, and medical and mental health services;
- (12) The minor shall be continuously monitored by facility staff; and
- (13) The judiciary shall post quarterly on the judiciary's website a report of its detention center detailing their compliance with this section. Each report shall include:
 - (A) The number of incidents of room confinement every year;
 - (B) The number of minors impacted;
 - (C) The age, gender identity, and race of minors impacted;
 - (D) Any alternative strategies employed before the use of room confinement, the reasons those alternative strategies failed, and why room confinement was necessary; and
 - (E) The incidence of mental illness.

For the purposes of this subsection:

"Mental health professional" means a qualified mental health professional or mental health professional supervised by a qualified mental health professional.

"Room confinement" means the placement of a minor in a room, cell, or area with minimal or no contact with persons other than court staff and attorneys. "Room confinement" does not include confinement of a minor in a single-person room or cell for brief periods of locked room time as necessary for required institutional operations and does not include confinement during sleep hours.

(i) Provisions regarding bail shall not be applicable to minors detained in accordance with this chapter ~~except~~; provided that bail may be allowed after a minor has been transferred for criminal prosecution pursuant to waiver of family court jurisdiction."

3. By amending subsections (k) and (l) to read:

"(k) Any other provision of law to the contrary notwithstanding, any person otherwise subject to proceedings under chapter 832 and who is under the

age of eighteen may be confined in a juvenile detention facility ~~[or correctional facility]~~ by order of a judge for the purposes set forth in section 832-12, 832-15, or 832-17.

(1) A minor may temporarily be held for processing or while in transit to court in an adult jail or lockup in a county that does not have a juvenile detention facility if the minor is:

(1) Separated by sight and sound from adult inmates; and

(2) Held no longer than is necessary to be transported to court or the nearest juvenile detention facility.

The department of human services through the office of youth services shall certify police station cellblocks and community correctional centers that provide sight and sound separation between minors and adults in temporary secure custody~~[-]~~ pursuant to this subsection. Only cellblocks and centers certified under this subsection shall be authorized to ~~[detain]~~ temporarily hold juveniles pursuant to ~~[section 571-32(d)-]~~ this subsection. The office of youth services may develop sight and sound separation standards, issue certifications, monitor and inspect facilities for compliance, cite facilities for violations, withdraw certifications, and require certified facilities to submit data and information as requested. In addition, the office of youth services may monitor and inspect all cellblocks and centers for compliance with ~~[section 571-32(d)-]~~ this subsection.”

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 26, 2025.)

ACT 235

S.B. NO. 1249

A Bill for an Act Relating to Agriculture.

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

PART I

SECTION 1. This Act shall be known and may be cited as “Duke’s Law” in memory of Cranston “Duke” Pia.

SECTION 2. The legislature finds that agricultural crimes pose a significant and growing threat to the sustainability and vitality of the State’s agricultural industry. These crimes, which include homicide, terroristic threatening, theft, vandalism, trespassing, and illegal hunting on agricultural lands, not only jeopardize the livelihoods of farmers but also undermine food security, disrupt local economies, and erode public confidence in the protection of vital resources. Agriculture remains a cornerstone of the State’s economy and cultural heritage, contributing to both economic diversification and community resilience. However, the increasing prevalence of agricultural crimes poses a grave risk to this essential sector.

The legislature further finds that unauthorized hunting also significantly impacts agricultural lands. Livestock endangerment and losses are common when unpermitted hunters disturb farm animals on agricultural lands, and accidental shootings, noise-related stress, and damaged enclosures put livestock at risk, leading to financial losses for farmers and ranchers. Addition-

ally, the erosion of landowner rights and agricultural stability are also critical concerns, as farmers and ranchers depend on private property rights to maintain secure and productive operations. Unauthorized hunting disregards these rights, undermining responsible land stewardship.

Recognizing the complexity and multifaceted nature of agricultural crimes, this Act is designed to provide a comprehensive response by strengthening existing legal frameworks and establishing clearer definitions and penalties for violations related to agriculture and agricultural lands. By differentiating between administrative and criminal penalties, this Act ensures that the consequences of agricultural crimes are proportionate and effective, thereby enhancing deterrence and accountability.

The legislature affirms its commitment to preserving the State's agricultural legacy and protecting the individuals and communities who dedicate themselves to this critical industry. Through this Act, the State seeks to ensure the safety, integrity, and sustainability of the State's agricultural lands for present and future generations.

Accordingly, the purpose of this Act is to:

- (1) Establish an agricultural enforcement pilot program within the department of law enforcement on the islands of Oahu and Hawaii, to be implemented at the discretion of the deputy director of law enforcement;
- (2) Appropriate funds for and establish positions within the agricultural enforcement pilot program;
- (3) Clarify, create, and strengthen laws regarding crimes and violations related to agriculture or agricultural lands and hunting on private agricultural lands; and
- (4) Establish clear distinctions between administrative and criminal penalties.

PART II

SECTION 3. Chapter 353C, Hawaii Revised Statutes, is amended by adding one new section to be appropriately designated and to read as follows:

“§353C- Agricultural enforcement pilot program. (a) There shall be established within the department an agricultural enforcement pilot program on the islands of Oahu and Hawaii, to be implemented at the discretion of the deputy director of law enforcement. The department shall employ or appoint, and remove, the following persons, subject to chapter 76 and section 78-1:

- (1) An assistant chief, who shall be the administrator of the agricultural enforcement pilot program and shall have charge, direction, and control, subject to the direction or control of the deputy director, of all matters relating to the enforcement of an offense listed in section 708-835.55 involving theft of an agricultural product or commodity and any other matters as determined by the deputy director. The assistant chief shall be an administrator experienced in addressing agricultural theft; and
 - (2) Personnel, state law enforcement officers, and investigators, including but not limited to state law enforcement officers serving on a voluntary basis without pay.
- (b) In addition to all police powers and duties, state law enforcement officers in the agricultural enforcement pilot program shall:
- (1) Focus on offenses under sections 708-830.5, 708-831, 708-832, and 708-833 that involve the theft of an agricultural product or commodity;

- (2) Gather evidence, conduct investigations, and conduct field observations, as required or assigned;
- (3) Cooperate with any enforcement authorities of the federal, state, or county government in the development of programs and mutual aid agreements for agricultural activities within the State; and
- (4) Carry out other duties and responsibilities as determined by the deputy director.

(c) The department shall enter into memoranda of agreement with the division of conservation and resources enforcement of the department of land and natural resources and each county police department, as necessary, to effectuate the purposes of this section.

(d) For purposes of this section, “deputy director” means the deputy director of law enforcement.”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$949,856 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for:

- (1) The establishment of the following positions within the agricultural enforcement pilot program established pursuant to section 353C- , Hawaii Revised Statutes:
 - (A) One full-time equivalent (1.0 FTE) assistant chief position;
 - (B) Two full-time equivalent (2.0 FTE) state law enforcement investigator positions; provided that one position shall be assigned to the county of Hawaii and one position shall be assigned to the city and county of Honolulu; and
 - (C) Six full-time equivalent (6.0 FTE) uniformed state law enforcement officer positions for patrol functions; provided that three positions shall be assigned to the county of Hawaii and three positions shall be assigned to the city and county of Honolulu; and
- (2) Other operating expenditures of the agricultural enforcement pilot program established pursuant to section 353C- , Hawaii Revised Statutes.

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

PART III

SECTION 5. Chapter 142, Hawaii Revised Statutes, is amended by adding two new sections to part I to be appropriately designated and to read as follows:

“§142-A Administrative penalties. (a) Except as otherwise provided by law, the department of agriculture may set, charge, and collect administrative fines, fees, and costs for any violation of this chapter for which a penalty is not otherwise provided, including attorneys’ fees and costs, or bring legal action to recover administrative fines, fees, and costs, including attorneys’ fees and costs, or payment for damages or for the cost to correct damages resulting from a violation of this chapter or any rule adopted thereunder.

(b) For any administrative violation of this chapter or any rule adopted thereunder, unless provided otherwise by law, the fine shall be as follows:

- (1) For a first violation, or any violation not preceded within a five-year period for the same violation, a fine of not more than \$200;
- (2) For a second violation within five years of a previous violation, a fine of not more than \$500; and
- (3) For a third or subsequent violation within five years of a previous violation, a fine of not more than \$1,000.

Each day or instance of violation shall constitute a separate violation.

(c) The board of agriculture may impose applicable fines by order in addition to any other administrative or judicial remedy provided by this chapter or any rule adopted thereunder.

(d) For any judicial proceeding to recover a fine, fee, or cost imposed under this section, the chairperson of the board of agriculture need only show that:

- (1) Notice was given and a hearing was held or the time granted for requesting a hearing has expired without receiving a request;
- (2) The fine, fee, or cost was imposed; and
- (3) The fine, fee, or cost remains unpaid.

(e) In addition to any other administrative or judicial remedy provided in this chapter or any rule adopted thereunder, the department of agriculture may impound, seize, confiscate, destroy, quarantine, sell, auction, or dispose of any animal, animal product, container, crate, or any other item under the jurisdiction of this chapter in the best interest of the State.

(f) Any criminal action against a person for any violation of this chapter or any rule adopted thereunder shall not preclude the State from pursuing civil legal action to recover administrative fines, fees, or costs or damages against the person. Any civil legal action to recover administrative fines, fees, or costs or damages for a violation of this chapter or any rule adopted thereunder shall not preclude the State from pursuing any appropriate criminal action against that person. Unless otherwise provided, all fines, fees, costs, and damages recovered by the department of agriculture pursuant to this section shall be deposited in the animal industry special fund established under section 142-3.6.

§142-B Habitual agricultural crime. (a) A person commits the offense of habitual agricultural crime if the person is a habitual agricultural crime perpetrator and commits a criminal offense under this chapter.

(b) For the purposes of this section, “habitual agricultural crime perpetrator” means a person who, within five years of the instant offense, has any combination of three or more prior convictions for criminal offenses under this chapter or one or more prior convictions under this section. 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 agricultural crime perpetrator. Proof that the person has the requisite minimum prior convictions shall be sufficient to establish this element.

- (c) Habitual agricultural crime is a class C felony.
- (d) For a conviction under this section, the sentence shall be either:
 - (1) An indeterminate term of imprisonment of five years; provided that the minimum term of imprisonment shall be not less than one year; or
 - (2) 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 6. Chapter 142, Hawaii Revised Statutes, is amended by adding two new sections to part II to be appropriately designated and to read as follows:

“§142-C Definitions. As used in this part:

“Brand” means a design that is permanently impressed on the hide of an animal by burning with acid, a chemical compound, or a hot iron.

“Mark” means a design that is cut into or from the ear, dewlap, or other part of an animal.

§142-D Inspection before slaughter. No person shall allow livestock to enter a livestock harvesting establishment that slaughters or processes livestock meat and meat products unless the establishment’s management has conducted a prior examination and inspection to verify the brand on animals match the ownership of the consignee, collects a copy of and confirms the brand with the ownership of the livestock ownership and movement certificate pursuant to section 142-49. The establishment’s management may seek assistance from the department of agriculture or a law enforcement officer if ownership determination via brand inspection is in question, or violation or theft is suspected. Livestock ownership and movement certificates that correlate with all livestock harvested at the plant shall be submitted by the establishment’s management to the department of agriculture weekly.”

SECTION 7. Section 142-2, Hawaii Revised Statutes, is amended to read as follows:

“§142-2 Rules. Subject to chapter 91, the department of agriculture may make and amend rules for the inspection, quarantine, disinfection, or destruction, either upon introduction into the State or at any time or place within the State, of animals and the premises and effects used in connection with the animals. Included therein may be rules governing the control and eradication of transmissible diseases of animals and the transportation of animals between the different islands of the State and along the highways thereof, the registration and inspection of brands or marks on livestock, as well as rules requiring the owner or captain of any vessel or aircraft arriving in the State with animals aboard and the managers or agents of trucking and air and water transportation companies carrying animals within the State to report on the number and class of animals carried, names of owners and consignees, the places to and from which the animals are shipped, the manner of handling the animals, the number of deaths or injuries to animals occurring in transit or while being loaded or unloaded, together with the causes of the deaths or injuries, and all other matters ~~[which]~~ that may be deemed necessary by the department for a full and complete record of the shipping and handling of animals. The department may also prohibit the importation into the State from any foreign country or other parts of the United States or the movement from one island within the State to another island therein or to one locality from another locality on the same island, of animals known to be or suspected of being infected with a contagious, infectious, or communicable disease or known to have been exposed to any of those diseases.”

SECTION 8. Section 142-3, Hawaii Revised Statutes, is amended to read as follows:

“§142-3 Department~~[-];~~ general duties[-] and powers. (a) The department of agriculture shall have charge, direction, and control of all matters relating to the inspection of animals, including brand inspection, and the prevention and eradication of contagious, infectious, and communicable diseases among animals and of all matters relating to the animal industry within this chapter.

(b) In the performance of its duties under this chapter, the department of agriculture may:

- (1) Conduct investigations, collect data, and require reports from owners of animals, including livestock animals, as may be necessary to conduct inspections or facilitate its decisions;
- (2) Enter upon private property, including agricultural lands, as may be necessary in making any investigation or inspection required or authorized by this chapter; provided that the entry shall not constitute a cause of action in favor of the owner of the land, except for damages resulting from wilful acts or negligence by the department or its employees acting in the course of their official duties;
- (3) Establish and assess fees pursuant to chapter 91 to cover a portion of the department's costs in carrying out the implementation and administration of any programs established or authorized under this chapter;
- (4) Recover expenses incurred in taking any action required by the owner of the animals, including livestock, in the same manner that debts are recoverable by law;
- (5) Assess and collect administrative penalties for violation of this chapter, any rule adopted thereunder, or order issued by the department or board of agriculture pursuant to this chapter;
- (6) Place liens, as needed, on the owner's property, to be collected as delinquent taxes against lands and property, if the owner neglects to pay any costs, expenses, or penalties chargeable to the owner under this chapter, or any rule, order, or condition adopted, issued, or required under this chapter;
- (7) With the assistance of the attorney general, institute and pursue all court actions that may be necessary to obtain the enforcement of any order issued by the department or board of agriculture in carrying out this chapter;
- (8) Cooperate, advise, consult, contract, or enter into cooperative agreements with the United States government, or any of its agencies, other state agencies, or the county governments, or any of its agencies; and
- (9) Take any and all other actions as may be necessary to carry out this chapter."

SECTION 9. Section 142-3.6, Hawaii Revised Statutes, is amended to read as follows:

"§142-3.6 Animal industry special fund. There is established the animal industry special fund to be administered by the board of agriculture. Moneys received by the board of agriculture from:

- (1) The use or rental of the division of animal industry's properties or facilities, including the animal quarantine property or facilities pursuant to section 142-3.5;
- (2) Revenue from fees for diagnostic, surveillance, and other work by the animal industry division veterinary laboratory and animal disease control branch; ~~[and]~~
- (3) Fines, fees, costs, and damages recovered by the department of agriculture under section 142-A;
- (4) Fees for applications to register a brand or mark pursuant to section 142-41; and

~~[(3)]~~ (5) Appropriations or other moneys made available, shall be deposited into the special fund. Fines collected under section 708- shall be deposited into the special fund. All interest earned or accrued on moneys deposited in the special fund shall become part of the special fund. Moneys in the special fund shall be expended to cover costs of the division of animal industry, including the costs of salaries, fringe benefits, operating expenses, equipment, motor vehicles, contract with any qualified person or entity for livestock handling services, improvements to laboratory capabilities and operations, and operating and maintenance of the animal industry facilities; provided that moneys in the special fund may be used to fund the department's resource management and planning programs. A reserve shall be maintained in the special fund to cover contingency costs, including accrued vacation leave, unemployment insurance, and workers' compensation."

SECTION 10. Section 142-4, Hawaii Revised Statutes, is amended to read as follows:

"§142-4 Entry of animals without inspection prohibited. (a) No animal shall be allowed to enter the State except after inspection by the department of agriculture and the issuance of a permit by the department to the consignee or owner; provided that no fees for inspection shall be charged, nor delays caused, concerning the landing of any domestic animal for which a certificate of health has been issued as prescribed by the Federal Cattle Contagious Disease Act. Every carrier, owner, or handler bringing animals into the State shall be required to present these animals to the department of agriculture for inspection.

(b) Any person who fails to present an animal pursuant to subsection (a) shall be assessed an administrative penalty of not more than \$1,000 for each violation. Each animal that enters the State without inspection shall constitute a separate violation."

SECTION 11. Section 142-8, Hawaii Revised Statutes, is amended to read as follows:

"§142-8 Notification of arrival. (a) The captain of any vessel or aircraft transporting any live animal to any port in ~~[this] the~~ State shall immediately upon arrival in the State notify the department of agriculture. No animal so transported, nor any portion of the food or water nor any effects connected therewith or provided for the animal's use during transit, shall be removed from the wharf or airport until the department of agriculture has inspected and passed the same. The department~~[-]~~ of agriculture, at the owner's or shipper's expense, may require that the animal be moved to a more suitable location for inspection.

(b) A person who violates this section shall be guilty of a misdemeanor."

SECTION 12. Section 142-12, Hawaii Revised Statutes, is amended to read as follows:

"§142-12 Penalties. (a) Any person violating any provision of this chapter or any rule adopted pursuant ~~[thereto, for which action a penalty is not otherwise provided, is guilty of a misdemeanor and, upon conviction thereof,]~~ to this chapter that is designated as a petty misdemeanor shall be [punished] sentenced as follows:

- (1) For the first ~~[conviction, by]~~ offense, or any offense not preceded within a five-year period by an offense under the same section, a fine of not ~~[more]~~ less than ~~[\$1,000]~~ \$250 or ~~[by]~~ imprisonment of ~~[not more than one year,]~~ thirty days or less, but not less than three consecutive days, or both~~[-]~~;

- (2) For ~~[a second conviction within one year]~~ an offense that occurs within five years of a previous conviction[, by] for an offense under the same section, a fine of not less than \$500 ~~[nor more than \$1,000]~~ or ~~[by]~~ imprisonment of ~~[not more than one year,]~~ thirty days or less, but not less than ten days, or both~~[-]; and~~
 - (3) For ~~[a third conviction]~~ an offense that occurs within five years of [the first conviction, by] two or more previous convictions for offenses under the same section, a fine of ~~[not less than]~~ \$1,000 or ~~[by]~~ imprisonment of ~~[one year,]~~ thirty days, or both.
- (b) Any person~~[-, carrier, or handler who has been convicted of a violation]~~ violating any provision of this chapter ~~[more than three times within a five-year period or whose violation poses a grave or serious health threat to the State's citizens, animal industry, wildlife, or domestic animals, shall be guilty of a class C felony and upon conviction]~~ or any rule adopted pursuant to this chapter that is designated as a misdemeanor shall be [punished] sentenced as follows:
- (1) For the first ~~[conviction, by]~~ offense, or any offense not preceded within a five-year period by an offense under the same section, a fine of not ~~[more]~~ less than ~~[\$5,000]~~ \$500 or ~~[by]~~ imprisonment of ~~[not more than five years,]~~ one year or less, but not less than five consecutive days, or both~~[-];~~
 - (2) For ~~[a second conviction]~~ an offense that occurs within five years of a previous conviction[, by] for an offense under the same section, a fine of not less than ~~[\$3,000 nor more than \$5,000 or by]~~ \$1,000 or imprisonment of ~~[not more than five years,]~~ one year or less, but not less than thirty days, or both~~[-]; and~~
 - (3) For ~~[a third or subsequent conviction]~~ an offense that occurs within five years of [the first conviction, by] two or more previous convictions for offenses under the same section, a fine of ~~[not less than \$5,000 or by]~~ \$2,000 or imprisonment of ~~[not more than five years,]~~ one year, or both.
- (c) ~~[In addition to the penalties in subsection (a) or (b) and for the first conviction, the department of agriculture may impound, seize, confiscate, destroy, quarantine, sell, auction, or dispose of any animal, animal product, container, crate, or any other item under the jurisdiction of this chapter in the best interest of the State.] Any provision of this chapter or any rule adopted pursuant to this chapter that is not specifically designated as a petty misdemeanor, misdemeanor, or felony, shall be enforced via civil or administrative means.~~
- (d) ~~[Persons found to be in possession of any animal, fodder, fittings, or effects contrary to this chapter shall be found guilty and upon conviction shall be punished in accordance with this section.] Any property used or intended for use in the commission of, attempt to commit, or conspiracy to commit a violation of this chapter, or that facilitated or assisted the activity, and any proceeds or other property acquired or maintained with the proceeds from a violation of this chapter may be ordered forfeited to the State, subject to the requirements of chapter 712A.]~~

SECTION 13. Section 142-18, Hawaii Revised Statutes, is amended to read as follows:

“§142-18 Disposal of tuberculous animals. (a) The owner of all cattle reacting to the tuberculin test shall, subject to section 142-16, cause them to be segregated immediately and, within a reasonable time thereafter, to be delivered

for slaughter at ~~[such]~~ a time and place as may be designated by the department of agriculture. The slaughter shall be under the direct supervision of the department of agriculture and in accordance with the meat inspection regulations of the United States Department of Agriculture.

(b) Any person who fails to segregate tuberculous animals or deliver them for slaughter shall be guilty of a misdemeanor."

SECTION 14. Section 142-20, Hawaii Revised Statutes, is amended to read as follows:

"§142-20 Premises from which tuberculous cattle removed to be disinfected. (a) Any premises ~~[upon which have been kept]~~ where animals affected with tuberculosis have been kept shall be disinfected promptly after the removal of the animals ~~[and]~~, in a manner satisfactory to the department of agriculture and at the expense of the owner.

(b) Violation of this section shall be a misdemeanor."

SECTION 15. Section 142-23.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Any person who violates [the provisions of] subsection (a) [of this section] shall be [fined not more than \$1,000 or imprisoned not more than one year, or both:] guilty of a misdemeanor."

SECTION 16. Section 142-41, Hawaii Revised Statutes, is amended to read as follows:

"§142-41 Brands or marks to be registered and recorded[, etc.]; penalties. (a) Every owner of livestock in the State shall have the owner's brand or mark, in order to secure its validity and individuality, recorded in a separate book kept for that purpose by the department of agriculture to be known as the "Hawaii Brand Book". No brand or mark shall be recorded ~~[which]~~ that may be similar or approximate in design to any brand or mark ~~[which]~~ that has been previously recorded. No record shall be made of any earmark, except only as supplemental identification of a brand. Numerals from 1 to 9 and 0, not used in combination or with symbols, as a brand, shall not be subject to preemptive use but shall be the common property of all persons.

(b) The department of agriculture shall establish, by rule adopted pursuant to chapter 91, a fee for each application [for registration shall be established by rule adopted pursuant to chapter 91:] to register a brand or mark. The application may be made directly to the department[.] of agriculture, through its duly authorized agents, or through any duly authorized police officer. The chief of police of the respective counties shall authorize police officers to receive applications for registration of brands under this section. All moneys [so] received under this section shall be [paid to the director of finance,] deposited with the director of finance who shall deposit the moneys into the animal industry special fund established pursuant to section 142-3.6. A signed and dated receipt shall be issued for each paid application. All applications shall be promptly forwarded to the department[.] of agriculture.

(c) If it is determined that the application seeks the registration of a brand [which] that either has not already been recorded by another person or is not similar in design to any other previously recorded brand [which] that has not expired, then a certificate showing that [such] the brand or mark has been duly recorded shall be issued forthwith to the applicant. [No record shall be made of any earmark, except only as supplemental identification of a brand. Numerals from 1 to 9 and 0, not used in combination or with symbols, as a brand, shall not be subject to preemptive use but shall be the common property of all persons.]

(d) It shall be unlawful for any person to use any brand that has not been duly registered pursuant to this section and any rule adopted thereunder. Any person who violates this subsection shall be fined not more than \$200. Each instance a brand is used in violation of this subsection shall constitute a separate violation.

SECTION 17. Section 142-47, Hawaii Revised Statutes, is amended to read as follows:

“§142-47 [Obliterating] Altering, removing, or obliterating brand[;] or mark; penalty. Any person who alters, removes, or obliterates any brand or mark, on any animal, by placing another brand or mark over the same, or otherwise, ~~[although without felonious intent,]~~ shall be fined not more than ~~[\$200]~~ \$500 for every brand or mark so altered, removed, or obliterated.”

SECTION 18. Section 142-48, Hawaii Revised Statutes, is amended to read as follows:

“§142-48 [Felonious] Prohibited branding[;] or marking; penalty. ~~[Whoever wilfully and feloniously brands, or otherwise marks,]~~ Any person who intentionally or knowingly places their own brand or mark on any ~~kine, horse, mule, sheep, goat, or other cattle belonging to another[; with one's mark,]~~ or ~~[with]~~ places the brand or mark of ~~[another not]~~ anyone other than the animal's owner ~~[of the animal so branded or marked,]~~ with the intent to convert it to one's own use[;] or to the use of another shall be ~~[imprisoned not more than one year, or fined not more]~~ guilty of a class C felony and, in addition to any other penalties imposed by the court, be fined not less than ~~[\$200]~~ \$1,000 for each kine, horse, mule, sheep, goat, or other cattle thus branded or marked.”

SECTION 19. Section 142-49, Hawaii Revised Statutes, is amended to read as follows:

“§142-49 Livestock ownership and movement certification[;] penalty.
(a) Every owner, upon sale or transportation of livestock, including cattle, horses, sheep, goats, pigs, bison, or llamas, shall complete a certificate describing the animal or animals including sex, breed, age, and brand and indicating the seller or owner, buyer or consignee, and origin and destination. Two copies of the certificate shall accompany the shipment, one copy shall be given or electronically transmitted to the department of agriculture, and ~~[a]~~ one copy shall be retained by the owner. One of the copies of the certificate shall be presented upon request to a law enforcement officer or other officer or employee as described in section 142-29.

(b) Any person who violates this section upon the sale of livestock, transport of livestock to slaughter, or transport of livestock interisland or interstate shall be assessed an administrative penalty of up to \$500 per animal moved without a certificate.”

SECTION 20. Section 142-61, Hawaii Revised Statutes, is amended by amending subsection (i) to read as follows:

“(i) Any person who constructs or maintains an electrically charged fence or fence with electrically charged attachments not conforming to the requirements of this section shall be ~~[fined no more than \$500, or imprisoned no more than one year, or both,]~~ guilty of a misdemeanor.”

SECTION 21. Section 142-62, Hawaii Revised Statutes, is amended to read as follows:

“§142-62 Breaking, etc., of fence; penalty. If any person maliciously and designedly opens a gateway, or breaks a fence, so as to allow any animal ingress or egress, so that it may commit a trespass, or maliciously and designedly drives or leads any animal into another locality where it may commit a trespass, the person shall, for every offense, be ~~[fined not more than \$100, or imprisoned not more than one year.]~~ guilty of a petty misdemeanor.”

SECTION 22. Section 142-72, Hawaii Revised Statutes, is amended to read as follows:

“§142-72 Procedure, if owner believes impounding illegal. If the owner of any animal taken up for trespass has reason to believe that the taking up or impounding of the animal was illegal, or if the owner regards the claim for damages or expenses as excessive, the owner may have the owner’s animal returned to the owner upon the ~~[owner’s]~~ owner delivering to the landowner or to the pound keeper~~[-if the animal has been impounded,]~~ a certificate from any district judge of the circuit~~[-]~~ in which the animal was impounded, stating that the owner has deposited with the judge the amount claimed by the landowner, together with the pound fees, if any, or a good and sufficient bond for the same and the costs of an action before the judge.”

SECTION 23. Section 142-74, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) If any dog, while on private property without the consent of the owner of that property, injures or destroys any sheep, cattle, goat, hog, fowl, or other property belonging to any person other than the owner of the dog, the owner of the dog shall be liable in damages to the person injured for the value of the property so injured or destroyed. The owner of the dog shall confine or destroy the dog, and if the owner of the dog neglects or refuses to do so, the owner of the dog, in the event of any further damage being done to the person or property of any person by the dog, in addition to paying the person injured for the damage, shall be guilty of a misdemeanor and pay the costs of the trial ~~[together with the penalty imposed under section 142-12],~~ and it shall be lawful for any other person to destroy the dog.”

SECTION 24. Section 142-91, Hawaii Revised Statutes, is amended to read as follows:

“§142-91 Destruction of animals ferae naturae~~[-];~~ penalty. (a) No person shall shoot or otherwise destroy any animal ferae naturae or its progeny within ten years of the introduction of the species into the State.

(b) Nothing in this section shall be construed to prohibit the destruction of ~~[such]~~ animals ~~[as shall be proved]~~ that are proven to be common nuisances.

(c) Any person who violates this section shall be guilty of a misdemeanor.”

SECTION 25. Section 142-93, Hawaii Revised Statutes, is amended to read as follows:

“§142-93 Harboring mongoose; penalty. Any person harboring, feeding, or in any way caring for a mongoose, except upon and according to the terms of a written permit ~~[which]~~ that may be granted ~~[therefor]~~ by the department of agriculture, in its discretion, to scientists, scientific institutions, associations, or colleges, or to officers, boards, or commissions of the State or any county, shall be ~~[penalized pursuant to section 142-12;]~~ guilty of a misdemeanor.”

SECTION 26. Section 142-95, Hawaii Revised Statutes, is amended to read as follows:

“§142-95 Rabbits, Belgian hares, to be kept off ground; penalty. (a) Any person who breeds, raises, or keeps rabbits or Belgian hares shall keep them off the ground.

(b) Any person who violates this section shall be ~~[fined not more than \$100 or imprisoned not more than six months, or both.]~~ guilty of a petty misdemeanor.”

PART IV

SECTION 27. Section 145-5, Hawaii Revised Statutes, is amended to read as follows:

“§145-5 Reports of consignment sales. Every commission merchant shall make a written report to the producer for farm produce handled on consignment ~~[in] on~~ behalf of said producer ~~[which shall be]~~, within ~~[such]~~ the time and ~~[in such detail]~~ manner as may be prescribed by the department. Making a false or incorrect report shall constitute a misdemeanor under section 145-12.”

SECTION 28. Section 145-12, Hawaii Revised Statutes, is amended to read as follows:

“§145-12 ~~[Misdemeanor.] Criminal penalties.~~ ~~[Any]~~ Unless otherwise provided, any person who violates this chapter shall be ~~[fined not more than \$1,000 or imprisoned not more than one year, or both.]~~ guilty of a misdemeanor.”

SECTION 29. Section 145-22, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Every person, upon sale of any agricultural commodity or upon transportation of lots of any agricultural commodity ~~[of more than two hundred pounds or with a value of at least \$100 that is marketed for commercial purposes]~~, shall complete and retain a certificate describing the commodity, the amount of the commodity, and value of the commodity~~[-and]~~. The certificate shall include:

- (1) The seller’s name, residence address, telephone number, and license plate number of any vehicle used by the seller to deliver the commodity to the place of purchase;
- (2) The name of the farm owner and address of origin;
- (3) The name of the buyer or consignee, and destination; and
- (4) The signature of the seller and, upon sale, the signature of the buyer or consignee.”

2. By amending subsection (e) to read:

“(e) ~~[This]~~ A failure to comply with any requirement under this section shall constitute a criminal offense subject to penalties under section 145-25; provided that this section shall not apply to the retail sale of an agricultural commodity to the final consumer.”

SECTION 30. Section 145-24, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§145-24]]~~ Authorization to inspect. (a) Every law enforcement officer or other officer or employee ~~[as described in section 145-25]~~ having ~~[probable cause]~~ reason to believe based upon specific and articulable facts that the possession, sale, or transportation of agricultural commodities is unlawful, may take reasonable steps to detain the person having possession, selling, or

transporting the agricultural commodities and request from the person being detained proof of ownership of the commodities.

(b) For the purposes of this section, “officer or employee” has the same meaning as defined in section 145-27.”

SECTION 31. Section 145-25, Hawaii Revised Statutes, is amended to read as follows:

“§145-25 Enforcement; criminal penalties. ~~[Violations]~~ In addition to any civil or administrative penalties or remedies, violations of this part or any rule adopted pursuant thereto shall be criminal offenses and shall be sentenced as follows:

- (1) ~~[A violation]~~ Any offense in which the value of the agricultural commodity exceeds \$100 shall be a class C felony; and
- (2) ~~[A violation]~~ Any offense in which the value of the agricultural commodity is \$100 or less shall be a misdemeanor.”

SECTION 32. Section 145-23, Hawaii Revised Statutes, is repealed.

PART V

SECTION 33. Section 146-22, Hawaii Revised Statutes, is amended to read as follows:

“§146-22 Reports. Every person who slaughters a calf, heifer, cow, steer, or bull, whether wild or domesticated, at any place other than a duly licensed slaughterhouse shall comply with section 146-21 and~~[, in addition thereto, shall forthwith]~~ report ~~[such]~~ the slaughtering to the officer in charge of recording brands. ~~[Such]~~ The report shall include a description of the animal slaughtered, including its sex and a full description of each and every brand on the animal, the date and place of slaughter, and the name of the person from whom, and date when, the animal was acquired. If any of the described brands on the animal appear to be altered, removed, or obliterated, as described in section 142-47, or to be ~~[felonious]~~ prohibited, as described in section 142-48, the person discovering the altered, removed, obliterated, or prohibited brand shall make a report of the altered, removed, obliterated, or [felonious] prohibited brand to any law enforcement officer or the department of agriculture, as provided by law, and the appropriate law enforcement agency [pursuant to rules adopted by the department of agriculture].”

SECTION 34. Section 159-15, Hawaii Revised Statutes, is amended to read as follows:

“§159-15 Bonding. Upon a person being granted a license to slaughter animals for the purpose of using the meat or meat products thereof in intrastate commerce, the board shall exact from the licensee a bond, or other form of surety acceptable to the board or an appropriate agent, officer, or employee designated by the board, in the penal sum of \$5,000, the bond or other form of surety to be obtained from a surety company or financial institution authorized to do business in the State and to be so conditioned that the licensee shall be required to keep a full and accurate record concerning every animal ~~[which]~~ that the licensee may purchase, kill, or sell; and that the licensee will at all times during regular business hours keep the record open for the inspection by representatives of the board who may desire to examine the same. The record shall contain:

- (1) The sex of the animal[-];
- (2) A full description of each and every brand on the animal, stating the position of each brand on the animal. If any of the described brands on the animal appear to be altered, removed, or obliterated, as described in section 142-47, or to be [~~felonious,~~] prohibited, as described in section 142-48, the person shall make a report of the altered, removed, obliterated, or [~~felonious,~~] prohibited brand to the appropriate law enforcement agency pursuant to rules adopted by the department of agriculture[-];
- (3) Ear tag number or other mark of identification[-];
- (4) The principal color of the animal[-];
- (5) The name of the person who sold the animal to the licensee[-];
- (6) The date when the animal was sold to the licensee[-];
- (7) The date when the animal was delivered to the licensee[-]; and
- (8) The date when the animal was killed.”

PART VI

SECTION 35. Section 183D-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Agricultural land” means any land used primarily for a farming operation, as defined in section 165-2. “Agricultural land” includes land used for farm buildings and dwellings and roads and irrigation infrastructure associated with the agricultural land.”

SECTION 36. Section 183D-5, Hawaii Revised Statutes, is amended to read as follows:

“**§183D-5 Penalties.** (a) Any person violating section 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under this chapter shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be [~~punished~~] sentenced as follows:

- (1) For a first conviction, by a mandatory fine of not less than \$100, or imprisonment of not more than thirty days, or both;
 - (2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than \$500, or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State; and
 - (3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than \$1,000, or by imprisonment of not more than thirty days, or both, and all firearms used in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State.
- (b) Any person violating section [~~183D-66,~~] 183D-25.5, [~~183D-26, 183D-27,~~] 183D-32, 183D-62, [~~or~~] 183D-64, or 183D-66 shall be guilty of a misdemeanor, and upon conviction thereof, shall be [~~punished~~] sentenced as follows:
- (1) For a first conviction, by a mandatory fine of not less than \$200, or by imprisonment of not more than one year, or both and all animal parts, products, or items containing prohibited animal parts or products involved in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State;
 - (2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than \$1,000, or by imprisonment of not more than one year, or both, and all firearms, animal parts,

products, or items containing prohibited animal parts or products used in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State; and

- (3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than \$2,000, or by imprisonment of not more than one year, or both, and all firearms, animal parts, products, or items containing prohibited animal parts or products used in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State[-];

provided that any violation of section 183D-26 or 183D-27 that occurs on agricultural land shall be sentenced pursuant to subsection (d).

(c) Any person who violates section 183D-52 shall be guilty of a misdemeanor, and upon conviction thereof, shall be ~~[punished]~~ sentenced as follows:

- (1) For a first conviction, by a mandatory fine of not less than \$10,000 and payment of any costs incurred in the eradication of any deer and the deer's progeny that has been possessed, transferred, transported, or released after transport, or [by]¹ imprisonment of not more than one year, or both;
- (2) For a second conviction within five years of a previous conviction, by a mandatory fine of not less than \$15,000 and payment of any costs incurred in the eradication of any deer and the deer's progeny that has been possessed, transferred, transported, or released after transport, or by imprisonment of not more than one year, or both; and
- (3) For a third or subsequent conviction within five years of the first two or more convictions, by a mandatory fine of not less than \$25,000 and payment of any costs incurred in the eradication of any deer and the deer's progeny that has been possessed, transferred, transported, or released after transport, or by imprisonment of not more than one year, or both[-];

provided that any violation of section 183D-26 or 183D-27 that occurs on agricultural land shall be sentenced pursuant to subsection (d).

(d) Any person who violates section 183D-26 or 183D-27, if the offense occurred on agricultural land, shall be guilty of a class C felony, and upon conviction thereof, shall be sentenced as follows, without possibility of probation or suspension of sentence:

- (1) For a first offense, or any offense not preceded within a ten-year period by a conviction for an offense under the same section:
 - (A) An indeterminate term of imprisonment of five years with a mandatory minimum term of imprisonment of not less than one hundred eighty days; or
 - (B) A term of probation of four years with conditions to include but not be limited to not less than one hundred eighty days of imprisonment; or
- (2) For an offense that occurs within ten years of a previous conviction for an offense under the same section, an indeterminate term of imprisonment of five years with a mandatory minimum term of imprisonment of not less than one year;

provided that all animal parts, products, or items containing prohibited animal parts or products involved in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State; provided further

that any property used in the commission of the offense, or that facilitated or assisted in the offense, including firearms, hunting animals, or vehicles, shall be subject to forfeiture under chapter 712A.

~~[(d)]~~ (e) Any person who violates section 183D-35, 183D-36, 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be fined not less than \$100 or imprisoned not more than thirty days, or both.

~~[(e)]~~ (f) In addition to any other penalty imposed under this section, a mandatory fine of \$100 shall be levied for each bird illegally taken under this chapter and a mandatory fine of \$500 shall be levied for each mammal illegally taken under this chapter.

~~[(f)]~~ (g) Any person who is convicted of violating any of the game laws of the State shall immediately have the person's hunting license forfeited and any person convicted for a second offense shall not be granted a license to hunt for a period of three years after the date of the second conviction.

~~[(g)]~~ (h) The environmental court, in lieu of the actual cash payment of any mandatory fine, may allow the defendant to perform the community service as directed by the department of land and natural resources at the rate of one hour of service for every \$10 of mandatory fine imposed.

~~[(h)]~~ (i) Any criminal action against a person for any violation of this chapter shall not be deemed to preclude the State from pursuing civil legal action to recover administrative fines and costs against that person. Any civil legal action against a person to recover administrative fines and costs for any violation of subtitle 4 of title 12 or any rule adopted thereunder shall not be deemed to preclude the State from pursuing any criminal action against that person."

SECTION 37. Section 183D-27, Hawaii Revised Statutes, is amended to read as follows:

"§183D-27 Night hunting on private lands; prohibition. (a) Notwithstanding section 183D-26, no person shall take or pursue any game bird, game mammal, wild bird, or wild mammal at night on privately owned lands, except as authorized by the department pursuant to section 183D-61. For the purpose of this section, "night" means the period between one-half hour after sunset and one-half hour before sunrise.

(b) For purposes of this section, the fact that the person is found upon any privately owned agricultural land shall be prima facie evidence that the person knew that the person had entered privately owned agricultural land.

(c) If the offense occurs on agricultural land, any property used or intended for use in the commission of, attempt to commit, or conspiracy to commit the offense, or that facilitated or assisted the activity, and any proceeds or other property acquired or maintained with the proceeds from the offense may be ordered forfeited to the State, subject to the requirements of chapter 712A."

PART VII

SECTION 38. Chapter 708, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

"§708- Criminal trespass on agricultural land. (1) A person commits the offense of criminal trespass on agricultural land if the person enters or remains unlawfully on agricultural land without the permission of the owner of the land, the owner's agent who is authorized by the owner to give the permission, or the person in lawful possession of the land, and the agricultural land:

- (a) Is fenced, enclosed, or secured in a manner designed to exclude intruders or marked by a structure or barrier, including a cattle grid, cattle grate, or other obstacle, used to secure livestock; or
- (b) At the time of entry, is fallow or has a visible presence of livestock-raising, such as cattle, horses, water troughs, shelters, or paddocks, or a crop:
 - (i) Under cultivation;
 - (ii) In the process of being harvested; or
 - (iii) That has been harvested.
- (2) Subsection (1) shall not apply to:
- (a) A process server who enters or remains in or upon the land or premises of another, unless the land or premises are secured with a fence and locked gate, for the purpose of making a good faith attempt to perform the process server's legal duties and to serve process upon any of the following:

- (i) An owner or occupant of the land or premises;
- (ii) An agent of the owner or occupant of the land or premises; or
- (iii) A lessee of the land or premises.

For the purposes of this paragraph, "process server" means any person authorized under the Hawaii rules of civil procedure, district court rules of civil procedure, Hawaii family court rules, or section 353C -11 to serve process; or

- (b) A professional land surveyor, or assistant under the direct supervision of the professional land surveyor, who enters or remains in or upon the land or premises of another for the purpose of performing land surveying at the request of the landowner of, or person with an interest in, the real property to be surveyed.

(3) Except as provided in subsection (4), criminal trespass on agricultural land shall be a misdemeanor, and any person who violates this section shall be sentenced as follows, without possibility of probation or suspension of sentence:

- (a) For a first offense, or any offense not preceded within five years of a previous conviction for an offense under this section:
 - (i) A term of imprisonment of not less than three consecutive days; and
 - (ii) A fine of not less than \$500;
- (b) For an offense that occurs within five years of a previous conviction for an offense under this section:
 - (i) A term of imprisonment of not less than thirty days; and
 - (ii) A fine of not less than \$1,000; and
- (c) For an offense that occurs within five years of two or more previous convictions for offenses under this section:
 - (i) A term of imprisonment of not less than ninety days; and
 - (ii) A fine of \$2,000.

(4) Any person who violates this section while in possession of a dangerous instrument shall be guilty of a class C felony.

(5) Any fines imposed in connection with the offense under this section shall be deposited with the director of finance who shall deposit the fines into the animal industry special fund established pursuant to section 142-3.6.

(6) For the purposes of this section:

"Agricultural land" means any land used primarily for a farming operation. "Agricultural land" includes state- or county-owned agricultural land, pri-

vately owned agricultural land, and land used for farm buildings and dwellings and roads and irrigation infrastructure associated with these lands.

“Dangerous instrument” has the same meaning as defined in section 707-700.

“Fallow” means land associated with agricultural production that is left unseeded or unplanted for one or more growing seasons.

“Farming operation” means a commercial agricultural or aquacultural facility or pursuit conducted, in whole or in part, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.”

SECTION 39. Section 708-814, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of criminal trespass in the second degree if:

- (a) The person knowingly enters or remains unlawfully in or upon premises that are enclosed in a manner designed to exclude intruders or are fenced;
- (b) The person enters or remains unlawfully in or upon commercial premises after a reasonable warning or request to leave by the owner or lessee of the commercial premises, the owner’s or lessee’s authorized agent, or a police officer; provided that this paragraph shall not apply to any conduct or activity subject to regulation by the National Labor Relations Act.

For the purposes of this paragraph, “reasonable warning or request” means a warning or request communicated in writing at any time within a one-year period inclusive of the date the incident occurred, which may be evidenced by a copy of the previously issued written warning or request, whether or not the copy is posted at the premises or retained by the county police department, and which may contain but is not limited to the following information:

- (i) A warning statement advising the person that the person’s presence is no longer desired on the property for a period of one year from the date of the notice, that a violation of the warning will subject the person to arrest and prosecution for trespassing pursuant to this subsection, and that criminal trespass in the second degree is a petty misdemeanor;
 - (ii) The legal name, any aliases, and a photograph, if practicable, or a physical description, including but not limited to sex, racial extraction, age, height, weight, hair color, eye color, or any other distinguishing characteristics of the person warned;
 - (iii) The name of the person giving the warning along with the date and time the warning was given; and
 - (iv) The signature of the person giving the warning, the signature of a witness or police officer who was present when the warning was given and, if possible, the signature of the violator;
- [(e) The person enters or remains unlawfully on agricultural lands without the permission of the owner of the land, the owner’s agent, or the person in lawful possession of the land, and the agricultural lands:
- (i) Are fenced, enclosed, or secured in a manner designed to exclude intruders;

- (ii) ~~Have a sign or signs displayed on the unenclosed cultivated or uncultivated agricultural land sufficient to give notice and reading as follows: "Private Property" or "Government Property - No Trespassing". The sign or signs, containing letters no less than two inches in height, shall be placed at reasonable intervals no less than three signs to a mile along the boundary line of the land and at roads and trails entering the land in a manner and position as to be clearly noticeable from outside the boundary line; or~~
- (iii) ~~At the time of entry, are fallow or have a visible presence of livestock or a crop:~~
 - ~~(A) Under cultivation;~~
 - ~~(B) In the process of being harvested; or~~
 - ~~(C) That has been harvested;~~
- (d) (c) The person enters or remains unlawfully on unimproved or unused lands without the permission of the owner of the land, the owner's agent[;] who is authorized to give the permission, or the person in lawful possession of the land, and the lands:
 - (i) Are fenced, enclosed, or secured in a manner designed to exclude the general public; or
 - (ii) Have a sign or signs displayed on the unenclosed, unimproved, or unused land sufficient to give reasonable notice and reads as follows: "Private Property - No Trespassing", "Government Property - No Trespassing", or a substantially similar message; provided that the sign or signs shall contain letters no less than two inches in height and shall be placed at reasonable intervals no less than three signs to a mile along the boundary line of the land and at roads and trails entering the land in a manner and position as to be clearly noticeable from outside the boundary line.

For the purposes of this paragraph, "unimproved or unused lands" means any land upon which there is no improvement; construction of any structure, building, or facility; or alteration of the land by grading, dredging, or mining that would cause a permanent change in the land or that would change the basic natural condition of the land. Land remains "unimproved or unused land" under this paragraph notwithstanding minor improvements, including the installation or maintenance of utility poles, signage, and irrigation facilities or systems; minor alterations undertaken for the preservation or prudent management of the unimproved or unused land, including the installation or maintenance of fences, trails, or pathways; maintenance activities, including forest plantings and the removal of weeds, brush, rocks, boulders, or trees; and the removal or securing of rocks or boulders undertaken to reduce risk to downslope properties; or

- (e) (d) The person enters or remains unlawfully in or upon any area of a housing project that is closed to the public pursuant to section 356D-6.7 and meets the signage requirements of section 356D-6.7, or the person enters or remains unlawfully in or upon any property that is subject to section 356D-6.7 and meets the signage requirements of section 356D-6.7 after a reasonable warning or request to leave by the housing authority or law enforcement officer, as defined in section 710-1000, based upon an alleged violation of law or administrative rule, notwithstanding any invitation or authoriza-

tion provided to the person by a tenant of that housing project or a member of that tenant's household.

As used in this paragraph:

"Housing authority" means a property manager, resident manager, tenant monitors, security guards, or others officially designated by the Hawaii public housing authority, for the housing project.

"Housing project" means a public housing project, or elder or elderly housing as defined in section 356D-1, or state low-income housing project as defined in section 356D-51.

"Reasonable warning or request" means a warning or request communicated in writing at any time within a one-year period inclusive of the date the incident occurred, which may contain but is not limited to the following information:

- (i) A warning statement advising the person that for a period of one year from the date of the notice, the person's presence is no longer desired in or on the areas of the subject housing project that are closed to the public, that a violation of the warning will subject the person to arrest and prosecution for trespassing pursuant to this subsection, and that criminal trespass in the second degree is a petty misdemeanor;
- (ii) The legal name, any aliases, and a photograph, if practicable, or a physical description, including but not limited to sex, racial extraction, age, height, weight, hair color, eye color, or any other distinguishing characteristics of the person warned;
- (iii) The name of the person giving the warning along with the date and time the warning was given;
- (iv) The signature of the person giving the warning and, if possible, the signature of the violator; and
- (v) The name and signature of a witness or law enforcement officer, as defined in section 710-1000, who was present when the warning was given."

SECTION 40. Section 708-820, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) Criminal property damage in the first degree is a class B felony[-]; provided that any person convicted of violating subsection (1)(d) shall be sentenced to a term of imprisonment of not less than one hundred eighty days, without possibility of probation or suspension of sentence."

SECTION 41. Section 708-821, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) Criminal property damage in the second degree is a class C felony[-]; provided that any person convicted of violating subsection (1)(c) shall be sentenced to a term of imprisonment of not less than one hundred eighty days, without possibility of probation or suspension of sentence."

SECTION 42. Section 708-822, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) Criminal property damage in the third degree is a misdemeanor[-]; provided that any person convicted of violating subsection (1)(c) shall be sentenced to a term of imprisonment of not less than ninety days, without possibility of probation or suspension of sentence."

PART VIII

SECTION 43. Section 712A-4, Hawaii Revised Statutes, is amended to read as follows:

“§712A-4 Covered offenses. Offenses for which property is subject to forfeiture under this chapter are:

- (a) All offenses that specifically authorize forfeiture;
- (b) Murder; kidnapping; labor trafficking; unlicensed sale of liquor; unlicensed manufacture of liquor; gambling; criminal property damage; robbery; bribery; extortion; theft; unauthorized entry into motor vehicle; burglary; money laundering; trademark counterfeiting; insurance fraud; promoting a dangerous, harmful, or detrimental drug; commercial promotion of marijuana; methamphetamine trafficking; manufacturing of a controlled substance with a child present; promoting child abuse; promoting prostitution; sex trafficking; commercial sexual exploitation of a minor; habitual commercial sexual exploitation; or electronic enticement of a child that is chargeable as a felony offense under state law;
- (c) The manufacture, sale, or distribution of a controlled substance in violation of chapter 329, promoting detrimental drugs or intoxicating compounds, promoting pornography, promoting pornography for minors, or commercial sexual exploitation near schools or public parks, which is chargeable as a felony or misdemeanor offense, but not as a petty misdemeanor, under state law; ~~[and]~~
- (d) The attempt, conspiracy, solicitation, coercion, or intimidation of another to commit any offense for which property is subject to forfeiture[-]; and
- (e) Criminal trespass on agricultural land as defined in section 708- .”

PART IX

SECTION 44. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 45. In codifying the new sections added by sections 5 and 6 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 46. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 47. This Act shall take effect on July 1, 2025; provided that part II of this Act shall be repealed on July 1, 2028.

(Approved June 27, 2025.)

Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.

ACT 236

H.B. NO. 427

A Bill for an Act Relating to Biosecurity.

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

PART I

SECTION 1. The purpose of this part is to:

- (1) Rename the department of agriculture as the department of agriculture and biosecurity, and the board of agriculture as the board of agriculture and biosecurity; and
- (2) Clarify the composition of the board of agriculture and biosecurity.

SECTION 2. Section 26-16, Hawaii Revised Statutes, is amended by amending its title and subsection (a) to read as follows:

“§26-16 Department of agriculture[;] and biosecurity. (a) The department of agriculture and biosecurity shall be headed by an executive board to be known as the board of agriculture[;] and biosecurity. The board shall consist of ten members:

- (1) One who shall be a resident of the county of Hawaii;
- (2) One who shall be a resident of the county of Maui;
- (3) One who shall be a resident of the county of Kauai;
- (4) Four at large; and
- (5) The chairperson of the board of land and natural resources; the director of business, economic development, and tourism; and the dean of the University of Hawaii college of tropical agriculture and human ~~[resources;]~~ resilience, or their designated representatives, who shall serve as ex officio[[]] voting members.

The majority of the members of the board described in paragraphs (1) through (4) shall be from the agricultural community or [the] agricultural support sector[;], with at least one member having a background in biosecurity. The appointment, tenure, and removal of the members and the filling of vacancies on the board shall be as provided in section 26-34. The governor shall appoint a chairperson of the board from the members.”

SECTION 3. Section 26-56, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The commission shall review and recommend an appropriate salary for the governor, lieutenant governor, members of the legislature, justices and judges of all state courts, administrative director of the State or an equivalent position, and department heads or executive officers and the deputies or assistants to the department heads of the departments of:

- (1) Accounting and general services;
- (2) Agriculture[;] and biosecurity;
- (3) The attorney general;
- (4) Budget and finance;
- (5) Business, economic development, and tourism;
- (6) Commerce and consumer affairs;
- (7) Corrections and rehabilitation;
- (8) Defense;
- (9) Hawaiian home lands;

- (10) Health;
- (11) Human resources development;
- (12) Human services;
- (13) Labor and industrial relations;
- (14) Land and natural resources;
- (15) Law enforcement;
- (16) Taxation; and
- (17) Transportation.

The commission shall not review the salary of any position in the department of education or the University of Hawaii.

The commission may recommend different salaries for department heads and executive officers and different salary ranges for deputies or assistants to department heads; provided that the commission shall recommend the same salary range for deputies or assistants to department heads within the same department; provided further that the appointing official shall specify the salary for a particular position within the applicable range.

The commission shall not recommend salaries lower than salary amounts recommended by prior commissions replaced by this section.”

SECTION 4. Section 141-42, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) An individual or entity licensed to produce hemp pursuant to subsection (a) may transport hemp within the State to a facility authorized by law to process hemp or to another licensed producer’s grow area; provided that the transportation has been reported to the department of agriculture[.] and biosecurity. The department of agriculture and biosecurity may require movement reports that include copies of the United States Department of Agriculture test results for the hemp to be transported and may deny authorization if the hemp is found to not comply with any law or regulation.”

SECTION 5. Section 142-18, Hawaii Revised Statutes, is amended to read as follows:

“§142-18 **Disposal of tuberculous animals.** The owner of all cattle reacting to the tuberculin test shall, subject to section 142-16, cause them to be segregated immediately and, within a reasonable time thereafter, to be delivered for slaughter at such time and place as may be designated by the department of agriculture[.] and biosecurity. The slaughter shall be under the direct supervision of the department and in accordance with the meat inspection regulations of the United States Department of Agriculture.”

SECTION 6. Section 142-21, Hawaii Revised Statutes, is amended to read as follows:

“§142-21 **Cooperation with federal authorities.** The department of agriculture and biosecurity may cooperate with the United States Department of Agriculture in its efforts to eradicate bovine tuberculosis or any other transmissible disease of animals, and may make appraisals of condemned animals and report on the salvage derived from the sale of the animals in conformity with the regulations of the United States Department of Agriculture.”

SECTION 7. Section 147-52, Hawaii Revised Statutes, is amended to read as follows:

“§147-52 **Grades, standards and classifications; changes.** The standards for grading and classifying food products that have been or may be hereafter adopted, prescribed, or announced by the United States Department of Agricul-

ture or by or under authority of the Congress of the United States are hereby declared to be the official standards for grading and classifying such food products for the State; provided that the department of agriculture and biosecurity may establish and prescribe other and different, or additional, standards for grading and classifying any such products, to the extent permitted by the laws of the United States, which standards, so established and prescribed by the department, shall be the official standards for grading and classifying any such food products for the State. The department may also establish and prescribe official standards for grading and classifying any or all food products for which no standards have been adopted, prescribed, or announced by the United States Department of Agriculture or by or under authority of the Congress. The department may change any standards established and prescribed by it hereunder from time to time.”

SECTION 8. Section 147-53, Hawaii Revised Statutes, is amended to read as follows:

“§147-53 Department; grades, standards, and classifications; factors.

In establishing any grades, standards, or classifications for any food product, the department of agriculture[;] and biosecurity, in addition to such factors as may be specified in any other law, shall take into account and base the grades, standards, or classifications upon such of the following factors as shall be applicable to the product involved: degree of maturity; size, measured by dimensions or weight; degree of freshness, as determined by physical examination or chemical test or analysis; moisture content; uniformity; color; firmness; tenderness; defects; injury; damage; diseases; appearance; mixture of varieties; decay; conformation; soundness; varietal characteristics or type; number of specimens per pound; nature of pack; presence of dirt or other foreign material; condition as to temperature and extent to which the product is hot or heating or is in a sour condition; extent to which product is satisfactory for human or other consumption or use; extent to which the product has been affected by handling or treatment; extent to which the product has a commercially objectionable flavor or odor; and other factors indicative of class, quality, or condition, and of the value or suitability of the product involved for the commercial or other use to be made thereof. In addition, the department shall take into account any grades, standards, or classifications for such product established by the United States Department of Agriculture and also applicable federal grades and standard laws.”

SECTION 9. Section 147-57, Hawaii Revised Statutes, is amended to read as follows:

“§147-57 Department, rules and regulations, contracts, cooperation, fees.

The department of agriculture[;] and biosecurity, in addition to powers granted by this part or any other law, shall have all powers necessary or convenient to carry out and effectuate this part, including the following:

- (1) To prescribe rules and regulations, not inconsistent with this part, respecting: the standards for grading and classifying, and the grades, standards, and classification for, food products; the inspection, grading, and classification of food products; the determination and certification of the grade, classification, quality, and condition of food products and such other pertinent facts as the department may deem advisable; the licensing of inspectors, graders, and samplers and the duties of such inspectors, graders, and samplers; methods of test, analysis, and examination in determining the grade, classification, quality, and condition of food products; the official word or words, figure, or letter to indicate official grade or standards of quality or condition of food products; the design, form, and use of

- official labels and statements for use on packages or containers of products inspected, graded, classified, and certified under this part; and continuous factory inspection, grading, classification, and certification of food products;
- (2) To contract with the United States Department of Agriculture for the services of an inspector or inspectors employed by the department and the establishment of a cooperative inspection service with the United States government;
 - (3) To cooperate with the United States or any department thereof, in accomplishing the matters or things provided for herein; and
 - (4) To fix, assess, and collect, or cause to be collected, fees for inspecting or classifying food products, such fees to be on a uniform basis in an amount reasonably necessary to cover, as nearly as may be, the cost of the inspection and the administration of this part; provided that the department may adjust the fees to be collected hereunder to meet the expenses necessary to carry out the provisions hereof and may prescribe a different scale of fees for different localities; [~~and~~] provided further that the department may prescribe a reasonable charge for traveling expenses and services. Charges for continuous factory inspection and grading may be fixed, assessed, and collected on such contract basis as will reimburse the State for the salary and all expenses of the factory inspector or grader, to which shall be added an appropriate percentage of charges assessed to cover, as nearly as practicable, administrative overhead expense.”

SECTION 10. Section 147-74, Hawaii Revised Statutes, is amended to read as follows:

“§147-74 **Grading standards and regulations.** Subject to chapter 91, the department of agriculture and biosecurity may make rules with respect to:

- (1) Sale and transportation for sale of eggs for human consumption;
- (2) Specific grades or standards of quality, condition, and size or weight classes which shall conform when practical to those established by the United States Department of Agriculture as local conditions will permit;
- (3) Inspection and classification;
- (4) Assessment and collection of fees for requested certification as to grade, standard of quality, condition, and size or weight classes;
- (5) Labeling of containers of imported and locally produced eggs and marking of individual imported eggs as to origin;
- (6) Seller’s invoice for sale of eggs;
- (7) Records of imported shell eggs of foreign origin;
- (8) Methods of determining egg quality, which shall not include recandling or any other method applied to eggs in interstate commerce which is discriminatory or impairs that commerce in any way or requires a cost increase of eggs in interstate commerce; and
- (9) Enforcement of this part and of the rules adopted under this part.”

SECTION 11. Section 147-93, Hawaii Revised Statutes, is amended to read as follows:

“§147-93 **Cooperating with federal authority.** The department of agriculture and biosecurity may enter into cooperative agreements with the United States Department of Agriculture for the purpose of grading beef, pork, mutton, and lamb carcasses.”

SECTION 12. Section 159-2, Hawaii Revised Statutes, is amended to read as follows:

“§159-2 Findings and declaration of necessity. It is hereby declared that the meat industry is a paramount agricultural industry of this State and the production and marketing of meat is an enterprise that is of significant importance to the economy of this State and to the health of the consuming public. It is essential to the public health and welfare of consumers that they be protected by assuring that meat and meat products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat products are injurious to the public health and welfare, destroy markets for wholesome, unadulterated, and properly labeled and packaged meat and meat products and result in sundry losses to livestock producers and processors of meat and meat products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, unadulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that regulation by the department of agriculture and biosecurity and cooperation by this State with the United States Department of Agriculture as contemplated by this Hawaii Meat Inspection Act is appropriate to protect the health and welfare of consumers and otherwise to effectuate the purposes of this chapter.

Congress enacted the Meat Inspection Act in 1907 (Public Law 59-242), as amended by the Wholesome Meat Act in 1967 (Public Law 90-201) which is now redesignated as the Federal Meat Inspection Act. The Federal Meat Inspection Act is intended to protect the consuming public from adulterated or misbranded meat and meat products and to assist the states in their efforts to accomplish this objective. The Federal Meat Inspection Act authorizes the Secretary of Agriculture to furnish financial and related assistance to states for the administration of meat inspection programs which conform to established federal standards up to fifty per cent of the estimated total cost of the cooperative program. Presently, the meat processing industry in this State is not subject to any meat inspection law or rules and regulations that meet the minimum federal requirement in this area. This State, in order to qualify for the cooperative program, must demonstrate “progressive action” by November 15, 1969; and, further, all physical facilities must be upgraded in accordance with the established federal standards by November 15, 1970. Failure to comply with the federal standards prescribed by the Federal Meat Inspection Act will result in federal control of the meat and meat processing industries of the State. Accordingly, the State deems it to be in the best interest of the public health and welfare to take those steps as are necessary to qualify for federal financial and related assistance for the administration of a meat inspection program which conforms to federal standards prescribed in the Federal Meat Inspection Act.”

SECTION 13. Section 161-2, Hawaii Revised Statutes, is amended to read as follows:

“§161-2 Findings and declaration of necessity. It is hereby declared that the poultry industry is a paramount agricultural industry of this State and the production and marketing of poultry is an enterprise that is of significant importance to the economy of the State and to the health of the consuming public. It is essential to the public health and welfare of consumers that they be protected by assuring that poultry or poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry or poultry products are in-

jurious to the public health and welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry or poultry products, and result in sundry losses to poultry producers and processors of poultry as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that regulation by the department of agriculture and biosecurity and cooperation by this State with the United States Department of Agriculture as contemplated by this chapter is appropriate to protect the health and welfare of consumers and otherwise to effectuate the purposes of this chapter.

The 90th Congress enacted Public Law 90-492, entitled "The Wholesome Poultry Products Act", which is now redesignated as the "Poultry Products Inspection Act". The Poultry Products Inspection Act is intended to protect the consuming public from adulterated or misbranded poultry or poultry products and to assist the states in their efforts to accomplish this objective. The Poultry Products Inspection Act authorizes the United States Secretary of Agriculture to furnish financial and related assistance to states for the administration of poultry inspection programs which conform to established federal standards up to fifty per cent of the estimated total cost of the cooperative program. Hawaii's poultry industry is not subject to poultry inspection law or rules and regulations that meet the minimum federal requirement in this area. In order to qualify for the cooperative program, the State must demonstrate "progressive action" by July 18, 1970; and, further, all physical facilities must be upgraded in accordance with the established federal standards by July 18, 1971. Failure to comply with the standards prescribed by the Poultry Products Inspection Act will result in federal control of the poultry or poultry processing industries of the State. Accordingly, the State of Hawaii deems it to be in the interest of the State's public health and welfare to take [~~such~~] steps as are necessary to qualify for federal financial and related assistance for the administration of a poultry inspection program which conforms to federal standards prescribed in the Poultry Products Inspection Act."

SECTION 14. Section 205-47, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Each county shall develop maps of potential lands to be considered for designation as important agricultural lands in consultation and cooperation with landowners[;]; the department of agriculture[;]; and biosecurity; agricultural interest groups, including representatives from the Hawaii Farm Bureau Federation and other agricultural organizations[;]; the United States Department of Agriculture - Natural Resources Conservation Service[;]; the office of planning and sustainable development[;]; and other groups as necessary."

SECTION 15. Section 219-8, Hawaii Revised Statutes, is amended to read as follows:

§219-8 Participation in loans by the department.

- (1) The department of agriculture and biosecurity may provide funds for a share, not to exceed ninety per cent, of the principal amount of a loan made to a qualified aquaculturist by a private lender who is otherwise unable [~~otherwise~~] to lend the applicant sufficient funds at reasonable rates where the qualified farmer is unable to obtain sufficient funds for the same purpose from the United States Department of Agriculture;

- (2) Participation loans under this section shall be limited by the provisions of section 219-6 and the department of ~~[agriculture's]~~ agriculture and biosecurity's share shall not exceed the maximum amounts specified therefor;
- (3) Interest charged on the private lender's share of the loan shall not be more than the sum of two per cent above the lowest rate of interest charged by all state or national banks authorized to accept or hold deposits in the State on secured short term loans made to borrowers who have the highest credit rating with those banks;
- (4) The private lender's share of the loan may be insured by the department up to ninety per cent of the principal balance of the loan, under section 219-7;
- (5) When a participation loan has been approved by the department, its share shall be paid to the participating private lender for disbursement to the borrower. The private lender shall collect all payments from the borrower and otherwise service the loan;
- (6) Out of interest collected, the private lender may be paid a service fee to be determined by the department ~~[which fee]~~ that shall not exceed one per cent of the unpaid principal balance of the loan; provided that this fee shall not be added to any amount which the borrower is obligated to pay;
- (7) The participating private lender may take over a larger percentage or the full principal balance of the loan at any time that it has determined, to the satisfaction of the department, that the borrower is able to pay any increased interest charges resulting; and
- (8) Security for participation loans shall be limited by section 219-5(a)(6). All collateral documents shall be held by the private lender. Division of interest in collateral received shall be in proportion to participation by the department and the private lender."

SECTION 16. Section 460J-26, Hawaii Revised Statutes, is amended to read as follows:

"§460J-26 Exemptions. This chapter shall not apply to:

- (1) Officials of the federal government on military reservations;
- (2) Personnel of the United States Department of Agriculture, ~~[the]~~ state department of agriculture~~[-or]~~ and biosecurity, state department of land and natural resources, or ~~[the]~~ United States Public Health Service in the performance of their official duties;
- (3) Other government employees who conduct research on pesticides or pest control or who use pesticides in the performance of their duties;
- (4) Qualified scientific personnel specially exempted by the board;
- (5) Persons engaged in pest control for agricultural purposes; or
- (6) Engineers or architects licensed under chapter 464 who:
 - (A) Draft or prepare design documents that prescribe anti-termite or anti-pest measures, including the specification of termiticides, that are required by the building code and other governmental agencies;
 - (B) Conduct building condition or assessment surveys to observe and evaluate the condition of the building or structure, if the primary purpose of these surveys is not to report on the identification of infestations; or

- (C) Prepare reports based on the results of the surveys specified in subparagraph (B) that identify the location, extent, and probable cause of the pest damage (e.g., “termite damage”); provided that where a report concerns termite damage, the particular type or species of termite shall not be specified unless the report is written in consultation with a licensed pest control operator licensed in termite control or other duly recognized expert in urban entomology, such as an insect taxonomist or urban entomologist with expertise in the identification or control of termites; and provided further that if a licensed pest control operator is not consulted, the report shall include a recommendation that a licensed pest control operator be contracted for further assessment or treatment.”

SECTION 17. Sections 6E-61, 23-12, 26-4, 26-16(d), 46-67, 141-1, 141-3, 141-3.6, 141-4, 141-5, 141-6, 141-7, 141-9, 141-12, 141-12.5, 141-13, 141-14, 141-15, 141-16, 141-17, 141-43, 141-51, 141-53, 141D-1, 141D-2, 142-1, 142-2, 142-3, 142-3.5, 142-4, 142-5, 142-6, 142-7, 142-8, 142-9, 142-12, 142-13, 142-16, 142-19, 142-20, 142-22, 142-23, 142-23.1, 142-23.5, 142-29, 142-31, 142-41, 142-43, 142-49, 142-92, 142-93, 142-98, 142-100, 142-101, 142-111, 143-2.2, 144-1, 145-1, 145-3, 145-7, 145-8, 145-9, 145-27, 145D-5, 146-22, 147-1, 147-21, 147-31, 147-32, 147-51, 147-54, 147-55, 147-56, 147-58, 147-59, 147-60, 147-73, 147-75, 147-76, 147-78, 147-80, 147-91, 147-92, 147-94, 147-95, 147-96, 147-97, 147-101, 147-102, 147-111, 147-116, 147-122, 148-1, 148-2, 148-61, 148-62, 148-63, 148-64, 148-66, 149A-2, 150-21, 150A-2, 150A-6.3, 150A-11.5, 152-1, 155-1, 155-2, 155-4, 155-5, 155-5.5, 155-5.6, 155-6, 155-6.5, 155-8, 155-9, 155-11, 155-12, 155-13, 155-14, 155-31, 155D-1, 157-1, 157-13, 159-3, 159-15, 161-3, 161-6, 163D-4, 166-2, 166-3, 166-11, 166E-1, 166E-2, 166E-3, 167-22, 167-23, 169-1, 171-2, 171-3, 171-37.5, 171-55.5, 171-59, 171-64.7, 171-112, 171-117, 173A-4, 173A-5, 174C-31, 187A-6.5, 194-2, 205-6, 205-44.5, 205-45, 205-45.5, 205-48, 205-49, 205-50, 205A-62, 206E-34, 219-2, 219-4, 219-7, 219-9, 235-110.93, 261-4.5, 266-21.5, 269-26.5, 342G-47, 421-6, 421-21.6, 460J-21, 460J-24.5, and 486-1, Hawaii Revised Statutes, and the title of chapter 141, Hawaii Revised Statutes, are amended by substituting the term “department of agriculture and biosecurity”, or similar term, wherever the term “department of agriculture”, or similar term, appears, except within the term “United States Department of Agriculture”, as the context requires.

SECTION 18. Sections 10-41, 26-34, 84-17, 84-18, 128E-2, 141-6, 141-9, 141-12, 141-51, 141D-2, 142-3.5, 142-3.6, 142-23.1, 142-28.5, 142-29, 142-31, 144-10, 145-22, 145-27, 147-9, 147-24, 147-34, 147-58, 147-59, 147-60, 148-1, 149A-2, 149A-32.5, 150A-2, 155-3, 155-5.6, 155-6.5, 155-9, 155-13, 155-14, 155-33, 157-1, 157-14, 157-15, 157-18, 157-22, 157-23, 157-24, 157-25, 157-26, 157-27, 157-29, 157-41, 157-42, 159-3, 161-3, 163D-3, 166-2, 166-3, 166-4, 166-5, 166-6, 166-11, 166E-1, 166E-2, 166E-3, 167-1, 167-2, 167-3, 167-4, 167-5, 167-6, 167-7, 167-9, 167-11, 167-12, 167-13, 167-14, 167-15, 167-16, 167-17, 167-18, 167-19, 167-20, 167-21, 167-22, 168-1, 168-2, 168-3, 168-4, 168-5, 168-6, 168-7, 168-8, 169-3, 195-6, 205-44, 210D-5, 219-2, 219-3, 219-4, 220-1, 225P-3, 225P-4, 279A-4, 330C-3, 371-19, 460J-2, and 486-1, Hawaii Revised Statutes, are amended by substituting the term “board of agriculture and biosecurity”, or similar term, wherever the term “board of agriculture”, or similar term, appears, as the context requires.

SECTION 19. Sections 26-52 and 194-2(b), Hawaii Revised Statutes, are amended by substituting the words “agriculture and biosecurity”, or similar term, wherever the word “agriculture”, or similar term, appears, as the context requires.

PART II

SECTION 20. The purpose of this part is to establish a new deputy chairperson position within the department of agriculture and biosecurity, to be known as the deputy chairperson for biosecurity.

SECTION 21. Chapter 141, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§141- Deputy chairperson for biosecurity; established. (a) There is established within the department a deputy chairperson for biosecurity. The deputy chairperson for biosecurity shall oversee all of the department’s biosecurity initiatives, including programs under chapters 142 and 150A and sections 141-5, 261-4.5, and 266-21.5.

(b) The deputy chairperson for biosecurity shall be a deputy to the chairperson of the board of agriculture and biosecurity and be appointed, without regard to chapter 76, by the governor. The salary of the deputy chairperson for biosecurity shall be as provided in section 26-53 for first deputies or first assistants to the head of any department.”

PART III

SECTION 22. Chapter 150A, Hawaii Revised Statutes, is amended by adding a new section to part VI to be appropriately designated and to read as follows:

“§150A- Biosecurity emergency. (a) The department, with the approval of the governor, may declare a biosecurity emergency if:

- (1) There has been in the State an outbreak or occurrence of a pest or prohibited or restricted organism that has the potential to cause significant economic or environmental loss if the pest or organism becomes established in the State;
- (2) There is established in one area of the State a pest or prohibited or restricted organism that has the potential to cause significant economic or environmental loss if the pest or organism expands to other areas within a county or becomes established in another area of the State; or
- (3) A pest or prohibited or restricted organism is, or threatens to be, beyond the State’s ability to control.

(b) A biosecurity emergency shall automatically terminate one hundred calendar days after its declaration, unless the declaration is extended by the department with the approval of the governor.

(c) For the duration of a declared biosecurity emergency:

- (1) The department shall be exempt from chapter 103D;
- (2) The Hawaii invasive species council shall work with the chairperson; and
- (3) The governor may transfer moneys to the department from any account within the governor’s control.

(d) The governor may requisition and take control of any goods, real property, or watercraft required for the purposes of this section, or requisition and take control of the temporary use thereof; provided that:

- (1) This subsection shall not apply to any vessel that:
 - (A) Has anti-fouling hull coating; and
 - (B) Does not discharge ballast water, uses freshwater for ballasting, or is equipped with ultraviolet filtration systems for ballast water;
- (2) The requisition shall be made by serving notice upon any person found in occupation of the premises or having the property in the person's custody, possession, or control, and a like notice shall also be served upon any person who has filed with the governor, or with a person the governor designates for the purpose, a request for notice with respect to the property; provided further that if any person entitled to compensation for the property is unable to be served, the governor shall publish a notice of the requisition at the earliest practicable date; and
- (3) A requisition shall terminate automatically one hundred calendar days after the declaration of a biosecurity emergency, or by a separate proclamation of the governor, whichever occurs first.
- (e) If the governor requisitions and takes control of any property or the temporary use thereof, the owner, or other person entitled thereto, shall be paid a sum, determined by the governor to be fair and just compensation for the property or use, within twenty days after the property has been requisitioned and taken, or in monthly or lesser installments if the property is taken for temporary use.

If any person is unwilling to accept the sum determined by the governor as full and complete compensation for the property or use, the person shall be paid seventy-five per cent of that sum and may sue the State for an additional sum that, when added to the sum already received by the person, the person may consider fair and just compensation for the property or use, in the manner provided by chapter 661 for actions against the State; provided that:

- (1) Any suit under this section shall be instituted within two years after the requisition in the case of the taking of real property in fee simple, or within one year after the requisition in all other cases, subject to sections 657-13 to 657-15, which are hereby made applicable to the suit;
- (2) No more than six months shall be allowed for the bringing of a suit after the appointment of a conservator of a person under disability, or the removal of the disability, or after the appointment of personal representatives; and
- (3) Recovery shall be confined to the fair market value of the property or its fair rental value, as the case may be, without any allowance for prospective profits, or punitive or other damages.

If the owner of property, or other person entitled to compensation for the requisitioning of property or use thereof, is under a disability, or has died, and no conservator or personal representative has been appointed, the State, acting through the attorney general, may apply for the appointment of a conservator or for the appointment of a personal representative.

(f) The governor shall appoint a board of three disinterested certified appraisers with whom may be filed any claim for damages arising out of any failure to return private property, the temporary use of which was requisitioned, or which was leased, or any claim for damages arising out of the condition in which the private property is returned. No claim may be filed for deterioration of

property resulting from ordinary wear and tear and not for any deterioration or damage, except any that is shown to have resulted from the taking or use of the property; provided that any claim shall be filed within thirty days after the return of the property or after the governor proclaims that all private property has been returned to the owners, whichever is earlier. The decision of the appraisers shall be final and binding upon the governor and the claimant. Either party may file a petition in the circuit court within sixty days after the rendering of a decision of the board of appraisers, praying for the decision of the court upon the claim. The petition, if filed by the State, shall be entitled in the name of the State by the attorney general and shall be heard and decided by the circuit court without the intervention of a jury. If filed by any other party, the petition shall be filed, heard, and decided in the manner provided for suits against the State. Appellate review may be had, subject to chapter 602, in the manner provided for civil appeals from the circuit courts. The court may order the joinder of other parties or may allow other parties to intervene. Any award that has become final shall be paid out of any funds available under this chapter and, if not sufficient, out of the general revenues of the State as appropriated."

SECTION 23. 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 survey for and prevent the entry into the State and interisland movement of pests and prohibited or restricted organisms without a permit;
- (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~~] pests."

SECTION 24. Section 150A-53, Hawaii Revised Statutes, is amended to read as follows:

"§150A-53 General actions to achieve objectives. (a) To achieve the objectives of the biosecurity program, the department shall plan for and, within available legislative appropriations or through funding from other sources, implement the following:

- (1) Work with government agencies and agricultural commodity exporters of other states and countries to establish pre-entry inspection programs under which inbound cargo into the State is inspected at the ports of departure or other points outside the State;
- (2) Establish, operate, or participate in operating port-of-entry facilities where multiple government agencies may inspect, quarantine, fumigate, disinfect, destroy, or exclude as appropriate, articles that may harbor pests or prohibited or restricted organisms or exclude articles that are prohibited or restricted without a permit, with the goals of:
 - (A) Performing inspections in an efficient, effective, and expeditious manner for the government agencies involved and for cargo owners, carriers, and importers; and
 - (B) Providing for the proper and safe storage and handling of cargo, especially agricultural and food commodities, awaiting inspection;

- (3) Develop, implement, and coordinate post-entry measures to eradicate, control, reduce, and suppress pests and, as appropriate, eradicate or seize and dispose of prohibited or restricted organisms without a permit that have entered the State;
- (4) Collaborate with relevant government agencies, agricultural commodity importers, and other persons to examine and develop joint integrated systems to better implement the biosecurity program;
- (5) Improve cargo inspection capabilities and methods, including enhancement of the content and submission requirements for cargo manifests and agricultural commodity ownership and movement certificates;
- (6) Promote the production of agricultural commodities in the State to reduce cargo shipments of imported commodities into the State; and
- (7) Provide public education on ~~the~~:
 - (A) The negative effects of pests and prohibited or restricted organisms without a permit, to the environment and economy of the State[-];
 - (B) Reporting pests and prohibited or restricted organisms without a permit that are discovered or suspected to be present in imported products; and
 - (C) Protecting imported products to prevent pest infestation.

(b) For purposes of the biosecurity program, the department may:

- (1) Subpoena any necessary documentation from importers relating to a discovered or suspected infestation of a pest or prohibited or restricted organism; and
- (2) Declare a biosecurity emergency pursuant to section 150A-

~~(b)~~ (c) The department shall establish parameters and construction requirements for biosecurity facilities that provide for and ensure the safety of agricultural and food commodities consumed by Hawaii residents, including cold storage facilities established by private-public partnerships to preserve the quality and ensure the safety of the commodities arriving at the State's airports and harbors."

PART IV

SECTION 25. The legislature finds that New Zealand's use of transitional facilities has increased the country's biosecurity while improving the efficiency of importing goods. In New Zealand, most imported goods subject to inspection are transported away from the airport or seaport to one of six thousand five hundred privately-run secure transitional facilities. At the transitional facility, a private individual licensed by the government inspects the goods for disease, infection, infestation, and other matters of concern.

The legislature further finds that New Zealand's process allows for a more efficient flow of goods entering the country by reducing delays or stoppages at the ports of entry while also ensuring that all relevant goods are properly inspected before delivery to their destination.

The purpose of this part is to enhance Hawaii's biosecurity measures by authorizing the establishment of similar transitional facilities in the State along with licenses for private individuals to inspect the imported goods.

SECTION 26. Chapter 150A, Hawaii Revised Statutes, is amended by adding five new sections to part II to be appropriately designated and to read as follows:

“§150A-A Transitional facilities; uses. (a) Upon notification by the department, items at a pier, airport, or other place where the items are first received may be transported to a transitional facility suitable for the items.

(b) Items transported pursuant to subsection (a) shall be transported in a manner that they will not spread or be likely to spread any infestation or infection of insects or diseases that may be present.

(c) All costs and expenses incident to the use of a transitional facility shall be borne by the importer or the importer’s agent. For the purposes of this subsection, “import” (and any nounal, verbal, adjectival, adverbial, and other equivalent for the term used interchangeably in this subsection) means to bring or attempt to bring goods or products into the State, and includes items labeled or designated as samples, even if not intended for retail sale, subject to this chapter.

(d) No items shall be transported out of a transitional facility unless:

- (1) Authorized by the department; or
- (2) Certified by a biosecurity compliance auditor that the items are free of diseases, infections, infestations, and other items that the department deems relevant.

§150A-B Transitional facilities; established. The department shall establish standards for transitional facilities, including standards for the construction, maintenance, and operation of transitional facilities. The department may establish standards for transitional facilities pursuant to the types of items stored by those facilities, and corresponding classes of licensure.

§150A-C Transitional facility license. (a) No person shall operate a transitional facility without a transitional facility license and under the terms of a signed compliance agreement.

(b) A person may apply to the department for a transitional facility license. The application shall be made under oath on forms provided by the department and shall contain information as prescribed by the department, including the following:

- (1) The name, business address, telephone number, social security number, and, where applicable, the federal tax identification number of the applicant;
- (2) The proposed location of the transitional facility; and
- (3) The type of items the transitional facility will hold.

(c) The department shall establish standards for transitional facilities, including:

- (1) Standards for construction, maintenance, security, and operation; and
- (2) Quarterly inspections; provided that the department may perform periodic random inspections to ensure compliance.

(d) The department may suspend or revoke a transitional facility license if the transitional facility does not satisfy the standards established by the department under subsection (c) or the department determines that the transitional facility is not in compliance under the terms of the compliance agreement.

§150A-D Biosecurity compliance auditor; certification. (a) The department shall certify biosecurity compliance auditors and offer training to individuals seeking a biosecurity compliance auditor certification.

(b) The training shall include:

- (1) The identification of diseases, infections, infestations, and other subjects that the department deems relevant; and
- (2) Procedures following the identification of a disease, infection, infestation, or other subject that the department deems relevant.
- (c) Upon completion of the training and satisfaction of other requirements under the compliance agreement, the department shall issue a biosecurity compliance auditor certification to the individual. The certification shall be valid for one year, shall identify the specific transitional facility where the biosecurity compliance auditor is authorized to conduct compliance audits, and may be renewed under requirements established by the department.
- (d) The department may require each biosecurity compliance auditor to complete additional training as needed, including any emergency training in the interests of biosecurity.
- (e) The department may revoke or suspend any biosecurity compliance auditor certification for good cause.
- (f) A biosecurity compliance auditor may be employed by the owner of a transitional facility.
- (g) The department may charge reasonable fees for the training, certification, and certification renewal under this section.

§150A-E Biosecurity compliance auditor; powers. (a) Subject to the terms of the compliance agreement, a certified biosecurity compliance auditor may certify items located in a transitional facility as free of diseases, infections, infestations, and other items that the department deems relevant.

(b) Unless authorized by the department, a certified biosecurity compliance auditor shall not certify any items located outside a transitional facility where the certified biosecurity compliance auditor is authorized to conduct inspections to ensure compliance.”

SECTION 27. Section 150A-2, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Biosecurity compliance auditor” means an individual with a valid biosecurity compliance auditor certification issued under section 150A-D.

““Transitional facility” means a facility with a valid transitional facility license issued under section 150A-C.”

SECTION 28. 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, cut-foilage, 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 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 the articles at the pier, airport, ~~[or]~~ any other place where they are first received or discharged, or a transitional facility, in 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 or a certified biosecurity compliance auditor 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]~~ biosecurity 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]~~ any 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, 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]~~ All passen-

gers, officers, and crew members who are bringing or causing to be brought for entry into the State domestic and other animals cited in chapter 142, in addition to the articles enumerated in this chapter, shall immediately upon arrival or prior to arrival notify the department of the arrival of any restricted article. The department may adopt rules necessary to effectuate this subparagraph; 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)] (3) 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)] (4) 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,]~~ islands of the State, 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)] (5) 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 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)] (6) Place of inspection. If, in the judgment of the ~~[inspector,]~~ department, it is deemed necessary or advisable to move any of the above-mentioned articles, or any portion thereof, to a transitional facility or another place more suitable for inspection than the pier, airport, or any other place where they are first received or discharged, the ~~[inspector]~~ department is authorized to do so~~[-]~~ or order the importer or importer's agent to do so. All costs and expenses incident to the movement and transportation of the articles to 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 or a transitional facility and the department determines that inspection at the other place is appropriate, the department may require payment of costs necessitated by these inspections, including overtime costs;

- [~~(8)~~] (7) 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]~~ to the 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 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. 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)~~] (8) 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)~~] (9) 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 29. Section 150A-5.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) In legal effect, articles landed for the purpose of inspection or quarantine shall be construed to be still outside the State seeking entry, and shall not, in whole or in part, be considered suitable for entry into the State unless a tag, label, or stamp has been affixed to the article, its container, or its delivery order by the inspector as provided in section ~~[150A-5(9);]~~ 150A-5(8), except that articles quarantined in the biocontrol containment facilities of the department or of other government agencies engaged in joint projects with the department may be released upon issuance of a permit approved by the board."

SECTION 30. Section 150A-8, Hawaii Revised Statutes, is amended to read as follows:

"§150A-8 Transporting in State. (a) Flora and fauna specified by rules and regulations of the department shall not be moved from one island to another island within the State or from one locality to another on the same island except by a permit issued by the department.

(b) The movement between the islands of the State of the following articles, viz., nursery-stock, tree, shrub, herb, vine, cut-flower, cut-foliage, 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 the articles have been transported or any packing material used in connection therewith shall be made in the manner hereinafter set forth:

- (1) Inspectional requirements. Any person who receives for transport, or brings or causes movement between the islands of the State, as freight, air freight, baggage, as ship's stores, or otherwise, any of the foregoing articles, shall ensure that the articles comply with inspectional requirements pursuant to rules and shall provide upon the inspector's request the waybill number, container number, name and address of the consignor, name and address of the consignee or the consignee's agent, marks, number of packages, description of contents of each package, and any other information that may be necessary to inspect, locate, or identify the same. If the articles are not inspected pursuant to rules, the articles shall be held in a manner that they will not spread or be likely to spread any infestation or infection of insects, diseases, or pests that may be present until an inspection can be made by the inspector to determine whether any article, or any portion thereof, is infested or infected with insects or diseases, or contains any pest. The department may adopt rules to define inspectional requirements of specific articles. Failure to obtain certification that the articles have met the inspectional requirements prior to movement between the islands of the State is a violation of this section;
- (2) Labels. Each container in which any of the above-mentioned articles are transported between the islands of 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, and a statement of the contents of the container. Failure to comply with this paragraph is a violation of this section;
- (3) Authority to inspect. Whenever the inspector has good cause to believe that the provisions of this chapter are being violated, the inspector shall:
 - (A) Enter and inspect any aircraft, vessel, or other carrier at any time 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;
 - (C) Inspect any baggage or personal effects of passengers, officers, and crew members on aircraft or vessels moving between the islands of the State to ascertain if they contain any of the articles or pests enumerated in this chapter;

- (D) 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; and
- (E) Whenever the inspector has good cause to believe that the provisions of this chapter are being violated, the inspector shall 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 islands of the State, 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, pest, or any article infested with an insect or disease is found;
- (4) Place of inspection. The inspector shall make a determination whether it is 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 initially presented for inspection. All costs and expenses incident to the movement and transportation of the articles to such place shall be borne by the consignee or the consignee's agent;
- (5) Disinfection or quarantine. If, upon inspection, any article intended for movement between the islands of the State is found to be infested or infected with an insect, disease, or pest, 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 prior to movement between the islands of the State. 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 quarantined 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 nature or extent that it cannot be effectively and completely eradicated, 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 shipment, article, or any portion thereof, together with all packing and containers, shall not be certified for movement between the islands of the State. An article infested or infected with an insect, disease, or pest that is not widespread in the State shall be destroyed at the expense of the owner or the owner's agent; provided that no treatment exists that would eradicate the insect, disease, or pest to the satisfaction of the department. Such destruction shall not be made the basis of a claim against the department or the inspector for damage or loss incurred; and
- (6) Disposition. Upon completion of inspection, the inspector shall conspicuously affix to the article, container, or to the delivery order or other similar document, a tag, label, or stamp to indicate that the article has been inspected and can be moved between the islands of the State."

SECTION 31. Section 150A-14, Hawaii Revised Statutes, is amended by amending subsections (b) through (g) to read as follows:

“(b) Any person who violates section 150A-5 or 150A-F shall be [~~guilty of a petty misdemeanor and~~] fined [~~not~~] no less than [~~\$50~~] \$100 and [~~not~~] no more than [~~\$5,000~~] \$10,000. For a second [~~offense~~] violation committed within five years of a prior [~~offense~~] violation, the person may be fined [~~not~~] no less than [~~\$250~~] \$500 and [~~not~~] no more than [~~\$15,000~~] \$25,000.

(c) Any person who:

- (1) Violates section 150A-6(3) or [~~150A-6(4)~~] (4), or owns or intentionally transports, possesses, harbors, transfers, or causes the importation of any snake or other prohibited animal seized under section 150A-7(b), or whose violation involves an animal that is prohibited [~~or~~], a plant[~~;~~] that is restricted, or an animal[~~;~~] or microorganism that is restricted[~~;~~] or unlisted, without a permit, shall be guilty of a misdemeanor and subject to a fine of [~~not~~] no less than \$5,000, but [~~not~~] no more than \$20,000;
- (2) Intentionally transports, transfers, possesses, harbors, or imports with the intent to propagate, sell, or release any animal that is prohibited [~~or any plant, animal~~], a plant that is restricted, or an animal or microorganism that is restricted[~~;~~] or unlisted, without a permit, shall be guilty of a class C felony and subject to a fine of [~~not~~] no less than \$50,000, but [~~not~~] no more than \$200,000; or
- (3) Intentionally imports, possesses, harbors, transfers, or transports, including through interisland or intransland movement, with the intent to propagate, sell, or release, any pest designated by statute or rule, unless otherwise allowed by law, shall be guilty of a class C felony and subject to a fine of [~~not~~] no less than \$50,000, but [~~not~~] no more than \$200,000.

(d) Whenever a court sentences a person or organization pursuant to subsection (a) or (c) for an offense [~~which~~] that has resulted in the escape or establishment of any pest or animal or microorganism that is restricted or unlisted and caused the department to initiate a program to capture, control, or eradicate that pest[~~;~~] or animal or microorganism that is restricted or unlisted, the court shall also require that the person or organization pay to the state general fund an amount of money to be determined in the discretion of the court upon advice of the department, based upon the cost of the development and implementation of the program.

(e) The department may, at its discretion, refuse entry, confiscate, or destroy any prohibited [~~articles or~~], restricted, or unlisted articles that are brought into the State without a permit issued by the department, or order the return of any plant, fruit, vegetable, or any other article infested with insects, diseases, or pests to its place of origin or otherwise dispose of it or such part thereof as may be necessary to comply with this chapter. Any expense or loss in connection therewith shall be borne by the owner or the owner's agent.

(f) Any person or organization that voluntarily surrenders any pest, prohibited animal, or any restricted plant, animal, or microorganism without a permit issued by the department, prior to the initiation of any seizure action by the department, shall be exempt from the penalties of this section.

(g) For purposes of this section, “intent to propagate” shall be presumed when the person in question is found to possess, transfer, transport, harbor, or import:

- (1) Any two or more animal specimens of the opposite sex that are prohibited, unlisted, or restricted, without a permit, or are a pest designated by statute or rule;
- (2) Any three or more animal specimens of either sex that are prohibited, unlisted, or restricted, without a permit, or are a pest designated by statute or rule;
- (3) Any plant that is restricted or microorganism that is restricted or unlisted, having the inherent capability to reproduce [~~and that is restricted~~], without a permit; or
- (4) Any specimen that is in the process of reproduction.”

SECTION 32. Section 150A-54, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The department shall set and impose charges for the inspection, quarantine, and eradication of pests in accordance with this chapter and chapter 141[-], including imposing charges on an importer for using a transitional facility. The department shall deposit the charges into the pest inspection, quarantine, and eradication fund established pursuant to section 150A-4.5.”

PART V

SECTION 33. The purpose of this part is to:

- (1) Authorize the department of agriculture and biosecurity to enter into agreements with private industries for readiness and response to prevent and address unwanted organisms; and
- (2) Establish a pest dashboard.

SECTION 34. Chapter 150A, Hawaii Revised Statutes, is amended by adding two new sections to part VI to be appropriately designated and to read as follows:

“§150A-F Government-industry agreements for readiness and response.

(a) The department may enter into readiness and response agreements with businesses and representatives of businesses in the plant and animal industries of the State, including businesses that grow, harvest, or produce animals and plants or products from animals and plants.

(b) The agreements shall include:

- (1) Readiness activities that:
 - (A) Prevent unwanted organisms from entering the State; and
 - (B) Detect unwanted organisms; and
- (2) Response activities that:
 - (A) Facilitate the immediate investigation of an unwanted organism after detection, including timely reporting of the unwanted organism’s detection to the department;
 - (B) Minimize the impact of the unwanted organism on natural and physical resources, human health, and overseas market access for Hawaii products;
 - (C) Control the spread of an unwanted organism;
 - (D) Reduce the geographical distribution of an unwanted organism;
 - (E) Eradicate the unwanted organism; and
 - (F) Include providing the department with relevant information for posting to the pest dashboard pursuant to section 141-3.5.

(c) A violation of an applicable readiness plan shall be subject to penalties under section 150A-14.

§150A-G Biosecurity and pest management plans. (a) Any person, including any unit of state or local government, may submit to the board a proposed biosecurity or pest management plan. The proposed biosecurity or pest management plan shall include:

- (1) The name of the person or organization submitting the proposed biosecurity or pest management plan;
 - (2) The organism proposed to be classified as a pest; provided that a proposed biosecurity or pest management plan may encompass a category of organisms proposed to be classified as pests;
 - (3) A description of the organism's adverse effects;
 - (4) A description of the region of the proposed plan or whether the proposed plan will be implemented statewide;
 - (5) The reason for the proposed plan;
 - (6) Objectives of the proposed plan;
 - (7) The principal measures to achieve the objectives and alternative measures, if any;
 - (8) An allocation of the costs, if applicable;
 - (9) Proposed funding; and
 - (10) Other information as required by the department.
- (b) The board shall review the proposed plan, taking into consideration:
- (1) Whether the implementation of the proposed plan is likely to eradicate or effectively manage the organism proposed to be declared a pest;
 - (2) Whether the proposed plan is inconsistent with any federal or state requirement, activity, or policy;
 - (3) Any harmful effects of denying the proposed biosecurity or pest management plan;
 - (4) Whether the benefits of the proposed plan would outweigh the costs; and
 - (5) Other considerations established by the department.
- (c) At a public hearing, the board shall approve the proposed plan, deny the proposed plan, or approve the proposed plan with modifications.
- (d) The department may negotiate with the person who submitted the proposed plan or any other person before taking action.
- (e) The board shall publish each proposed plan it approves and each proposed plan it approves with modifications. These shall be known as "approved plans".
- (f) The department may enter into contracts to implement approved plans.
- (g) A pest management plan that was previously disapproved may be resubmitted to the board upon the chairperson's determination that the proposed management plan is significantly different from the previously disapproved request."

SECTION 35. 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 and biosecurity 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 and biosecurity 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.
- (c) For any pest designated by emergency rule as provided in section 141-3, the department of agriculture and biosecurity shall implement an emergency program using the best available technology in a manner consistent with state and federal law.
- (d) The department of agriculture[;] and biosecurity:
- (1) In conjunction with the 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 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 pests designated in section 141-3, as prioritized by the department[;]. No later than December 1, 2025, the department shall establish a pest dashboard to provide real-time data and information for treatment areas of pests designated in section 141-3 to the public. The dashboard shall be updated regularly and be hosted and managed 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. The department of agriculture and biosecurity, department of land and natural resources, and contracted parties pursuant to section 150A-F shall regularly and timely post treatment area information to the pest dashboard.
- (e) Any state department, agency, political subdivision, or contracted party pursuant to section 150A-F that does not provide information for the pest dashboard in compliance with this section shall not receive or expend public funds. The deputy chairperson for biosecurity shall be responsible for ensuring compliance with this section."

PART VI

SECTION 36. The legislature finds that treating plant care components, which includes any quantity of wood chips, compost, or filter socks, reduces po-

tential pests and increases the State's overall biosecurity. Act 197, Session Laws of Hawaii 2024 (Act 197), requires the department of agriculture to certify plant care component treatments performed within the State. The purpose of this part is to expressly provide the department of agriculture and biosecurity with the rulemaking authority to adopt administrative rules and to assess administrative penalties to fully effectuate Act 197.

SECTION 37. Section 141-2, Hawaii Revised Statutes, is amended to read as follows:

“§141-2 Rules. Subject to chapter 91, the department of agriculture and biosecurity shall adopt, amend, and repeal rules not inconsistent with law, for and concerning:

- (1) The introduction, transportation, and propagation of trees, shrubs, herbs, and other plants;
- (2) The quarantine, inspection, fumigation, disinfection, destruction, or exclusion, either upon introduction into the State, or at any time or place within the State, of any nursery-stock, tree, shrub, herb, vine, cut-flower, cut-foliage, cutting, graft, scion, bud, seed, leaf, root, or rhizome; any nut, fruit, or vegetable; any grain, cereal, or legume in the natural or raw state; any moss, hay, straw, dry-grass, or other forage; any unmanufactured log, limb, or timber; or any other plant growth or plant product unprocessed or in the raw state; any sand, soil, or earth; any live bird, reptile, insect, or other animal, in any stage of development, that is in addition to the so-called domestic animals, which are provided for in section 142-2; and any box, barrel, crate, or other containers in which the articles, substances, or objects have been transported or contained, and any packing material used in connection therewith, that is or may be diseased or infested with insects or likely to assist in the transmission or dissemination of any insect or plant disease injurious, harmful, or detrimental, or likely to become injurious, harmful, or detrimental to the agricultural or horticultural industries or the forests of the State, or that is or may be in itself injurious, harmful, or detrimental to the same; provided that included therein may be rules governing the transportation of any of the articles, substances, or objects enumerated above in this section between different localities on any one of the islands within the State;
- (3) The prohibition of importation into the State, from any or all foreign countries or from other parts of the United States, or the shipment from one island within the State to another island therein, or the transportation from one part or locality of any island to another part or locality of the same island, of any specific article, substance, or object or class of articles, substances, or objects, among those enumerated above in this section, that is diseased or infested with insects or likely to assist in the transmission or dissemination of any insect or plant disease injurious, harmful, or detrimental or likely to be injurious, harmful, or detrimental to the agricultural or horticultural industries, or the forests of the State, or that is or may be in itself injurious, harmful, or detrimental to the same;
- (4) The preparation by cargo carriers of manifests of cargo transported into the State or between islands of the State and the submission of the manifests to the department;
- (5) The establishment, maintenance, and enforcement of compliance agreements with federal or state departments of agriculture autho-

- rizing agriculture inspectors from the state of origin in the case of imports to the State, or state agricultural inspectors in the case of state exports, to monitor the growing and packing of plant commodities and any treatment procedures to ensure compliance with quarantine laws, and further authorizing the assessment of fees for conducting inspections required under the compliance agreement; [and]
- (6) The manner in which agricultural product promotion and research activities may be undertaken, after coordinating with the agribusiness development corporation[-];
 - (7) The establishment, fee schedule, appropriate treatments, certification requirements, restrictions, and enforcement of or for a plant care component program; and
 - (8) Any other purpose within this part.
- All rules adopted under this section shall have the force and effect of law.”

SECTION 38. Section 141-18, Hawaii Revised Statutes, is amended to read as follows:

“[§141-18] Plant care components; fumigation; treatment; certification; fees; restrictions. (a) The department of agriculture[-] and biosecurity:

- (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]:
- (1) The plant care component was subject to a treatment before entering the State; or
 - (2) The plant care component has been treated immediately after [entering] arriving in the State, as certified by the department of agriculture[-] and biosecurity.
- (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 and biosecurity 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) Any person who violates any provision of this section or rules adopted under this section may be assessed an administrative penalty by the board of not more than \$10,000 for each offense. No administrative penalty shall be assessed unless the person charged has been given notice and an opportunity for a hearing on the specific charge. The administrative penalty and any proposed action contained in the notice of finding of violation shall become a final order unless, within twenty days of receipt of the notice, the person or persons charged make a written request for a hearing. In determining the amount of penalty, the board shall consider the appropriateness of the penalty to the size of the business of the person charged, the effect on the person's ability to continue business, and the gravity of the violation.

(e) In case of inability to collect the administrative penalty or failure of any person to pay all or a portion of the administrative penalty as the board may determine, the board shall refer the matter to the attorney general, who shall recover the amount by action in the appropriate court. For any judicial proceeding to recover the administrative penalty imposed, the attorney general need only show that notice was given, a hearing was held or the time granted for requesting a hearing has expired without such a request, the administrative penalty was imposed, and the penalty remains unpaid.

(f) When construing and enforcing this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person shall in every case be also deemed to be the act, omission, or failure of such person as well as that of the person employed.

[(d)] (g) For the purposes of this section:

“Board” means board of agriculture and biosecurity.

“Filter sock” means a mesh tube that contains organic plant material, which is used for erosion control.

“Person” means an individual, firm, corporation, association, or partnership or any organized group of persons whether incorporated or not.

“Plant care component” or “component” means any quantity of wood chips[;] or compost[;] that is used in the propagation of plants or in a filter [socks;] sock.

“Treat” or “treatment” means fumigation or heat treatment.”

PART VII

SECTION 39. All rights, powers, functions, and duties of the Hawaii invasive species council are transferred from the department of land and natural resources to the department of agriculture and biosecurity.

All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which transferred or appointed.

If an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

SECTION 40. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the department of land and natural resources relating to the functions of the Hawaii invasive special council that are transferred to the department of agriculture and biosecurity shall be transferred with the functions to which they relate.

PART VIII

SECTION 41. There is appropriated out of the general revenues of the State of Hawaii the sum of \$4,250,000 or much¹ thereof as may be necessary for fiscal year 2025-2026 for the operations of the Hawaii invasive species council.

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

SECTION 42. There is appropriated out of the general revenues of the State of Hawaii the sum of \$4,250,000 or so much thereof as may be necessary for fiscal year 2026-2027 for the operations of the Hawaii invasive species council.

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

SECTION 43. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or much¹ thereof as may be necessary for the fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the operations of the Hawaii Ant Lab.

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

SECTION 44. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the operations of the coconut rhinoceros beetle response under the university of Hawaii.

The sums appropriated shall be expended by the university of Hawaii for the purposes of this Act.

PART IX

SECTION 45. In codifying the new sections added by sections 26 and 34 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 46. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 47. This Act shall take effect as follows:

- (1) Part I shall take effect upon approval of this Act; provided that if part I takes effect before June 30, 2025, the amendments made to section 167-6, Hawaii Revised Statutes, by section 18 of this Act shall not be repealed when that section is repealed and reenacted on June 30, 2025, pursuant to Act 223, Session Laws of Hawaii 2014;

- (2) Part II shall take effect on January 1, 2027;
- (3) Part III and sections 25, 26, 27, and 32 shall take effect on January 1, 2028;
- (4) Sections 30 and 31 and parts V and VIII shall take effect on July 1, 2025;
- (5) Part VI shall take effect upon approval of this Act;
- (6) Part VII shall take effect on January 1, 2030; and
- (7) Sections 28 and 29 and Part IX shall take effect upon approval of this Act.

(Approved June 27, 2025.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.

ACT 237

H.B. NO. 774

A Bill for an Act Relating to Value-Added Products.

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

SECTION 1. The legislature finds that establishing a food and product innovation network is critical to meeting the State's agricultural and economic diversification goals. The network will allow businesses in the State to capitalize globally on the "Hawaii made", "made in Hawaii", "produced in Hawaii", or "processed in Hawaii" brand; create world-class products; and scale up production by providing the businesses with access to a diverse suite of manufacturing equipment and industry expertise.

Accordingly, the purpose of this Act is to establish and appropriate funds for a statewide network of open-access food and value-added product development facilities to enable businesses to scale up new products from research and development to manufacturing and commercialization.

SECTION 2. Chapter 163D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§163D- Food and product innovation network; established. (a) There is established within the corporation the food and product innovation network. The network shall operate under a centralized coordination structure administered by the corporation to ensure alignment in standards, programming, and strategic direction across all facilities statewide. The purpose of the food and product innovation network shall be to:

- (1) Allow businesses in the State to capitalize globally on the "Hawaii made", "made in Hawaii", "produced in Hawaii", or "processed in Hawaii" brand, pursuant to section 486-119;
 - (2) Create world-class products; and
 - (3) Scale up production by providing the businesses with access to a diverse suite of manufacturing equipment and industry expertise.
- (b) Partner members of the food and product innovation network shall include:
- (1) Future facilities to be developed on lands set aside by executive order to the corporation in Kekaha, on the island of Kauai; a to-be-determined location on the island of Hawaii; and additional

- facilities on the islands of Maui, Molokai, and Oahu to expand regional support and enhance statewide coverage;
- (2) The foreign-trade zone facility in Hilo, on the island of Hawaii;
 - (3) The university of Hawaii Maui college food innovation center, on the island of Maui; and
 - (4) The university of Hawaii Leeward community college value-added product development center in Wahiawa, on the island of Oahu.
- (c) The food and product innovation network shall:
- (1) Offer a range of resources within the wider network to support innovation and business development, including courses and events relating to food and value-added product development, entrepreneurship, marketing, branding, business management, workforce development, intellectual property protection, and other topics;
 - (2) Provide new product development support from early-stage trials to commercialization by establishing a network of facilities with equipment of various scales, providing expert advice, and offering resources tailored to the regional economies;
 - (3) Provide low-risk commercial production with appropriate certifications for exporting products and selling products locally;
 - (4) Provide recommendations on process optimization by offering advice and networking, identifying and testing equipment, planning trials, and analyzing results;
 - (5) Increase exports by securing facilities and developing compliance programs for off-shore markets; provided that each county shall have no more than two food and product innovation network facilities that produce products labeled “Hawaii made”, “made in Hawaii”, “produced in Hawaii”, or “processed in Hawaii” pursuant to section 486-119;
 - (6) Develop entrepreneurs to grow the State’s economy;
 - (7) Prepare businesses to scale up and achieve autonomous business success and sustainability;
 - (8) Establish pathways from early-stage innovation through commercialization, including pilot testing, certification, and support for accessing capital and distribution channels;
 - (9) Facilitate partnerships with research institutions, educational organizations, and private sector partners to strengthen innovation pipelines, technology transfer, and applied research opportunities; and
 - (10) Engage with national and international partners, including foreign innovation networks, to support shared learning, exchange of best practices, and cooperative programming that advances innovation, sustainability, and commercialization outcomes.
- (d) No later than twenty days prior to the convening of each regular session, the corporation, on behalf of the food and product innovation network, shall submit a report to the legislature that includes:
- (1) A description of the food and product innovation network’s activities and progress in the preceding year, including the activities and progress of primary members and partner members, in response to the directives established pursuant to subsection (c);
 - (2) An assessment of any progress made in growing the State’s agriculture industry, food industry, and related industries, and in meeting the State’s food security goals; and
 - (3) Any proposed legislation.”

SECTION 3. Section 163D-2, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

““Partner member” means an open-access food and value-added product development facility that is part of the food and product innovation network but is not managed or operated by the corporation.

“Primary member” means an open-access food and value-added product development facility that is part of the food and product innovation network and is managed and operated by the corporation.”

SECTION 4. Section 163D-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The corporation shall [~~develop~~];

(1) ~~Develop~~, promote, assist, and market agricultural products for local consumption[~~-, and shall promote~~];

(2) Promote and assist in commercial export of agricultural products[~~-~~];
and

(3) Oversee the food and product innovation network pursuant to section 163D- ; provided that the responsibilities and operations of each partner member shall remain with the partner member.”

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$385,289 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to defray costs associated with the implementation of the food and product innovation network, including:

(1) \$172,884 for two full-time equivalent (2.0 FTE) positions; and

(2) \$212,405 for other operating expenses.

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

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

SECTION 7. This Act shall take effect on July 1, 2025.

(Approved June 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 238

H.B. NO. 534

A Bill for an Act Relating to Labeling Requirements.

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

SECTION 1. The legislature finds that local tuna fisheries and associated seafood markets are an important sector of the State’s economy and food production and that the identification of foreign imported tuna is critical to inform and safeguard consumers.

According to statistics from the United States Department of Commerce, the annual dockside value of commercial yellowfin and bigeye tuna (marked as ahi) landed in Hawaii's ports is around \$100,000,000, making tuna the highest valued food commodity produced in the State. Even with these impressive landings, previously frozen and carbon monoxide-treated foreign imported tuna dominates sales at local retail establishments. Due to a loophole in federal country of origin labeling requirements for seafood, retail establishments are not providing consumers with information on where the ahi tuna originates. The legislature is therefore concerned that most consumers that buy ahi at local retail establishments falsely believe that previously frozen, gas-treated ahi is caught by Hawaii fisheries.

Moreover, the legislature further notes that the majority of ahi sold at local retail establishments is in the form of poke and sushi products. Consumers of poke are commonly subjected to misleading advertisements and in-store terminology, such as "prepared fresh", "freshly made", and "locally made", while the ahi used to prepare the poke is foreign-sourced, previously frozen, gas-treated, and imported in pre-cut cubes.

Accordingly, the purpose of this Act is to prohibit the sale of raw processed ahi at Hawaii retail establishments without a label stating the country in which the ahi was landed.

SECTION 2. Chapter 486, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

"§486- Raw processed ahi; labeling requirements; retail establishments. (a) No retail establishment shall keep, offer, display, expose for sale, or solicit for the sale of any raw processed ahi without a label stating the country in which the ahi was landed.

(b) As used in this section:

"Ahi" means yellowfin tuna or bigeye tuna, including farm-raised fish and ahi that meets the definition of "wild fish and shellfish" as defined in title 7 Code of Federal Regulations section 60.133, as amended.

"Farm-raised fish" has the same meaning as defined in title 7 Code of Federal Regulations section 60.106, as amended.

"Raw processed ahi" means a retail item derived from ahi that has undergone transformation by methods including but not limited to cutting, cubing, slicing, and mincing or has been combined with any ingredients (e.g., soy sauce, onions, limu, etc.) and offered for sale.

"Retail establishment" means an establishment licensed under the Perishable Agricultural Commodities Act of 1930, which includes any retail establishment that purchases over \$230,000 of fresh or frozen produce per calendar year."

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2026.

(Approved June 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 239

S.B. NO. 1186

A Bill for an Act Relating to Sustainable Food Systems.

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

SECTION 1. The legislature finds that the State is committed to promoting sustainable economic development, enhancing local food production, improving access to healthy food, promoting climate change adaptation and mitigation, minimizing food waste, and reducing food insecurity. This commitment is evident through initiatives such as:

- (1) The Hawaii 2050 sustainability plan, which highlights Hawaii's overall economic, climate, and food system-related goals;
- (2) Act 151, Session Laws of Hawaii 2019, which mandates doubling local food production and increasing food exports by 2030; and
- (3) Acts 175 and 176, Session Laws of Hawaii 2021, which establish goals for local food procurement in schools and other government entities, with a target of fifty per cent locally sourced food by 2050.

Despite these efforts and more, high food insecurity and barriers to local food production in Hawaii remain. According to a recent report by the Hawaii Foodbank, nearly one-third of households are food insecure, and food insecurity rates are consistently higher than the national average. Additionally, a recent study found that only twelve per cent of households maintain a fourteen-day emergency supply of food, water, and medicine, as recommended by emergency managers.

The legislature further finds that achieving a sustainable, resilient, and equitable food system requires collaboration across state agencies, producers, retailers, non-governmental organizations, and community members. Such a system can enhance environmental, economic, social, and cultural health; well-being; and equity while also helping the State respond effectively to disasters and crises. Interagency coordination and an integrated approach are essential to maximizing efficiencies and achieving impact.

Accordingly, the purpose of this Act is to:

- (1) Establish a statewide interagency food systems coordination team and an interagency food systems working group within the agribusiness development corporation; and
- (2) Appropriate funds for operating costs of the team and working group.

SECTION 2. Chapter 163D, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . INTERAGENCY FOOD SYSTEMS COORDINATION

§163D-A Statewide interagency food systems coordination team. There is established within the corporation the statewide interagency food systems coordination team. The statewide interagency food systems coordination team shall coordinate and oversee the interagency food systems working group established under section 163D-B and develop a process to implement interagency food systems plans and actions.

§163D-B Interagency food systems working group. (a) There is established within the corporation an interagency food systems working group.

- (b) The working group shall consist of the following members:

- (1) The chairperson of the board of agriculture, or the chairperson's designee, who shall serve as co-chair;
 - (2) The director of business, economic development, and tourism, or the director's designee, who shall serve as co-chair;
 - (3) One member of the house of representatives, to be selected by the speaker of the house of representatives;
 - (4) One member of the senate, to be selected by the president of the senate; and
 - (5) Members with relevant experience, to be invited by the co-chairs.
- (c) The interagency food systems working group shall:
- (1) Develop governance, decision-making, and operating protocols;
 - (2) Coordinate with county and community-led organizations that are involved with food systems planning;
 - (3) Identify resources to support interagency food systems coordination and implementation efforts;
 - (4) Develop internal and external communication processes;
 - (5) Create time-bound implementation plans and ways to measure progress toward statewide food systems goals; and
 - (6) Utilize policy impact analysis tools to evaluate proposed actions.
- (d) The interagency food systems working group shall submit a report of its activities and any recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of each regular session.
- (e) The department of business, economic development, and tourism shall provide any necessary administrative support to the statewide interagency food systems coordination team and the interagency food systems working group established under this part."

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 2025-2026 for operating costs for the statewide interagency food systems coordination team and interagency food systems working group.

The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.

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

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved June 27, 2025.)

ACT 240

S.B. NO. 140

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 invasive pests such as insects and pathogens found on firewood imported into the State can pose a significant risk to native forests and plants. Firewood harvested from low-quality living trees or dead trees can continue to harbor the pests or diseases that led to the trees' poor condition or death.

A number of pests established in the continental United States, such as the emerald ash borer and Asian longhorned beetle, and diseases such as the laurel wilt pathogen, which kills laurel and avocado, and oak wilt, which kills oak trees, including many other pests and diseases, can travel in or on domestic firewood. These pests and diseases pose a danger to the State's forests, environment, natural resources, horticultural and agricultural industries, and residents.

The legislature also finds that the United States Department of Agriculture adopted domestic quarantine regulations for the wood-boring emerald ash borer, which requires much of the firewood harvested in the United States to be heat-treated before interstate movement or sale. However, these domestic quarantine regulations were repealed in January 2021.

To fill the gap, many states, including Florida, New York, Tennessee, and Utah, have adopted requirements mandating that firewood imported into their respective states be heat-treated to disinfect the firewood. Additionally, the United States Department of Agriculture requires that all firewood imported into Hawaii from a foreign country be treated before importation, and all importers are required to possess a timber and timber products import permit.

The legislature further finds that the Hawaii department of agriculture does not have any treatment requirements for firewood. This lack of regulation is a significant biosecurity gap in Hawaii. Although the Hawaii department of agriculture held public informational meetings for stakeholders on a proposed rule that would require treatment of domestically imported firewood in May and June 2022, the department has not made progress in adopting administrative rules regarding firewood treatment standards. The legislature recognizes that the National Plant Board, a network of state and territorial plant pest regulatory agencies, has created model language to assist states in the adoption of firewood treatment standards to prevent the spread of pests through firewood. Adopting these standards will close the existing biosecurity gap in Hawaii.

Accordingly, the purpose of this Act is to:

- (1) Prohibit the importation of firewood into the State unless the firewood is certified as heat-treated and labeled accordingly or the importation is authorized and permitted by the department of agriculture before importation; and
- (2) Require persons who import firewood into the State to maintain, and make available on request, records of imports for at least two years.

SECTION 2. Chapter 150A, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“§150A- Firewood; heat-treatment; requirements; exemptions. (a) No firewood shall be imported into the State unless:

- (1) The firewood has been certified by an appropriate federal or state agency as heat-treated and labeled in accordance with subsection (b); or
 - (2) The importation is authorized pursuant to subsection (c) and the department has issued a permit before importation.
- (b) Each package of firewood imported into the State pursuant to subsection (a)(1) shall bear a clear and conspicuous label that contains the following information:
- (1) State of origin of the firewood;
 - (2) A statement that the firewood has been certified as heat-treated;
 - (3) The name of the federal or state certifying agency and the certificate number;

- (4) Identification of the commodity as firewood, unless the contents can be easily identified through the packaging, wrapper, or container; and
- (5) Name and address of the manufacturer, packer, or distributor of the firewood.

(c) If firewood imported into the State is not eligible for importation under subsections (a)(1) and (b) and the department determines that the firewood will not pose an unacceptable risk of introducing or spreading an insect, disease, or other pest into the State, the department may issue a permit authorizing the importation. No firewood shall be imported into the State pursuant to this subsection before the department issues a permit.

(d) Any person who imports firewood into the State shall maintain, and make available to the department upon request, records of imports for at least two years.

(e) Firewood harvested within the State shall not be subject to the requirements of this section.

(f) As used in this section:

“Firewood” means any kindling, logs, timber, or other portions of a tree of any species four feet or less in length; cut or split, or intended to be cut or split, into a form and size appropriate for use as fuel for fires in an open or closed pit, grill, fireplace, stove, or wood burning furnace; or in any other form commonly used for burning in campfires, stoves, or fireplaces.

“Heat-treated” means firewood that has been heated to at least one hundred sixty degrees Fahrenheit for seventy-five minutes at wood core.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 27, 2025.)

Note

- 1. Edited pursuant to HRS §23G-16.5.

ACT 241

H.B. NO. 302

A Bill for an Act Relating to Cannabis.

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

PART I

SECTION 1. The legislature finds that access for qualifying patients and primary caregivers to medical cannabis and particularly licensed medical cannabis dispensaries remains challenging due to limited access to medical providers, delays in obtaining allowed access to enter and purchase medical cannabis, and the availability of cannabis through a thriving illicit market.

The legislature further finds that registration for the medical cannabis program has decreased in the last few years. While the number of registered medical cannabis patients reached its peak in August 2021, with 35,444 card-holding patients, since then, the number of patients has decreased over fifteen per cent to 30,035 by November 2024. This appears to indicate that residents are

shifting away from licensed medical cannabis dispensaries, and instead are obtaining their medical cannabis from elsewhere due to administrative barriers, delays in registering, and the ease and lower costs in obtaining cannabis elsewhere.

The legislature also finds that this apparent shift away from licensed medical cannabis dispensaries toward the illicit market undermines the purposes of the medical cannabis program in ensuring patient safety, product safety, and public safety.

The legislature additionally finds that Act 34, Session Laws of Hawaii 2021, amended existing law governing physicians by eliminating the requirement for a physician-patient relationship to be established by an initial in-person consultation, and authorized the relationship to be established via telehealth.

The purpose of this part is to make various amendments to the medical use of cannabis and medical cannabis dispensaries laws by:

- (1) Authorizing the department of health to inspect a qualifying patient's medical records that are held by the physician, advanced practice registered nurse, or hospice provider who issued a written certification for the qualifying patient;
- (2) Amending definitions of "qualifying patient" and "written certification" and adding a definition of "primary treating medical provider";
- (3) Clarifying the conditions of use for the medical use of cannabis;
- (4) Authorizing the establishment of a provider-patient relationship via telehealth for purposes of issuing written certifications and limiting the maximum fee a provider may assess for issuing a written certification;
- (5) Authorizing the sale of hemp products and accessories to the medical use of cannabis at retail dispensing locations, except in the waiting room; and
- (6) Clarifying the transportation requirements for certain types of dispensary-to-dispensary purchases of cannabis or manufactured cannabis products.

SECTION 2. Chapter 329, Hawaii Revised Statutes, is amended by adding a new section to part IX to be appropriately designated and to read as follows:

"§329- Qualifying patient medical records; inspection and enforcement; authority. (a) The department may inspect a qualifying patient's medical records held by the physician, advanced practice registered nurse, or hospice provider who issued a written certification for the qualifying patient.

(b) The department may suspend or revoke the ability to issue a written certification for any physician, advanced practice registered nurse, or hospice provider who refuses inspection of a qualifying patient's medical records by the department pursuant to this section.

(c) The department may suspend or revoke the ability to issue a written certification for any physician, advanced practice registered nurse, or hospice provider whose medical records do not comply with the requirements of this chapter."

SECTION 3. Section 329-121, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriate¹ inserted and to read:

"Primary treating medical provider" means a physician or an advanced practice registered nurse located in, and with an active unrestricted license to practice in, the State who, within the physician's or advanced practice registered

nurse's scope of practice and individual competency, is primarily responsible for the treatment and ongoing care of the qualifying patient and has determined that the potential benefits of the medical use of cannabis are likely to outweigh the associated health risks for the qualifying patient."

2. By amending the definition of "qualifying patient" to read:

““Qualifying patient” means a person who [has]:

- (1) Has been diagnosed [by a physician or advanced practice registered nurse] as having a debilitating medical condition[-] by a physician or advanced practice registered nurse who has certified in writing that, in the physician's or advanced practice registered nurse's professional opinion, the benefit of the medical use of cannabis would likely outweigh the health risks for the person;
- (2) Has been diagnosed as having a condition other than a debilitating medical condition by the person's primary treating medical provider who has certified in writing that, in the primary treating medical provider's professional opinion, the potential benefits of the medical use of cannabis would likely outweigh the health risks for the person; or
- (3) Is receiving hospice care and the hospice provider licensed in the State has certified in writing that the person is receiving hospice care."

3. By amending the definition of "written certification" to read:

““Written certification” means the qualifying patient's medical records or a statement signed by a qualifying patient's physician [or], advanced practice registered nurse, or hospice provider, stating that in the physician's [or], advanced practice registered nurse's, or hospice provider's professional opinion, the qualifying patient has a [debilitating medical condition and] condition for which the potential benefits of the medical use of cannabis would likely outweigh the health risks for the qualifying patient. The department of health may require, through its rulemaking authority, that all written certifications comply with a designated form. “Written certifications” are valid for one year from the time of signing; provided that the department of health may allow for the validity of any written certification for three years if the qualifying patient's physician or advanced practice registered nurse states that the patient's [debilitating medical] condition is chronic in nature."

SECTION 4. Section 329-122, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) Notwithstanding any law to the contrary, the medical use of cannabis by a qualifying patient eighteen years of age or older shall be permitted only if:

- (1) ~~The qualifying patient has been diagnosed by a physician or advanced practice registered nurse as having a debilitating medical condition;~~
- (2) ~~The qualifying patient's physician or advanced practice registered nurse has certified in writing that, in the physician's or advanced practice registered nurse's professional opinion, the potential benefits of the medical use of cannabis would likely outweigh the health risks for the particular qualifying patient; and~~
- (3) (1) The physician, advanced practice registered nurse, or hospice provider who has determined the patient to be a qualifying patient has explained the potential risks and benefits of the medical use of

cannabis to the qualifying patient and documented in the qualifying patient's medical record that the qualifying patient understands the potential risks and benefits of the medical use of cannabis; and

- (2) The amount of cannabis possessed by the qualifying patient does not exceed an adequate supply.

(b) ~~[Subsection (a) shall not apply to]~~ Notwithstanding any law to the contrary, the medical use of cannabis by a qualifying patient under the age of eighteen years[, unless:] shall be permitted only if:

- (1) The ~~[qualifying patient's]~~ physician ~~[or]~~, advanced practice registered nurse, or hospice provider who has determined the patient to be a qualifying patient has explained the potential risks and benefits of the medical use of cannabis to the qualifying patient and to a parent, guardian, or person having legal custody of the qualifying patient~~[:]~~ and documented in the qualifying patient's medical record that the qualifying patient and the parent, guardian, or person having legal custody of the qualifying patient understand the potential risks and benefits of the medical use of cannabis; and
- (2) A parent, guardian, or person having legal custody consents in writing to:
 - (A) Allow the qualifying patient's medical use of cannabis;
 - (B) Serve as the qualifying patient's primary caregiver; and
 - (C) Control the acquisition of the cannabis, the dosage, and the frequency of the medical use of cannabis by the qualifying patient."

SECTION 5. Section 329-123, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Physicians or advanced practice registered nurses who issue written certifications shall provide, in each written certification, the name, address, patient identification number, and other identifying information of the qualifying patient. A written certification issued pursuant to this subsection shall originate from within the State. The department of health shall require, in rules adopted pursuant to chapter 91, that all written certifications comply with a designated form completed by or on behalf of a qualifying patient. The form shall require information from the applicant, primary caregiver, and physician or advanced practice registered nurse as specifically required or permitted by this chapter. The form shall require the address of the location where the cannabis is grown and shall appear on the registry card issued by the department of health. The certifying physician or advanced practice registered nurse shall be required to have a bona fide physician-patient relationship or bona fide advanced practice registered nurse-patient relationship, as applicable, with the qualifying patient[:]; provided that nothing under this part shall require that the bona fide physician-patient relationship or bona fide advanced practice registered nurse-patient relationship be established by conducting an initial in-person consultation. Any fees assessed by a certifying physician or advanced practice registered nurse to issue a written certification pursuant to this subsection shall not exceed an amount equal to three times the amount of the fee charged by the department of health to issue a registration certificate pursuant to subsection (b). All current active medical cannabis permits shall be honored through their expiration date."

SECTION 6. Section 329-126, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) For purposes of this section, a bona fide physician-patient relationship may be established via telehealth, as defined in section 453-1.3(j), and a

bona fide advanced practice registered nurse-patient relationship may be established via telehealth, as defined in section 457-2; provided that nothing under this part shall require that treatment recommendations that include certifying a patient for the medical use of cannabis via telehealth [shall] be allowed only after an initial in-person consultation between the certifying physician or advanced practice registered nurse and the patient.”

SECTION 7. Section 329D-1, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “retail dispensing location” to read:
 ““Retail dispensing location” means an establishment owned, operated, or subcontracted by a medical cannabis dispensary where cannabis ~~[and]~~, manufactured cannabis products, hemp products, and accessories to the medical use of cannabis, including but not limited to rolling papers, rolling trays, grinders, and vaporizers, are made available for retail sale to a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient.”

2. By amending the definition of “waiting room” to read:
 ““Waiting room” means a designated area at the public entrance of a retail dispensing location that may be accessed by a member of the general public who is waiting for, assisting, or accompanying a qualifying patient, primary caregiver, qualifying out-of-state patient, or caregiver of a qualifying out-of-state patient who enters or remains on the premises of a retail dispensing location for the purpose of a transaction conducted pursuant to sections 329D-6 and 329D-13; provided that the storage, display, and retail sale of cannabis ~~[and]~~, manufactured cannabis products, hemp products, and accessories to the medical use of cannabis, including but not limited to rolling papers, rolling trays, grinders, and vaporizers, shall be prohibited within the waiting room area.”

SECTION 8. 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 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 selling dispensary may transport 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; provided further that cannabis and manufactured cannabis products purchased pursuant to this section intended for:
 - (A) Direct retail sale to qualifying patients shall meet all applicable packaging, labeling, and testing requirements at the time of transport to the purchasing dispensary’s production center or one of its retail dispensing locations; and
 - (B) Further manufacturing by the purchasing dispensary at the time of transportation shall be transported to the purchasing dispensary’s production center;
- (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]~~

- (3) The selling dispensary shall submit a transport manifest of the cannabis or manufactured cannabis products to be sold to the department before the sale is made, after which the selling dispensary may immediately proceed with the transfer of the cannabis or manufactured cannabis products; and
- [(3)] (4) Nothing in this subsection shall relieve any dispensary of its responsibilities and obligations under this chapter and chapter 329.”

SECTION 9. Section 453-1.3, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Treatment recommendations made via telehealth, including issuing a prescription via electronic means, shall be held to the same standards of appropriate practice as those in traditional physician-patient settings that do not include ~~[[an]]~~ in-person visit but in which prescribing is appropriate, including on-call telephone encounters and encounters for which a follow-up visit is arranged. Issuing a prescription based solely on an online questionnaire is not treatment for the purposes of this section and does not constitute an acceptable standard of care. For the purposes of prescribing opiates ~~[or certifying a patient for the medical use of cannabis]~~, a physician-patient relationship shall only be established after an in-person consultation between the prescribing physician and the patient.”

PART II

SECTION 10. The purpose of this part is to establish criminal penalties for the unlicensed operation of a medical cannabis dispensary.

SECTION 11. Chapter 329D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§329D- Unlicensed operation of a dispensary; criminal penalty. (a) No person shall intentionally, knowingly, or recklessly operate a dispensary without a license issued by the department pursuant to this chapter.

(b) No person shall intentionally, knowingly, or recklessly operate any search platform, web hosting service, social media platform, or other service that posts information advertising the sale of cannabis or manufactured cannabis products by a person or entity engaged in the production, manufacture, or sale of cannabis and manufactured cannabis products without a license issued by the department pursuant to this chapter.

(c) The department shall issue a cease and desist notice to any person who violates subsections (a) or (b); provided that the department shall issue the cease and desist notice before initiating any criminal proceedings.

(d) Any person who violates subsection (a) shall be guilty of a class C felony. Any person who violates subsection (b) shall be guilty of a misdemeanor.

(e) It shall be an affirmative defense to subsection (b) that the person operating any search platform, web hosting service, social media platform, or other service that posts information advertising the sale of cannabis or manufactured cannabis products had requested, examined, and reasonably relied upon a license that appeared to have been issued by the department that was shown to the person by the unlicensed person or unlicensed entity engaged in the production, manufacture, or sale of cannabis or manufactured cannabis products establishing that the unlicensed person or unlicensed entity was licensed by the department to engage in the production, manufacture, or sale of cannabis or manufactured cannabis products pursuant to this chapter. The failure of the per-

son operating any search platform, web hosting service, social media platform, or other service that posts information advertising the sale of cannabis and manufactured cannabis products to request and examine a license issued by the department from the unlicensed person or unlicensed entity engaged in the production, manufacture, or sale of cannabis or manufactured cannabis products before providing access to any search platform, web hosting service, social media platform, or other service that posts information advertising the sale of cannabis and manufactured cannabis products shall be construed against the person operating the search platform, web hosting service, social media platform, or other service that posts information advertising the sale of cannabis and manufactured cannabis products and form a conclusive basis for the person's violation of this section.

- (f) This section shall not apply to:
 - (1) Hemp processors or hemp product retailers with a valid permit under chapter 328G; or
 - (2) Primary caregivers registered under chapter 329 who are acting within the scope of their registration."

PART III

SECTION 12. The purpose of this part is to:

- (1) Authorize expenditures from the medical cannabis registry and regulation special fund to fund programs for the mitigation and abatement of nuisances related to illegal cannabis and hemp products or medical cannabis dispensaries; and
- (2) Appropriate funds to the department of the attorney general's drug nuisance abatement unit for these purposes.

SECTION 13. Section 28-131, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The purpose of the drug nuisance abatement unit shall be to provide for the effective enforcement and prosecution of those violations of the drug nuisance abatement laws under chapter 712, part V but only for offenses related to drugs and intoxicating compounds as provided under chapter 712, part IV[.] and violations of chapter 329D as provided under section 712-1270. The drug nuisance [[abatement]] unit may also review and take appropriate action on drug nuisance complaints of any citizen of the State, or drug nuisances that are discovered by the unit in carrying out its activities."

SECTION 14. Section 321-30.1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) There is established within the state treasury the medical cannabis registry and regulation special fund. The fund shall be expended at the discretion of the director of health:

- (1) To establish and regulate a system of medical cannabis dispensaries in the State;
- (2) To offset the cost of the processing and issuance of patient registry identification certificates and primary caregiver registration certificates;
- (3) To fund positions and operating costs authorized by the legislature;
- (4) To establish and manage a secure and confidential database;

- (5) To fund public education as required by section 329D-26;
- (6) To fund substance abuse prevention and education programs; ~~and~~
- (7) To fund programs for the mitigation and abatement of nuisances relating to illegal cannabis and hemp products and chapter 329D; and
- ~~[(7)]~~ (8) For any other expenditure necessary, consistent with this chapter and chapter 329D, to implement medical cannabis registry and regulation programs.”

SECTION 15. There is appropriated out of the medical cannabis registry and regulation special fund the sum of \$750,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the department of the attorney general to enforce, and mitigate nuisances relating to, illegal cannabis and hemp products and chapter 329D, Hawaii Revised Statutes, and to establish, recruit, and hire the following positions:

- (1) Four full-time equivalent (4.0 FTE) investigator V positions;
- (2) One full-time equivalent (1.0 FTE) investigator IV position; and
- (3) One full-time equivalent (1.0 FTE) analyst position.

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

PART IV

SECTION 16. The purpose of this part is to prohibit the cultivation of cannabis without a cannabis cultivator license issued by the department of health.

SECTION 17. Chapter 329D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§329D- Cannabis cultivator; license required. (a) Notwithstanding section 329D-24, it shall be unlawful for any person to cultivate cannabis without a license issued by the department pursuant to this section.

(b) A cannabis cultivator license shall authorize the licensee to:

- (1) Acquire and cultivate cannabis plants, seeds, cuttings, or clones; and
- (2) Distribute cannabis plants and cannabis flower to a medical cannabis dispensary.

(c) The department shall issue no more than one cannabis cultivator license for each person.

(d) A person issued a cannabis cultivator license under this section shall meet all production facility and processing requirements of this chapter.”

PART V

SECTION 18. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 19. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 20. This Act shall take effect on July 1, 2025; provided that part IV of this Act shall take effect on January 1, 2028; provided further that the amendments made to section 453-1.3(c), Hawaii Revised Statutes, by section 9 of this Act shall not be repealed when that section is reenacted on December 31, 2025, pursuant to section 8 of Act 107, Session Laws of Hawaii 2023.

(Approved June 27, 2025.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.

ACT 242

H.B. NO. 496

A Bill for an Act Relating to Māmaki Tea.

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

SECTION 1. The legislature finds that māmaki (*Pipturus albidus*) is a plant that is endemic to the Hawaiian islands, meaning that the Hawaiian islands are the only place in the world where māmaki grows naturally. Māmaki is found across the entire Hawaiian island chain from the island of Kauai to the island of Hawaii and flourishes at elevations between four hundred feet and six thousand feet.

The legislature further finds that māmaki tea is a growing agricultural commodity and believes that the implementation of labeling requirements would ensure the viability of Hawaii-grown māmaki tea.

Accordingly, the purpose of this Act is to protect Hawaii-grown māmaki tea by:

- (1) Prohibiting the use of certain words and misleading Hawaiian imagery, place names, and motifs on the label of a consumer package that contains or includes tea or dried leaves from the plant *Pipturus albidus*, unless one hundred per cent of the tea or dried leaves were cultivated, harvested, and dried in the State; and
- (2) Appropriating funds for one staff position for the department of agriculture to support enforcement of labeling regulations.

SECTION 2. Chapter 486, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

“§486- Māmaki tea; labeling requirements. (a) No label on a consumer package that contains or includes tea or dried leaves from the plant *Pipturus albidus* shall contain:

- (1) The words “Māmaki”, “Hawaii”, or “Hawaiian”, or any variation of these terms; or
- (2) Misleading Hawaiian imagery, place names, or motifs,

unless one hundred per cent of the tea or dried leaves were Hawaii-grown.

(b) Any nonconsumer package that contains tea or dried leaves from the plant *Pipturus albidus* grown in the State and introduced into intrastate or interstate commerce shall bear on the package a label stating that the package contains Hawaii-grown māmaki tea by using the words “Hawaii-grown māmaki tea”. This label shall be required in addition to all other labeling requirements specified in this chapter.

(c) Any person keeping, offering, displaying, exposing for sale, or soliciting for sale any tea or dried leaves from the plant *Pipturus albidus* subject to and labeled in accordance with subsection (a) shall make available to the administrator, upon demand, documented proof that the tea or dried leaves were Hawaii-grown.

(d) The department may establish and administer a voluntary certification mark program for purposes of compliance under this section.

(e) Any person or the department may sue for injunctive relief to compel compliance with this section.

(f) Any person who violates this section shall be subject to penalties under section 486-32.

(g) For the purposes of this section:

“Consumer package” has the same meaning as in section 486-1.

“Hawaii-grown” means a plant that is cultivated, harvested, and dried within the State of Hawaii.

“Nonconsumer package” has the same meaning as in section 486-1.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$65,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to establish one full-time equivalent (1.0 FTE) measurement standards inspector V position to support enforcement of labeling regulations pursuant to this Act.

The sums appropriated shall be expended by the department of agriculture 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.¹

SECTION 6. This Act shall take effect on July 1, 2025.

(Approved June 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 243

H.B. NO. 1483

A Bill for an Act Relating to Fireworks.

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

SECTION 1. The legislature finds that the widespread use of illegal fireworks poses an extreme danger and lethal risk to public health and safety, resulting in fires, serious burn injuries, and fatalities to innocent bystanders. The cost to the community far outweighs any intrinsic benefit, as numerous lives have been lost over the years from the use of illegal fireworks. In addition, the potential for wildfires in this time of climate change is a real and present danger and is a top priority for all levels of government.

Tragedies like the New Year's Eve explosion of 2024 have injured or claimed the lives of the elderly, adults, and children, seriously impacting entire neighborhoods in the middle of urban Honolulu and across the State.

Fireworks also emit excessive smoke and other toxins into the air, making breathing difficult for thousands of Hawaii residents with respiratory ailments. Noise from loud fireworks traumatizes many residents, particularly war veterans who may suffer from post-traumatic stress disorder from being in combat. Pets and vulnerable species in their natural habitats also must suffer each holiday season when fireworks noise and environmental pollution commences.

With the increase in fireworks-related calls, public safety agencies are heavily strained to maintain adequate response levels for other critical emergencies, which adds to the cost of state and county resources that could be used for natural disasters and other emergencies. They are often overwhelmed and are not able to stop the thousands of illegal fireworks being used, making it a death trap for thousands of innocent lives who are not involved in illegal fireworks use.

The legislature further finds that people in the State deserve to live in peace and security without the public safety risk and disruptive impact of illegal fireworks. There can be no more gray areas when lives are lost while this black market flourishes.

The legislature also finds that improved enforcement of the fireworks control laws is necessary, not only to protect property from avoidable fire damage, but also to protect the community from fire- and explosion-related injuries, respiratory distress caused by the air pollution, and recurring trauma to afflicted persons due to loud explosions.

The legislature believes that a more robust continuum of enforcement mechanisms must be established to promote compliance with the fireworks control laws. This includes implementing graduated penalties for repeat or felony-level offenses, imposing enhanced penalties for offenses that result in injury or death, and adjudicating fireworks infractions under the same system used for traffic and emergency period infractions. The fireworks infractions system will allow law enforcement agencies and the judiciary to quickly and efficiently process low-level cases, while also allowing them to prioritize higher-level cases as appropriate.

Accordingly, the purpose of this Act is to:

- (1) Establish various criminal offenses and penalties related to fireworks or articles pyrotechnic;
- (2) Amend and establish various definitions and penalties for fireworks offenses, including establishing heightened penalties under certain circumstances; and
- (3) Incorporate fireworks infractions into the existing adjudication process for traffic and emergency period infractions.

SECTION 2. Chapter 132D, Hawaii Revised Statutes, is amended by adding seven new sections to be appropriately designated and to read as follows:

“§132D-A General fireworks or articles pyrotechnic prohibitions in the second degree. (a) A person commits the offense of general fireworks or articles pyrotechnic prohibitions in the second degree if, without a permit issued pursuant to sections 132D-10 and 132D-16, the person intentionally, knowingly, or recklessly:

- (1) Sets off, ignites, discharges, or otherwise causes to explode any aerial devices, articles pyrotechnic, or display fireworks:

- (A) Within one thousand feet of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital;
- (B) In any school building, or on any school grounds or yards without first obtaining authorization from appropriate school officials;
- (C) On any highway, alley, street, sidewalk, other public way, or public beach;
- (D) In any park or officially designated forest or wildlife preserve;
- (E) Within fifty feet of a canefield;
- (F) Within one thousand feet of any building used for public worship during the periods when services are held; or
- (G) Within five hundred feet of any dwelling; or
- (2) Throws, catapults, or otherwise manually propels ignited aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks.
- (b) The state of mind requirement for the offense under subsection (a)(1)(A), (E), (F), and (G) shall not be applicable to whether the person was aware that the person was within the designated distance from an operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital; canefield; building used for public worship; or dwelling. A person shall be strictly liable with respect to the attendant circumstance that the person was within the designated distance from a prohibited place at the time of incident.
- (c) Except as otherwise provided in subsections (d), (e), and (f), the offense of general fireworks or articles pyrotechnic prohibitions in the second degree shall be a misdemeanor.
- (d) The offense of general fireworks or articles pyrotechnic prohibitions in the second degree shall be a class C felony if the person has been convicted one or more times for any offense under this chapter within ten years of the current offense.
- (e) The offense of general fireworks or articles pyrotechnic prohibitions in the second degree shall be a class B felony if any of the aerial devices, articles pyrotechnic, or display fireworks set off, ignited, discharged, or otherwise caused to explode in the commission of the offense cause substantial bodily injury to another person.
- (f) The offense of general fireworks or articles pyrotechnic prohibitions in the second degree shall be a class A felony if any of the aerial devices, articles pyrotechnic, or display fireworks set off, ignited, discharged, or otherwise caused to explode in the commission of the offense cause serious bodily injury or death to another person.
- (g) The state of mind requirement for subsections (e) and (f) shall not be applicable to whether the person was aware the aerial devices, articles pyrotechnic, or display fireworks caused or would cause the injury or death. A person shall be strictly liable with respect to the result that the aerial devices, articles pyrotechnic, or display fireworks caused the injury or death.

§132D-B Sending or receiving fireworks or articles pyrotechnic by air delivery; prohibited. (a) A person commits the offense of sending or receiving fireworks or articles pyrotechnic by air delivery if the person intentionally, knowingly, or recklessly sends or receives any amount of aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks via any form of air delivery, including but not limited to any private courier, commercial carrier, or mail or postal services; provided that a person possessing a current explosives license

issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives shall not be prosecuted under this section if the person sends or receives the consumer fireworks, aerial devices, display fireworks, or articles pyrotechnic via any form of air delivery in compliance with federal law.

(b) Except as provided in subsections (c) and (d), the offense of sending or receiving fireworks or articles pyrotechnic by air delivery shall be a class C felony.

(c) The offense of sending or receiving fireworks or articles pyrotechnic by air delivery shall be a class B felony if:

- (1) The person has been convicted one or more times for any offense under this chapter within ten years of the current offense; or
- (2) The total weight of the aerial devices, articles pyrotechnic, consumer fireworks, and display fireworks sent or received in the commission of the offense is five pounds or more but less than twenty-five pounds.

(d) The offense of sending or receiving fireworks or articles pyrotechnic by air delivery shall be a class A felony if the total weight of the aerial devices, articles pyrotechnic, consumer fireworks, and display fireworks sent or received in the commission of the offense is twenty-five pounds or more.

§132D-C Distributing fireworks or articles pyrotechnic to non-permit holder. (a) A person commits the offense of distributing fireworks or articles pyrotechnic to non-permit holder when the person, who holds a valid license required pursuant to section 132D-7, intentionally, knowingly, or recklessly distributes aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks to another person who does not have a valid permit required pursuant to sections 132D-10 and 132D-16.

(b) Except as provided in subsections (c) and (d), the offense of distributing fireworks or articles pyrotechnic to non-permit holder shall be a class C felony.

(c) The offense of distributing fireworks or articles pyrotechnic to non-permit holder shall be a class B felony if:

- (1) The person has been convicted one or more times for any offense under this chapter within ten years of the current offense; or
- (2) Any of the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks distributed in the commission of the offense cause substantial bodily injury to another person.

(d) The offense of distributing fireworks or articles pyrotechnic to non-permit holder shall be a class A felony if any of the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks distributed in the commission of the offense cause serious bodily injury or death to another person.

(e) The state of mind requirement for subsections (c)(2) and (d) shall not be applicable to whether the person was aware the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks caused or would cause the injury or death. A person shall be strictly liable with respect to the result that the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks caused the injury or death.

§132D-D Removal or extraction of pyrotechnic contents; prohibited. Any person who removes or extracts the pyrotechnic contents from any aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks shall be guilty of a class C felony.

§132D-E Consumer fireworks prohibitions. (a) It shall be unlawful for any person to:

- (1) Purchase, possess, set off, ignite, discharge, or otherwise cause to explode any consumer fireworks without a permit required pursuant to section 132D-10; or
- (2) Set off, ignite, discharge, or otherwise cause to explode any consumer fireworks at any time not within the periods for use prescribed in section 132D-3;

provided that a person licensed pursuant to sections 132D-7 and 132D-8 may purchase and possess consumer fireworks in accordance with the person's license.

(b) It shall be unlawful for any person, other than a licensed wholesaler who is distributing consumer fireworks to a licensed retailer in accordance with the person's license, to distribute consumer fireworks:

- (1) More than five calendar days before the time periods for permissible use under section 132D-3; or
- (2) After 12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's Day, or 8:00 p.m. on the Fourth of July.

(c) The state of mind requirement for the offense under subsections (a)(2) and (b) shall not be applicable to whether the person was aware of the date or time at the time of offense, or whether the date and time of offense fell within the prohibited periods. A person shall be strictly liable with respect to the date and time of any act proven to have occurred, and with respect to the attendant circumstance that the date and time fell within the prohibited dates and times provided in subsections (a)(2) and (b).

(d) Any person who violates:

- (1) Subsection (a) shall be subject to a \$200 fine;
- (2) Subsection (b) shall be subject to a \$1,000 fine; and

(3) This section shall be subject to proceedings under chapter 291D; provided that nothing in this section shall be construed to prohibit prosecution under section 132D-7, 132D-8.6, or any other provision under this chapter.

§132D-F Refusal to provide identification. (a) Except as provided in subsection (b), any person detained for violating this chapter shall provide the person's name and current mailing address, or any proof thereof, upon the lawful order or direction of any law enforcement officer in the course and scope of the officer's duties to enforce this chapter.

(b) If the law enforcement officer has reasonable grounds to believe that the person is being deceptive or misleading in providing the person's name or address, the person shall provide proof thereof, upon the lawful order or direction of the law enforcement officer.

(c) Refusal to provide identification pursuant to this section shall be a petty misdemeanor.

§132D-G Requirements of carrier. (a) Any carrier or person shipping aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks:

- (1) Into the State shall notify the appropriate county official and designated state law enforcement agencies at the time the booking is made and, in any case, no later than fourteen days before arrival into the State; or
- (2) Interisland within the State shall notify the appropriate county official and designated state law enforcement agencies at the time the booking is made and, in any case, no later than five days before departing from the island of origin;

provided that the notification shall include, when applicable, the container identification number, manifest, bill of lading, consignee, freight forwarder, sailing vessel name, route number, date of departure, and estimated date of arrival.

(b) For a first offense, or any offense not committed within five years of a prior judgment for the State under this section, the carrier or person shall be subject to a \$1,000 fine.

(c) For a second offense committed within five years of a prior judgment for the State under this section, the carrier or person shall be subject to a \$2,000 fine.

(d) For a third or subsequent offense committed within five years of two or more prior judgements for the State under this section, the carrier or person shall be subject to a \$5,000 fine.

(e) All violations of this section shall be subject to proceedings under chapter 291D. Nothing in this section shall be construed to prohibit criminal prosecution under section 132D-8.6 or any other section of this chapter.”

SECTION 3. Section 132D-2, Hawaii Revised Statutes, is amended as follows:

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

““Carrier” means any shipper or anyone who transports goods, merchandise, property, or people by rail car, aircraft, motor vehicle, or vessel.

“Distribute” or “distribution” means to sell, transfer, deliver to another, give or deliver to another, or to leave, barter, or exchange with another, or to offer or agree to do the same.

“Dwelling” means a building that is used or usually used by a person for lodging.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Substantial bodily injury” means bodily injury that causes a:

- (1) Major avulsion, laceration, or penetration of the skin;
- (2) Burn of at least second degree severity;
- (3) Bone fracture;
- (4) Serious concussion; or
- (5) Tearing, rupture, or corrosive damage to the esophagus, viscera, or other internal organs.”

2. By amending the definition of “aerial device” to read:

““Aerial device” means any fireworks [containing one hundred thirty milligrams or less of explosive materials that produces an audible or visible effect and is designed to rise] that upon ignition, discharge, or otherwise being set off rises more than twelve feet into the air and [explode or detonate] then combusts, explodes, deflagrates, or detonates in the air, shoots or emits flaming balls, or [to fly about above the ground, and that is prohibited for use by any person who does not have a permit for display issued by a county under section 132D-16. “Aerial devices”] shoots or emits sparks. Alternatively, “aerial device” may include but is not limited to any device classified as fireworks under UN0336 and UN0337 by the United States Department of Transportation as set forth in [Title] title 49 Code of Federal Regulations [include] that contains one hundred thirty milligrams or less of explosive materials, including firework items commonly known as bottle rockets, sky rockets, missile-type rockets, helicopters, torpedoes, daygo bombs, roman candles, flying pigs, and jumping jacks that move about the ground farther than a circle with a radius of twelve feet as measured from the point where the item was placed and ignited, aerial shells, and mines.”

3. By amending the definition of “consumer fireworks” to read:

““Consumer fireworks” means any fireworks ~~[designed primarily for retail sale to the public during authorized dates and times,]~~ that ~~[produces]~~ upon ignition, discharge, or otherwise being set off, produce visible or audible effects [by combustion,] and that ~~[is designed to]~~ remain on or near the ground and, while stationary or spinning rapidly on or near the ground, ~~[emits]~~ emit smoke, a shower of colored sparks, whistling effects, flitter sparks, or balls of colored sparks, and includes combination items that ~~[contain]~~ produce one or more of these effects. ~~“Consumer]~~ Alternatively, “consumer fireworks” [shall comply] may include but is not limited to any firework that complies with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as set forth in ~~[Title]~~ title 16 Code of Federal Regulations and fireworks classified as UN0336 and UN0337 by the United States Department of Transportation as set forth in ~~[Title]~~ title 49 Code of Federal Regulations. “Consumer fireworks” may include but need not be limited to firework items commonly known as firecrackers that are single paper cylinders not exceeding one and one-half inches in length excluding the fuse and one-quarter of an inch in diameter ~~[and contain a charge of not more than fifty milligrams of pyrotechnic composition]~~, snakes, sparklers, fountains, and cylindrical or cone fountains that emit effects up to a height ~~[not]~~ no greater than twelve feet above the ground, illuminating torches, bamboo cannons, whistles, toy smoke devices, wheels, and ground spinners that when ignited remain within a circle with a radius of twelve feet as measured from the point where the item was placed and ignited, novelty or trick items, combination items, and other fireworks of like construction that are designed to produce the same or similar effects.”

4. By amending the definitions of “display fireworks”, “fireworks”, and “import” to read:

““Display fireworks” means any fireworks designed primarily for exhibition display by producing visible or audible effects and classified as display fireworks or contained in the regulations of the United States Department of Transportation and designated as UN0333, UN0334, or UN0335, and includes salutes containing more than two grains (one hundred and thirty milligrams) of explosive materials, aerial shells containing more than forty grams of pyrotechnic compositions, and other display pieces ~~[which] that~~ exceed the limits of explosive materials for classification as “consumer fireworks”. ~~[This term]~~ “Display fireworks” also includes fused ~~[set pieces]~~ set pieces containing components~~;~~ ~~[which] that~~ together exceed fifty milligrams of salute ~~[power.]~~ powder. The use of display fireworks shall be prohibited for use by any person who does not have a display permit issued by a county.

“Fireworks” means any combustible or explosive composition, or any substance or combination of substances, ~~[or article prepared for the purpose of producing]~~ that produces a visible or audible effect by combustion, explosion, deflagration, or detonation [and that meets the definition of aerial device or consumer or display fireworks as defined by this section and contained], including but not limited to aerial devices, consumer fireworks, or display fireworks as defined by this section. “Fireworks” also includes but is not limited to aerial devices, consumer fireworks, or display fireworks, as defined in the regulations of the United States Department of Transportation as set forth in [Title] title 49 Code of Federal Regulations. [The term “fireworks” shall] “Fireworks” does not include any explosives or pyrotechnics regulated under chapter 396 or automotive safety flares, nor shall [the term] “fireworks” be construed to include toy

pistols, toy cannons, toy guns, party poppers, pop-its, or ~~[other]~~ similar devices ~~[which contain twenty-five hundredths of a grain or less of explosive substance].~~

“Import” (and any nounal, verbal, adjectival, adverbial, and other equivalent form of the term used interchangeably in this chapter) means to bring or attempt to bring ~~[fireworks]~~ into the State or to cause ~~[fireworks]~~ to be brought into the State~~;~~ any aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks, as defined in this section or as defined by the United States Department of Transportation as set forth in title 49 Code of Federal Regulations, and includes [fireworks] any aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks labeled or designated as samples, even if not intended for retail sale.”

5. By amending the definition of “pyrotechnic composition” or “pyrotechnic contents” to read:

““Pyrotechnic composition” or “pyrotechnic contents” means the combustible or explosive component of aerial devices, articles pyrotechnic, consumer fireworks, and display fireworks.”

6. By repealing the definition of “law enforcement or fire officer”.

~~[““Law enforcement or fire officer” means any law enforcement officer having police power or county fire department officer, including firefighters.”]~~

SECTION 4. Section 132D-5, Hawaii Revised Statutes, is amended to read as follows:

“§132D-5 General fireworks or articles pyrotechnic prohibitions~~;~~ in the first degree. (a) It shall be unlawful for any person ~~[without a permit issued under section 132D-10 by a county fire department]~~ to:

- ~~[(1)]~~ Remove or extract the pyrotechnic contents from any fireworks;
- ~~(2)]~~ (1) Throw, catapult, or otherwise manually propel any ignited aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks:
 - (A) From, at, or into a vehicle;
 - (B) At a person or an animal; ~~[and]~~ or
 - (C) From above the first floor of any building; or
- ~~[(3)]~~ (2) Set off, ignite, discharge, or otherwise cause to explode any aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks:
 - (A) ~~[Above]~~ From above the first floor of any building;
 - (B) In any vehicle; or
 - ~~[(C)]~~ At any time not within the periods for use prescribed in section 132D-3;
 - ~~(D)~~ Within one thousand feet of any operating hospital, licensed convalescent home, licensed home for the elderly, zoo, licensed animal shelter, or licensed animal hospital;
 - ~~(E)~~ In any school building, or on any school grounds and yards without first obtaining authorization from appropriate school officials;
 - ~~(F)~~ On any highway, alley, street, sidewalk, or other public way; in any park; on any public beach; in any officially designated forest or wildlife preserve; within fifty feet of a canefield; or within one thousand feet of any building used for public worship during the periods when services are held; and
 - ~~(G)~~ Within five hundred feet of any hotel.

~~(b)~~ It shall be unlawful to purchase consumer fireworks more than five calendar days before the time periods for permissible use under section 132D-3.

(e) ~~It shall be unlawful to sell consumer fireworks after 12:01 a.m. on New Year's Day, 6:00 p.m. on Chinese New Year's Day, and 8:00 p.m. on the Fourth of July.~~

(C) In any building; provided that firecrackers shall be permitted if used in accordance with sections 132D-3 and 132D-10 and all other applicable state and county laws, ordinances, and rules.

(b) Except as provided in subsections (c) and (d), the offense of general fireworks or articles pyrotechnic prohibitions in the first degree shall be a class C felony.

(c) If in the commission of the offense of general fireworks or articles pyrotechnic prohibitions in the first degree the person negligently causes substantial bodily injury to another person, the person shall be guilty of a class B felony.

(d) If in the commission of the offense of general fireworks or articles pyrotechnic prohibitions in the first degree the person negligently causes serious bodily injury or death to another person, the person shall be guilty of a class A felony."

SECTION 5. Section 132D-6, Hawaii Revised Statutes, is amended to read as follows:

"§132D-6 Exceptions. The prohibitions in ~~[section]~~ sections 132D-5 [dø], 132D-A, and 132D-D shall not apply to:

- (1) The use of flares, noisemakers, or signals for warning~~;~~ or pest control, or illumination purposes by police and fire departments, utility companies, transportation agencies, and other governmental or private agencies or persons, including agricultural operations, in connection with emergencies, their duties, or business;
- (2) The sale or use of blank cartridges for a show or theater, or for signal, commercial, or institutional purposes in athletics or sports;
- (3) The purchase and use of aerial devices, articles pyrotechnic, consumer fireworks, [aerial devices,] or display fireworks~~;~~ or articles pyrotechnic:
 - (A) In a movie, television production, or theatrical production for which valid permits have been issued by a county pursuant to section 132D-10; and
 - (B) In a movie or television production for which valid permits have been issued by the department of business, economic development, and tourism pursuant to section 201-14, or for which permits have been approved by the authority having jurisdiction; and
- (4) The testing, disposal, or destruction of ~~[illegal]~~ any fireworks or articles pyrotechnic by an agency with authority to enforce this chapter."

SECTION 6. Section 132D-7, Hawaii Revised Statutes, is amended to read as follows:

"§132D-7 License or permit required. A person shall not:

- (1) Import, store, ~~[offer to sell, or sell,]~~ or distribute, including at wholesale or retail, any aerial devices, [display fireworks,] articles pyrotechnic, [or] consumer fireworks, or display fireworks unless the person has a valid license issued ~~[by the county;]~~ pursuant to this chapter; or
- (2) Possess any aerial devices, [display fireworks, or] articles pyrotechnic, or display fireworks without a valid license to import, store, or

~~[sell] distribute~~ aerial devices, ~~[display fireworks, or]~~ articles pyrotechnic, or display fireworks, or a valid display permit ~~[as provided for in]~~ issued pursuant to this chapter.”

SECTION 7. Section 132D-8, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(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]~~ or distribution 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 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 a manner that presents an unreasonable safety hazard.”

2. By amending subsection (d) to read:

“(d) It shall be unlawful for any licensee, other than a licensed wholesaler who is ~~[selling or transferring]~~ distributing fireworks or articles pyrotechnic to a licensed retailer~~[-]~~ pursuant to the person’s license, to ~~[sell or offer to sell, exchange for consideration, give, transfer, or donate]~~ distribute any fireworks or articles pyrotechnic at any time to any person who does not present a permit duly issued as required by ~~[section]~~ sections 132D-10 ~~[or]~~ and 132D-16. The permit shall be signed by the seller or transferor at the time of ~~[sale or transfer]~~ distribution 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;]~~ distributed. No person shall ~~[sell or deliver]~~ distribute 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.”

SECTION 8. Section 132D-8.6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any person who has obtained a license ~~[under]~~ required pursuant to section 132D-7 and ships fireworks or articles pyrotechnic into the State shall:

- (1) Clearly designate the types of fireworks or articles pyrotechnic in each shipment on the bill of lading or shipping manifest with specificity;
- (2) Declare on the bill of lading or shipping manifest the gross weight of aerial devices, articles pyrotechnic, consumer fireworks, and ~~display fireworks[-, articles pyrotechnic, and aerial devices]~~ to be imported in each shipment and the location of the storage facility, if applicable, in which the fireworks or articles pyrotechnic are to be stored;
- (3) ~~[Prior to]~~ Before shipment and when booking each shipment of fireworks~~[-, display fireworks,]~~ or articles pyrotechnic~~[-, or aerial devices]~~ notify the ~~[appropriate county official as determined by the county]~~ state fire marshal regarding whether the shipment will be distributed from:

- (A) Pier to pier;
- (B) Pier to warehouse or storage facility; or
- (C) Pier to redistribution;
- (4) ~~[Prior to]~~ Before booking the shipment, provide to the ~~[applicable county fire chief;]~~ state fire marshal:
 - (A) Written documentation regarding the proposed display event or events and related contact information to allow the ~~[fire chief]~~ state fire marshal to validate the importation of a three-month or six-month inventory under section 132D-8.5; and
 - (B) An inventory breakdown for each proposed display; and
- (5) At the time shipping is booked, the importer or consignee shall notify the ~~[appropriate county official as determined by the county]~~ state fire marshal in writing of the expected shipment's landing date[-]; provided that:
 - (A) Notifications shall be made through a system designated by the state fire marshal; and
 - (B) If a licensee fails to notify the state fire marshal two or more times within one year of the issuance of a license, the license may be revoked."

SECTION 9. Section 132D-10, Hawaii Revised Statutes, is amended to read as follows:

"§132D-10 Permits. (a) A permit shall be required for the purchase and use of:

- (1) Any consumer fireworks commonly known as firecrackers upon payment of a fee of \$25;
- (2) Any aerial devices, ~~[display fireworks, or]~~ articles pyrotechnic, or display fireworks for the purposes of section 132D-16 upon payment of a fee of \$110; and
- (3) Any consumer fireworks ~~[for the purposes of section 132D-5 or]~~ for cultural uses that occur at any time other than during the periods prescribed in section 132D-3(1) upon a payment of a fee of \$25.

(b) Each person may purchase a maximum of fifty permits per year; provided that this limit shall not apply to permits issued under subsection (a)(2); provided further that nothing in this section shall prohibit a county from enacting ordinances more stringent than this section for permits issued under subsection (a)(1) or (3)."

SECTION 10. Section 132D-12, Hawaii Revised Statutes, is amended to read as follows:

"§132D-12 [Sale] Distribution to minors; [sale by minors;] prohibited. (a) It shall be unlawful for any person to ~~[offer for sale, sell, or give]~~ distribute any aerial devices, articles pyrotechnic, consumer fireworks, or [articles pyrotechnic] display fireworks to minors, ~~[and for any minor to possess, purchase, sell, or set off, ignite, or otherwise cause to explode any fireworks or articles pyrotechnic;]~~ except as provided in section 132D-13.

(b) Any person who violates this section shall be guilty of a class C felony."

SECTION 11. Section 132D-13, Hawaii Revised Statutes, is amended to read as follows:

“§132D-13 Liability of parents or guardians. ~~[The parents,] (a) Except as provided in subsection (b), it shall be unlawful for a parent, guardian, [and] or other [persons] person having the custody or control of any minor[; who] to knowingly permit the minor to [possess,];~~

- ~~(1) Possess or purchase[, or set] any aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks; or~~
- ~~(2) Set off, ignite, discharge, or otherwise cause to explode any aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks [or articles pyrotechnic, shall be deemed to be in violation of this chapter and shall be subject to the penalties thereunder, except that the parents].~~

~~(b) The parent or guardian may allow the minor to use consumer fireworks while under the immediate supervision and control of the parent or guardian, or under the immediate supervision and control of another adult.~~

~~(c) Separate and apart from any civil liability that may result from this or any related incident, and except as provided in subsections (d) and (e), the violation of subsection (a) shall be a misdemeanor.~~

~~(d) If any of the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks set off, ignited, discharged, or otherwise caused to explode in violation of subsection (a)(2) cause substantial bodily injury to another person, the violation of subsection (a) shall be a class C felony.~~

~~(e) If any of the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks set off, ignited, discharged, or otherwise caused to explode in violation of subsection (a)(2) cause serious bodily injury or death to another person, the violation of subsection (a) shall be a class B felony.~~

~~(f) The state of mind requirement for subsections (d) and (e) shall not be applicable to whether the person was aware that the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks caused or would cause the injury or death. A person shall be strictly liable with respect to the result that the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks caused the injury or death.”~~

SECTION 12. Section 132D-14, Hawaii Revised Statutes, is amended to read as follows:

“§132D-14 Penalty. (a) ~~[Any] Except as provided in subsections (b) and (c), any person:~~

- ~~(1) Importing, storing, or distributing aerial devices, [display fireworks, or] articles pyrotechnic, consumer fireworks, or display fireworks without having a valid license [under] as required pursuant to section 132D-7 [shall];~~
 - ~~(A) Shall be guilty of a class C felony; and~~
 - ~~(B) Notwithstanding subparagraph (A), if the total weight of the aerial devices, articles pyrotechnic, consumer fireworks, and display fireworks is twenty-five pounds or more, shall be guilty of a class B felony; and~~
- ~~(2) Purchasing, possessing, setting off, igniting, [or] discharging, or otherwise causing to explode aerial devices, [display fireworks, or] articles pyrotechnic, or display fireworks without a valid permit [under] required pursuant to 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, articles pyrotechnic, and display fireworks is fifty pounds or more, shall be guilty of a class B felony;
 - ~~[(A)]~~ (B) If the total weight of the aerial devices, [display fireworks, or] articles pyrotechnic, and display fireworks is twenty-five pounds or more, shall be guilty of a class C felony; [or
 - ~~(B)]~~ (C) If the total weight of the aerial devices, [display fireworks, or] articles pyrotechnic, and display fireworks is [less than twenty-five pounds,] five pounds or more, shall be guilty of a misdemeanor; and
 - (D) If the total weight of the aerial devices, articles pyrotechnic, and display fireworks is less than five pounds or if the total weight cannot be determined, shall be fined \$300 and subject to proceedings under chapter 291D.
- ~~[(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) Any person who would otherwise be subject to sentencing for a criminal offense under subsection (a) shall be guilty of an offense one class or grade higher, as the case may be, than that provided in subsection (a) if:
- (1) The person has been convicted one or more times for any offense under this chapter within ten years of the instant offense; or
 - (2) Any of the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks imported, stored, distributed, purchased, possessed, set off, ignited, discharged, or otherwise caused to explode in the commission of the offense under subsection (a) cause substantial bodily injury to another person.
- (c) Any person who would otherwise be subject to sentencing for a criminal offense under subsection (a) shall be guilty of an offense two classes or grades higher, as the case may be, than that provided in subsection (a) if any of the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks imported, stored, distributed, purchased, possessed, set off, ignited, discharged, or otherwise caused to explode in the commission of the offense under subsection (a) cause serious bodily injury or death to another person; provided that for an offense already classified as a class B felony, the person shall be guilty of a class A felony.
- (d) The state of mind requirement for subsections (b) and (c) shall not be applicable to whether the person was aware that any of the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks caused or would cause the injury or death. A person shall be strictly liable with respect to the attendant circumstance that the aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks caused the injury or death.
- ~~[(b)]~~ (e) Except as provided in subsection (a), (b), or (c), or as otherwise specifically provided for in this chapter, any person violating any other provision of this chapter, shall be guilty of a violation and fined no less than \$500 and 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.]

~~[(e)] (f)~~ The court shall collect the fines imposed in subsections (a) ~~[and], (b), (c), and (e),~~ 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)] (g)~~ 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 13. Section 132D-14.5, Hawaii Revised Statutes, is amended to read as follows:

“[§132D-14.5] Liability of homeowner, renter, or person otherwise responsible for real property. [A] (a) Except as provided in subsections (b) and (c), a homeowner, renter, or person otherwise responsible for [the] real property who intentionally, knowingly, [or] recklessly [allows], or negligently:

- (1) Allows an individual, while on the real property, to possess, set off, ignite, ~~discharge,~~ or otherwise cause to explode any aerial [device] devices, articles pyrotechnic, or display fireworks without a permit issued pursuant to this chapter shall be [deemed to be in violation of this chapter and shall be subject to the penalties specified in section 132D-14(a)(2) and (b).] guilty of a petty misdemeanor;
- (2) Allows any aerial devices, articles pyrotechnic, display fireworks, or pyrotechnic composition to be stored in the real property without a license issued pursuant to this chapter shall be guilty of a misdemeanor; and

- (3) Notwithstanding paragraph (2), allows any aerial devices, articles pyrotechnic, display fireworks, or pyrotechnic composition to be stored in the real property, if the total weight of the aerial devices, articles pyrotechnic, display fireworks, and pyrotechnic composition is twenty-five pounds or more without a license issued pursuant to this chapter, shall be guilty of a class C felony.
- (b) Any person who would otherwise be subject to sentencing under subsection (a) shall be guilty of an offense one class or grade higher, as the case may be, than that provided in subsection (a) if:
- (1) The person has been convicted one or more times for any offense under this chapter within ten years of the instant offense; or
 - (2) Any of the aerial devices, articles pyrotechnic, display fireworks, or pyrotechnic composition possessed, set off, ignited, discharged, otherwise caused to explode, or stored in violation of subsection (a) cause substantial bodily injury to another person.
- (c) Any person who would otherwise be subject to sentencing under subsection (a) shall be guilty of an offense two classes or grades higher, as the case may be, than that provided in subsection (a) if any of the aerial devices, articles pyrotechnic, display fireworks, or pyrotechnic composition possessed, set off, ignited, discharged, otherwise caused to explode, or stored in violation of subsection (a) cause serious bodily injury or death to another person.
- (d) The state of mind requirement for subsections (b) and (c) shall not be applicable to whether the person was aware that any of the aerial devices, articles pyrotechnic, display fireworks, or pyrotechnic composition caused or would cause the injury or death. A person shall be strictly liable with respect to the attendant circumstance that the aerial devices, articles pyrotechnic, display fireworks, or pyrotechnic composition caused the injury or death.”

SECTION 14. Section 132D-15, Hawaii Revised Statutes, is amended to read as follows:

“[H]§132D-15[H] Notice requirements. Each licensed retail outlet shall post adequate notice that clearly cautions each person purchasing consumer fireworks of the prohibitions, liabilities, and penalties incorporated in sections 132D-12, 132D-13, ~~[and]~~ 132D-14[-], and 132D-E.”

SECTION 15. Section 132D-17.5, Hawaii Revised Statutes, is amended to read as follows:

“[H]§132D-17.5[H] County ordinances. (a) Nothing in this chapter shall be construed to supersede or in any manner affect a county fireworks ordinance; provided that the ordinance is at least as stringent in the control or prohibition of aerial devices, articles pyrotechnic, consumer fireworks, and display fireworks as the law under this chapter.

(b) Nothing in this chapter shall prohibit a county from enacting ordinances that are more stringent in the control or prohibition of aerial devices, articles pyrotechnic, consumer fireworks, and display fireworks than this chapter.”

SECTION 16. Section 132D-21, Hawaii Revised Statutes, is amended to read as follows:

“§132D-21 Health care facilities; report of fireworks and articles pyrotechnic incidents. (a) Health care facilities in this State shall report all incidents of serious injuries and fatalities caused by legal and illegal aerial devices, articles pyrotechnic, consumer fireworks, or display fireworks ~~[or articles pyro-~~

technie] to the department of health and the police department of the county in which the person was attended or treated. All reports shall be in writing or in the manner specified by the department of health.

(b) As used in this section, “health care facilities” includes any outpatient clinic, emergency room, or physician’s office, private or public, whether organized for profit or not, used, operated, or designed to provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care to any person or persons. ~~[The term]~~ “Health care facilities” includes but is not limited to health care facilities that are commonly referred to as hospitals, extended care and rehabilitation centers, nursing homes, skilled nursing facilities, intermediate care facilities, hospices for the terminally ill that require licensure or certification by the department of health, kidney disease treatment centers, including freestanding hemodialysis units, outpatient clinics, organized ambulatory health care facilities, emergency care facilities and centers, home health agencies, health maintenance organizations, and others providing similarly organized services regardless of nomenclature.”

SECTION 17. Section 132D-22, Hawaii Revised Statutes, is amended to read as follows:

~~“[§132D-22]~~ Entry onto premises; inspection of premises, books, and records; obstructing ~~[law enforcement or fire department]~~ inspector operations; penalty. (a) Any ~~[law enforcement or fire officer]~~ inspector 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]~~ inspector 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~~[-]~~ available for immediate inspection and examination.

(c) Any licensee or permittee who refuses the ~~[law enforcement or fire officer]~~ inspector 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]~~ inspector, or any person assisting ~~[a law enforcement or fire officer]~~ an inspector, from entering into the premises of the licensee or permittee; or

(2) Opposes, obstructs, or molests ~~[a law enforcement or fire officer]~~ an inspector in the [officer's] inspector'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]~~ inspector having demanded admittance onto the premises of a licensee or permittee and declared the ~~[officer's]~~ inspector's name and office, is not admitted by the licensee, permittee, or person in charge of the premises, the ~~[officer]~~ inspector may use force to enter the premises.

(f) For purposes of this section~~[-,"premises"]~~:

"Inspector" means any county fire department officer, including firefighters.

"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,] dwelling, including a [single family] single-family house, apartment unit, condominium, townhouse, or cooperative unit."

SECTION 18. Section 291D-1, Hawaii Revised Statutes, is amended to read as follows:

"§291D-1 Purpose. (a) Act 222, Session Laws of Hawaii 1978, began the process of decriminalizing certain traffic offenses, not of a serious nature, to the status of violations. In response to a request by the legislature, the judiciary prepared a report in 1987 that recommended, among other things, further decriminalization of traffic offenses, elimination of most traffic arraignments, disposition of uncontested violations by mail, and informal hearings where the violation or the proposed penalty is questioned. The legislature finds that further decriminalization of certain traffic offenses and streamlining of the handling of those traffic cases will achieve a more expeditious system for the judicial processing of traffic infractions. The system of processing traffic infractions established by this chapter will:

- (1) Eliminate the long and tedious arraignment proceeding for a majority of traffic matters;
- (2) Facilitate and encourage the resolution of many traffic infractions through the payment of a monetary assessment;
- (3) Speed the disposition of contested cases through a hearing, similar to small claims proceedings, in which the rules of evidence will not apply and the court will consider as evidence the notice of traffic infraction, applicable police reports, or other written statements by the police officer who issued the notice, any other relevant written material, and any evidence or statements by the person contesting the notice of traffic infraction;
- (4) Dispense in most cases with the need for witnesses, including law enforcement officers, to be present and for the participation of the prosecuting attorney;
- (5) Allow judicial, prosecutorial, and law enforcement resources to be used more efficiently and effectively; and
- (6) Save the taxpayers money and reduce their frustration with the judicial system by simplifying the traffic court process.

The legislature further finds that this chapter will not require expansion of the current traffic division of the district courts, but will achieve greater efficiency through more effective use of existing resources of the district courts.

(b) The legislature finds that the pandemic related to the coronavirus disease 2019 necessitated the imposition of emergency period rules in an attempt to control the spread of the disease in the State. The thousands of violations of the emergency period rules caused an examination of the ability to impose

infractions for lesser offenses as an alternative to using the Penal Code and to allow for more efficient use of the judicial system. The system of processing traffic infractions under this chapter was enacted in 1993 and has provided a useful mechanism for handling offenses deemed as infractions and is well-suited to certain types of violations of emergency period rules that are designated infractions by the governor or mayor under the state's emergency management laws.

(c) The legislature further finds that the illegal use of fireworks poses a serious public health and safety hazard. Due to the high number of fireworks being set off throughout the State, an expeditious adjudication system for fireworks infractions, such as the system for processing traffic infractions, will allow the judiciary to expediently process violations of the fireworks control law. This system will allow the judiciary to reserve resources for cases that require more resources."

SECTION 19. Section 291D-2, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:
"“Fireworks infraction” means any violation of chapter 132D that is not explicitly classified as a felony or misdemeanor, any rule adopted pursuant to chapter 132D, or any county ordinance or rule enacted pursuant to chapter 132D."

2. By amending the definition of “concurrent trial” to read:
““Concurrent trial” means a trial proceeding held in the district or family court in which the defendant is tried simultaneously in a civil case for any charged traffic infraction [øf], emergency period infraction, or fireworks infraction and in a criminal case for any related criminal offense, with trials to be held in one court on the same date and at the same time."

3. By amending the definition of “hearing” to read:
““Hearing” means a proceeding conducted by the district court pursuant to section 291D-8 at which the person to whom a notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction was issued either admits to the infraction, contests the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction, or admits to the traffic infraction [øf], emergency period infraction, or fireworks infraction but offers an explanation to mitigate the monetary assessment imposed."

4. By amending the definition of “related criminal offense” to read:
““Related criminal offense” means any criminal violation or crime, committed in the same course of conduct as a traffic infraction [øf], emergency period infraction, or fireworks infraction, for which the defendant is arrested or charged."

SECTION 20. Section 291D-3, Hawaii Revised Statutes, is amended by amending subsections (a) through (e) to read as follows:

“(a) Notwithstanding any other provision of law to the contrary, all traffic infractions [and], emergency period infractions, and fireworks infractions, including infractions committed by minors, shall be adjudicated pursuant to this chapter, except as provided in subsection (b). This chapter shall be applied uniformly throughout the State and in all counties. No penal sanction that includes imprisonment shall apply to a violation of a state statute or rule, or county ordinance or rule, that would constitute a traffic infraction [øf], an

emergency period infraction, or a fireworks infraction under this chapter. No traffic infraction [øf], emergency period infraction, or fireworks infraction shall be classified as a criminal offense.

(b) Where a defendant is charged with a traffic infraction [øf], an emergency period infraction, or a fireworks infraction and the infraction is committed in the same course of conduct as a criminal offense for which the offender is arrested or charged, the traffic infraction [øf], emergency period infraction, or fireworks infraction shall be adjudicated pursuant to this chapter; provided that the court may schedule any initial appearance, hearing, or trial on the traffic infraction [øf], emergency period infraction, or fireworks infraction at the same date, time, and place as the arraignment, hearing, or trial on the related criminal offense.

Notwithstanding this subsection and subsection (c), the court shall not schedule any initial appearance, hearing, or trial on the traffic infraction [øf], emergency period infraction, or fireworks infraction at the same date, time, and place as the arraignment, hearing, or trial on the related criminal offense where the related criminal offense is a felony or is a misdemeanor for which the defendant has demanded a jury trial.

(c) If the defendant requests a trial pursuant to section 291D-13, the trial shall be held in the district court of the circuit in which the traffic infraction [øf], emergency period infraction, or fireworks infraction was committed. If the court schedules a concurrent trial pursuant to paragraph (1), the concurrent trial shall be held in the appropriate district or family court of the circuit in which the traffic infraction [øf], emergency period infraction, or fireworks infraction was committed, whichever has jurisdiction over the related criminal offense charged pursuant to the applicable statute or rule of court; provided that:

- (1) The district or family court, for the purpose of trial, may schedule a civil trial on the traffic infraction [øf], emergency period infraction, or fireworks infraction on the same date and at the same time as a criminal trial on the related criminal offense charged. The court shall enter a civil judgment as to the traffic infraction [øf], emergency period infraction, or fireworks infraction and a judgment of conviction or acquittal as to the related criminal offense following [such] the concurrent trial; and
- (2) If trial on the traffic infraction [øf], emergency period infraction, or fireworks infraction is held separately from and before trial on any related criminal offense, the following shall be inadmissible in the prosecution or trial of the related criminal offense, except as expressly provided by the Hawaii rules of evidence:
 - (A) Any written or oral statement made by the defendant in proceedings conducted pursuant to section 291D-7(b); and
 - (B) Any testimony given by the defendant in the trial on the traffic infraction [øf], emergency period infraction[-], or fireworks infraction.

[Such] These statements or testimony shall not be deemed a waiver of the defendant's privilege against self-incrimination in connection with any related criminal offense.

(d) In no event shall section 701-109 preclude prosecution for a related criminal offense where a traffic infraction [øf], an emergency period infraction, or a fireworks infraction committed in the same course of conduct has been adjudicated pursuant to this chapter.

(e) If the defendant fails to appear at any scheduled court date before the date of trial or concurrent trial and:

- (1) The defendant's civil liability for the traffic infraction [Ø], emergency period infraction, or fireworks infraction has not yet been adjudicated pursuant to section 291D-8, the court shall enter a judgment by default in favor of the State for the traffic infraction [Ø], emergency period infraction, or fireworks infraction unless the court determines that good cause or excusable neglect exists for the defendant's failure to appear; or
- (2) The defendant's civil liability for the traffic infraction [Ø], emergency period infraction, or fireworks infraction has been adjudicated previously pursuant to section 291D-8, the judgment earlier entered in favor of the State shall stand unless the court determines that good cause or excusable neglect exists for the defendant's failure to appear."

SECTION 21. Section 291D-4, Hawaii Revised Statutes, is amended to read as follows:

"§291D-4 Venue and jurisdiction. (a) All violations of state law, ordinances, or rules designated as traffic infractions [Ø], emergency period infractions, or fireworks infractions in this chapter shall be adjudicated in the district and circuit where the alleged infraction occurred, except as otherwise provided by law.

(b) Except as otherwise provided by law, jurisdiction is in the district court of the circuit where the alleged traffic infraction [Ø], emergency period infraction, or fireworks infraction occurred. Except as otherwise provided in this chapter, district court judges shall adjudicate traffic infractions [and], emergency period infractions[-], and fireworks infractions."

SECTION 22. Section 291D-5, Hawaii Revised Statutes, is amended by amending subsections (a) through (d) to read as follows:

"(a) The notice of traffic infraction for moving violations, [and] the notice of emergency period infraction, and the notice of fireworks infraction shall include the summons for the purposes of this chapter. Whenever a notice of traffic infraction [Ø], notice of emergency period infraction, or notice of fireworks infraction is issued, the person's signature, driver's license number or state identification number, electronic mail address, and current address shall be noted on the notice. If the person refuses to sign the notice of traffic infraction [Ø], notice of emergency period infraction, or notice of fireworks infraction, the officer shall record this refusal on the notice and issue the notice to the person. Anyone to whom a notice of traffic infraction [Ø], notice of emergency period infraction, or notice of fireworks infraction is issued under this chapter need not be arraigned before the court, unless required by rule of the supreme court.

(b) The forms for the notice of traffic infraction [and], notice of emergency period infraction, and notice of fireworks infraction shall be prescribed by rules of the district court, which shall be uniform throughout the State; provided that each judicial circuit may include differing statutory, rule, or ordinance provisions on its respective notice of traffic infraction [Ø], notice of emergency period infraction[-], or notice of fireworks infraction.

(c) A notice of traffic infraction [Ø], notice of emergency period infraction, or notice of fireworks infraction that is generated by the use of electronic equipment or that bears the electronically stored image of any person's signature, or both, shall be valid under this chapter.

(d) The notice of traffic infraction [Ø], notice of emergency period infraction, or notice of fireworks infraction shall include the following:

- (1) A statement of the specific infraction for which the notice was issued;
- (2) Except in the case of parking-related traffic infractions, a brief statement of the facts;
- (3) A statement of the total amount to be paid for each infraction, which amount shall include any fee, surcharge, or cost required by statute, ordinance, or rule, and any monetary assessment, established for the particular infraction pursuant to section 291D-9, to be paid by the person to whom the notice was issued, which shall be uniform throughout the State;
- (4) A statement of the options provided in section 291D-6(b) for answering the notice and the procedures necessary to exercise the options;
- (5) A statement that the person to whom the notice is issued shall answer, choosing one of the options specified in section 291D-6(b), within twenty-one days of issuance of the notice;
- (6) A statement that failure to answer the notice within twenty-one days of issuance shall result in the entry of judgment by default for the State and may result in the assessment of a late penalty;
- (7) A statement that, at a hearing requested to contest the notice, pursuant to section 291D-8, no officer shall be present unless the person to whom the notice was issued timely requests the court to have the officer present, and that the standard of proof to be applied by the court is whether a preponderance of the evidence proves that the specified infraction was committed;
- (8) A statement that, at a hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction or in consideration of a written request for mitigation, the person shall be considered to have committed the infraction;
- (9) A space in which the signature of the person to whom the notice was issued may be affixed; and
- (10) The date, time, and place at which the person to whom the notice was issued shall appear in court, if the person is required by the notice to appear in person at the hearing.”

SECTION 23. Section 291D-6, Hawaii Revised Statutes, is amended to read as follows:

“§291D-6 Answer required. (a) A person who receives a notice of traffic infraction ~~[or]~~, notice of emergency period infraction, or notice of fireworks infraction shall answer the notice within twenty-one days of the date of issuance of the notice. There shall be included with the notice of traffic infraction ~~[or]~~, notice of emergency period infraction, or notice of fireworks infraction a preaddressed envelope directed to the traffic ~~and~~, emergency period, and fireworks violations bureau of the applicable district court.

(b) Provided that the notice of traffic infraction ~~[or]~~, notice of emergency period infraction, or notice of fireworks infraction does not require an appearance in person at a hearing as set forth in section 291D-5(d)(10), in answering a notice of traffic infraction ~~[or]~~, notice of emergency period infraction, or notice of fireworks infraction, a person shall have the following options:

- (1) Admit the commission of the infraction in one of the following ways:
 - (A) By mail or in person, by completing the appropriate portion of the notice of traffic infraction, notice of emergency period infraction, notice of fireworks infraction, or preaddressed envelope.

lope and submitting it to the authority specified on the notice together with payment of the total amount stated on the notice of traffic infraction [øf], notice of emergency period infraction[-], or notice of fireworks infraction. Payment by mail shall be in the form of a check, money order, or by an approved credit or debit card. Payment in person shall be in the form of United States currency, check, money order, or by an approved credit or debit card; or

- (B) Via the Internet or by telephone, by submitting payment of the total amount stated on the notice of traffic infraction [øf], notice of emergency period infraction[-], or notice of fireworks infraction. Payment via the Internet or by telephone shall be by an approved credit or debit card;
- (2) Deny the commission of the infraction and request a hearing to contest the infraction by completing the appropriate portion of the notice of traffic infraction, notice of emergency period infraction, notice of fireworks infraction, or preaddressed envelope and submitting it, either by mail or in person, to the authority specified on the notice. In lieu of appearing in person at a hearing, the person may submit a written statement of grounds on which the person contests the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction, which shall be considered by the court as a statement given in court pursuant to section 291D-8(a); or
- (3) Admit the commission of the infraction and request a hearing to explain circumstances mitigating the infraction by completing the appropriate portion of the notice of traffic infraction, notice of emergency period infraction, notice of fireworks infraction, or preaddressed envelope and submitting it, either by mail or in person, to the authority specified on the notice. In lieu of appearing in person at a hearing, the person may submit a written explanation of the mitigating circumstances, which shall be considered by the court as a statement given in court pursuant to section 291D-8(b).
- (c) When answering the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction, the person shall affix the person's signature to the answer and shall state the address at which the person will accept future mailings from the court. No other response shall constitute an answer for purposes of this chapter."

SECTION 24. Section 291D-7, Hawaii Revised Statutes, is amended to read as follows:

"§291D-7 Court action after answer or failure to answer. (a) When an admitting answer is received, the court shall enter judgment in favor of the State in the total amount specified in the notice of traffic infraction [øf], notice of emergency period infraction[-], or notice of fireworks infraction.

- (b) When a denying answer is received, the court shall proceed as follows:
 - (1) In the case of a traffic infraction [øf], emergency period infraction, or fireworks infraction where the person requests a hearing at which the person will appear in person to contest the infraction, the court shall notify the person in writing of the date, time, and place of hearing to contest the notice of traffic infraction [øf], notice of emergency period infraction[-], or notice of fireworks infraction. The notice of hearing shall be mailed to the address stated in the

denying answer[;] or, if none is given, to the address stated on the notice of traffic infraction [ø], notice of emergency period infraction[;], or notice of fireworks infraction. An electronic copy of the notice of hearing may be sent to the electronic mail address stated on the notice of infraction. The notification also shall advise the person that, if the person fails to appear at the hearing, the court shall enter judgment by default in favor of the State, as of the date of the scheduled hearing, and that the total amount specified in the default judgment shall be paid within thirty days of entry of default judgment; and

- (2) When a denying answer is accompanied by a written statement of the grounds on which the person contests the notice of traffic infraction [ø], notice of emergency period infraction, or notice of fireworks infraction, the court shall proceed as provided in section 291D-8(a) and shall notify the person of its decision, including the total amount assessed, if any, by mailing the notice of entry of judgment within forty-five days of the postmarked date of the answer to the address provided by the person in the denying answer[;] or, if none is given, to the address given when the notice of traffic infraction [ø], notice of emergency period infraction, or notice of fireworks infraction was issued or, in the case of parking violations, to the address at which the vehicle is registered. An electronic copy of the notice of entry of judgment may be sent to the electronic mail address stated on the notice of infraction. The notice of entry of judgment also shall advise the person, if it is determined that the infraction was committed and judgment is entered in favor of the State, that the person has the right, within thirty days of entry of judgment, to request a trial and shall specify the procedures for doing so. The notice of entry of judgment shall also notify the person, if an amount is assessed by the court for monetary assessments, fees, surcharges, or costs, that if the person does not request a trial within the time specified in this paragraph, the total amount assessed shall be paid within thirty days of entry of judgment.
- (c) When an answer admitting commission of the infraction but seeking to explain mitigating circumstances is received, the court shall proceed as follows:
 - (1) In the case of a traffic infraction [ø], emergency period infraction, or fireworks infraction where the person requests a hearing at which the person will appear in person to explain mitigating circumstances, the court shall notify the person in writing of the date, time, and place of hearing to explain mitigating circumstances. The notice of hearing shall be mailed to the address stated in the answer[;] or, if none is given, to the address stated on the notice of traffic infraction [ø], notice of emergency period infraction[;], or notice of fireworks infraction. An electronic copy of the notice of hearing may be sent to the electronic mail address stated on the notice of infraction. The notification also shall advise the person that, if the person fails to appear at the hearing, the court shall enter judgment by default in favor of the State, as of the date of the scheduled hearing, and that the total amount stated in the default judgment shall be paid within thirty days of entry of default judgment; and

- (2) If a written explanation is included with an answer admitting commission of the infraction, the court shall enter judgment for the State and, after reviewing the explanation, determine the total amount of the monetary assessments, fees, surcharges, or costs to be assessed, if any. The court shall then notify the person of the total amount to be paid for the infraction, if any. There shall be no appeal from the judgment. If the court assesses an amount for monetary assessments, fees, surcharges, or costs, the court shall also notify the person that the total amount shall be paid within thirty days of entry of judgment.

(d) If the person fails to answer within twenty-one days of issuance of the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction, the court shall take action as provided in subsection (e).

(e) Whenever judgment by default is entered in favor of the State [is entered], the court shall mail a notice of entry of default judgment to the address provided by the person when the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction was issued or, in the case of parking infractions, to the address stated in the answer, if any, or the address at which the vehicle is registered. An electronic copy of the notice of entry of default judgment may be sent to the electronic mail address stated on the notice of infraction. The notice of entry of default judgment shall advise the person that the total amount specified in the default judgment shall be paid within thirty days of entry of default judgment and shall explain the procedure for setting aside a default judgment. Judgment by default entered for the State [entered] pursuant to this chapter may be set aside pending final disposition of the traffic infraction [øf], emergency period infraction, or fireworks infraction upon written application of the person and posting of an appearance bond equal to the amount of the total amount specified in the default judgment and any other assessment imposed pursuant to section 291D-9. The application shall show good cause or excusable neglect for the person's failure to take action necessary to prevent entry of judgment by default. Thereafter, the court shall determine whether good cause or excusable neglect exists for the person's failure to take action necessary to prevent entry of judgment by default. If so, the application to set aside default judgment shall be granted, the default judgment shall be set aside, and the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction shall be disposed of pursuant to this chapter. If not, the application to set aside default judgment shall be denied, the appearance bond shall be forfeited and applied to satisfy amounts due under the default judgment, and the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction shall be finally disposed. In either case, the court shall determine the existence of good cause or excusable neglect and notify the person of its decision on the application in writing."

SECTION 25. Section 291D-8, Hawaii Revised Statutes, is amended to read as follows:

"§291D-8 Hearings. (a) In proceedings to contest a notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction where the person to whom the notice was issued has timely requested a hearing and appears at [such] the hearing:

- (1) In lieu of the personal appearance by the officer who issued the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction, the court shall consider the notice of traffic infraction [øf], notice of emergency period infraction, or notice

of fireworks infraction, and any other written report made by the officer, if provided to the court by the officer, together with any oral or written statement by the person to whom the notice of infraction was issued, or in the case of traffic infractions involving parking or equipment, the operator or registered owner of the motor vehicle;

- (2) The court may compel by subpoena the attendance of the officer who issued the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction, and other witnesses from whom it may wish to hear;
 - (3) The standard of proof to be applied by the court shall be whether, by a preponderance of the evidence, the court finds that the traffic infraction [øf], emergency period infraction, or fireworks infraction was committed; and
 - (4) After due consideration of the evidence and arguments, if any, the court shall determine whether commission of the traffic infraction [øf], emergency period infraction, or fireworks infraction has been established. Where the commission of the traffic infraction [øf], emergency period infraction, or fireworks infraction has not been established, judgment in favor of the defendant, dismissing the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction or any count therein with prejudice, shall be entered in the record. Where it has been established that the traffic infraction [øf], emergency period infraction, or fireworks infraction was committed, the court shall enter judgment in favor of the State and shall assess a monetary assessment pursuant to section 291D-9, together with any fees, surcharges, or costs. The court also shall inform the person of the right to request a trial pursuant to section 291D-13. If the person requests a trial at the time of the hearing, the court shall provide the person with the trial date as soon as practicable.
- (b) In proceedings to explain mitigating circumstances where the person to whom the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction was issued has timely requested a hearing and appears at [such] the hearing:
- (1) The procedure shall be limited to the issue of mitigating circumstances. A person who requests to explain the circumstances shall not be permitted to contest the notice of traffic infraction [øf], notice of emergency period infraction[;], or notice of fireworks infraction;
 - (2) After the court has received the explanation, the court shall enter judgment in favor of the State and may assess a monetary assessment pursuant to section 291D-9, together with any fees, surcharges, or costs;
 - (3) The court, after receiving the explanation, may vacate the admission and enter judgment in favor of the defendant, dismissing the notice of traffic infraction, notice of emergency period infraction, notice of fireworks infraction, or any count therein with prejudice, where the explanation establishes that the infraction was not committed; and
 - (4) There shall be no appeal from the judgment.
- (c) If a person for whom a hearing has been scheduled, to contest the notice of traffic infraction [øf], notice of emergency period infraction, or notice of fireworks infraction, or to explain mitigating circumstances, fails to appear at the hearing, the court shall enter judgment by default for the State and take action as provided in section 291D-7(e).”

SECTION 26. Section 291D-9, Hawaii Revised Statutes, is amended to read as follows:

“§291D-9 Monetary assessments. (a) A person found to have committed a traffic infraction ~~[or]~~, emergency period infraction, or fireworks infraction shall be assessed a monetary assessment not to exceed the maximum fine specified in the law or rule defining the traffic infraction ~~[or]~~, emergency period infraction~~[-]~~, or fireworks infraction. The court shall consider a person’s financial circumstances, if disclosed, in determining the monetary assessment.

(b) Notwithstanding section 291C-161 or any other law to the contrary, the district court of each circuit shall prescribe a schedule of monetary assessments for all traffic infractions ~~[and]~~, emergency period infractions, and fireworks infractions, and any additional assessments to be imposed pursuant to subsection (c). The particular assessment to be entered on the notice of traffic infraction ~~[or]~~, notice of emergency period infraction, or notice of fireworks infraction pursuant to section 291D-5 shall correspond to the schedule prescribed by the district court. Except after proceedings conducted pursuant to section 291D-8 or a trial conducted pursuant to section 291D-13, monetary assessments assessed pursuant to this chapter shall not vary from the schedule prescribed by the district court having jurisdiction over the traffic infraction ~~[or]~~, emergency period infraction~~[-]~~, or fireworks infraction.

(c) In addition to any monetary assessment imposed for a traffic infraction ~~[or]~~, an emergency period infraction, or a fireworks infraction, the court may impose additional assessments for:

- (1) Failure to pay a monetary assessment by the scheduled date of payment; or
- (2) The cost of service of a penal summons issued pursuant to this chapter.

(d) In addition to any monetary assessment imposed for a fireworks infraction, the court shall impose an administrative fee of \$20 for each fireworks infraction in which judgment is entered in favor of the State. The clerk of the district court shall deposit the administrative fees collected into the judiciary computer system special fund pursuant to section 601-3.7.

~~[(d)] (e)~~ Upon request of a person claiming inability to pay a monetary assessment, the court may grant an extension of the period in which the monetary assessment shall be paid or may impose community service in lieu thereof.

~~[(e)] (f)~~ At any point before full payment of a monetary assessment, any person who suffers a change in financial circumstances may request a hearing to modify the monetary assessment or to request community service in lieu thereof.”

SECTION 27. Section 291D-12, Hawaii Revised Statutes, is amended to read as follows:

“§291D-12 Powers of the district court judge sitting in the traffic ~~[and]~~, emergency period, and fireworks division. (a) A district court judge sitting in the traffic ~~[and]~~, emergency period, and fireworks division and hearing cases pursuant to this chapter shall have all the powers of a district court judge under chapter 604, including the ~~[following powers:]~~ power to:

- (1) ~~[To conduct]~~ Conduct traffic infraction ~~[and]~~, emergency period infraction, and fireworks infraction hearings and ~~[to]~~ impose monetary assessments;
- (2) ~~[To permit]~~ Permit deferral of monetary assessment or impose community service in lieu thereof;
- (3) ~~[To dismiss]~~ Dismiss a notice of traffic infraction ~~[or]~~, notice of emergency period infraction, or notice of fireworks infraction, with or without prejudice, or ~~[to]~~ set aside a judgment for the State;

- (4) ~~[To order]~~ Order temporary driver's license suspension or driver's license reinstatement;
 - (5) ~~[To approve]~~ Approve the issuance or renewal of a driver's license or instruction permit pursuant to section 286-109(c);
 - (6) ~~[To issue]~~ Issue penal summonses and bench warrants and initiate contempt of court proceedings in proceedings conducted pursuant to section 291D-13;
 - (7) ~~[To issue]~~ Issue penal summonses and bench warrants and initiate failure to appear proceedings in proceedings conducted pursuant to section 291D-5(d)(10); and
 - (8) ~~[To exercise]~~ Exercise other powers the court finds necessary and appropriate to carry out the purposes of this chapter.
- (b) A district court judge sitting in the traffic ~~and~~, emergency period, ~~and~~ fireworks division and hearing cases pursuant to this chapter shall not order the director of finance to withhold issuing or renewing the driver's license, or registering, renewing the registration of, or issuing the title to a motor vehicle, of any person who has not paid a monetary assessment, has not performed community service in lieu thereof, or has not otherwise satisfied a judgment for the State entered pursuant to this chapter."

SECTION 28. Section 291D-13, Hawaii Revised Statutes, is amended by amending subsections (a) through (c) to read as follows:

"(a) There shall be no right to trial unless the defendant contests the notice of traffic infraction ~~[or]~~, notice of emergency period infraction, or notice of fireworks infraction pursuant to section 291D-8. If, after proceedings to contest the notice of traffic infraction ~~[or]~~, notice of emergency period infraction, or notice of fireworks infraction, a determination is made that the defendant committed the traffic infraction ~~[or]~~, emergency period infraction, or fireworks infraction, judgment shall enter in favor of the State. The defendant may request a trial pursuant to the Hawaii rules of evidence and the rules of the district court; provided that any request for trial shall be made within thirty days of entry of judgment. If, after appearing in person at a hearing to contest the notice of traffic infraction ~~[or]~~, notice of emergency period infraction, or notice of fireworks infraction, the person requests a trial at the conclusion of the hearing, the court shall provide the person with the trial date as soon as practicable.

(b) At the time of trial, the State shall be represented by a prosecuting attorney of the county in which the infraction occurred. The prosecuting attorney shall orally recite the charged civil traffic infraction ~~[or]~~, emergency period infraction, or fireworks infraction in court before commencement of the trial. Proof of the defendant's commission of the traffic infraction ~~[or]~~, emergency period infraction, or fireworks infraction shall be by a preponderance of the evidence.

(c) If trial on the traffic infraction ~~[or]~~, emergency period infraction, or fireworks infraction is held before trial on any related criminal offense, the following shall be inadmissible in the subsequent prosecution or trial of the related criminal offense:

- (1) Any written or oral statement made by the defendant in proceedings conducted pursuant to section 291D-7(b); and
- (2) Any testimony given by the defendant in the traffic infraction ~~[or]~~, emergency period infraction, or fireworks infraction trial.

The statement or testimony, or both, shall not be deemed a waiver of the defendant's privilege against self-incrimination in connection with any related criminal offense."

SECTION 29. Section 291D-14, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) Notwithstanding section 604-17, while the court is sitting in any matter pursuant to this chapter, the court shall not be required to preserve the testimony or proceedings, except proceedings conducted pursuant to section 291D-13 and proceedings in which the traffic infraction ~~[or]~~, emergency period infraction, or fireworks infraction is heard on the same date and time as any related criminal offense.

(d) The prosecuting attorney shall not participate in traffic infraction ~~[or]~~, emergency period infraction, or fireworks infraction proceedings conducted pursuant to this chapter, except proceedings pursuant to section 291D-13 and proceedings in which a related criminal offense is scheduled for arraignment, hearing, or concurrent trial.”

SECTION 30. Section 571-41, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) The judge, or the senior judge if there is more than one, may by order confer concurrent jurisdiction on a district court created under chapter 604 to hear and dispose of cases of violation of traffic laws, traffic ordinances, ~~[or]~~ emergency period rules, or fireworks infractions established pursuant to chapter 291D, by children, provision to the contrary in section 571-11 or elsewhere notwithstanding. The exercise of jurisdiction over children by district courts shall, nevertheless, be considered noncriminal in procedure and result in the same manner as though the matter had been adjudicated and disposed of by a family court.”

SECTION 31. Section 601-3.7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There ~~[is]~~ shall be established in the state treasury a special fund to be known as the judiciary computer system special fund, which shall contain the following:

- (1) Moneys collected from administrative fees pursuant to section 287-3(a);
- (2) Fees prescribed by the supreme court by rule of court for electronic document certification, electronic copies of documents, and for providing bulk access to electronic court records and compilations of data; and
- (3) Fees pursuant to sections 291D-9(d), 607-4(b)(10), and 607-5(c)(32).”

SECTION 32. Section 712-1270, Hawaii Revised Statutes, is amended to read as follows:

“§712-1270 Places used to commit offenses against public health and morals or other offenses, a nuisance. Every building, premises, or place used for the purpose of violating:

- (1) Those laws pertaining to offenses against public health and morals contained in this chapter, except offenses under part IV that do not involve the manufacture or distribution of drugs and activities under part III that involve only social gambling as defined in section 712-1231(a);
- (2) Section 132D-14(a)(1) ~~[or (3)]~~; or

(3) Any offense under part II of chapter 708 that involves a person unlawfully residing on or otherwise occupying real property to which the person has no title, lease, or other legal claim, and every building, premises, or place in or upon which violations of any of the laws set forth in paragraph (1), (2), or (3) are held or occur, is a nuisance that shall be enjoined, abated, and prevented, regardless of whether it is a public or private nuisance.”

SECTION 33. Section 712-1270.3, Hawaii Revised Statutes, is amended to read as follows:

“§712-1270.3 **Citizen’s rights.** Any citizen who brings a nuisance abatement suit against a place used for the purpose of committing:

- (1) ~~[Fireworks-related]~~ Fireworks-related offenses contained in section 132D-14(a)(1) ~~[or (3)]~~; or
 - (2) Drug offenses under part IV of this chapter or who files a complaint with the local police or drug nuisance abatement unit of the department of the attorney general,
- shall be entitled to the same rights and protections of victims and witnesses in criminal proceedings in accordance with chapter 801D.”

SECTION 34. Section 712-1281, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§712-1281 **Forfeiture; fireworks.**~~]]~~ In addition to any other penalty that may be imposed for violation of section 132D-14(a)(1) ~~[or (3)]~~, any property used or intended for use in the commission of, attempt to commit, or conspiracy to commit an offense under section 132D-14(a)(1) ~~[or (3)]~~, or that facilitated or assisted such activity, and any proceeds or other property acquired or maintained with the proceeds from violation of section 132D-14(a)(1) ~~[or (3)]~~ may be subject to forfeiture pursuant to chapter 712A.”

SECTION 35. Sections 286-109, 286-245, 287-3, 291C-225, and 431:10C-117, Hawaii Revised Statutes, are amended by substituting the phrase “traffic, emergency period, and fireworks violations bureau”, or similar phrase, wherever the phrase “traffic and emergency period violations bureau”, or similar phrase, appears, as the context requires.

SECTION 36. 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 37. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 38. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 39. This Act shall take effect upon its approval.

(Approved June 30, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Fireworks.

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

SECTION 1. Section 132D-20, Hawaii Revised Statutes, is amended to read as follows:

“§132D-20 Enforcement; probable cause for arrest. (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.

(b) Arrests for offenses under this chapter or under a county fireworks ordinance shall be made in compliance with chapter 803. The facts and circumstances to establish probable cause for an arrest may include but are not limited to:

- (1) Statements from individuals who witnessed the offense, even if those individuals are not law enforcement officers; and
- (2) Photographs, video recordings, or other recordings that show the commission of the offense and can be authenticated by one or more witnesses; provided that a recording made using an unmanned aerial vehicle shall be exempt from the requirement of authentication by one or more witnesses.

(c) Video recordings or other recordings made by a law enforcement agency using, controlling, or operating an unmanned aerial vehicle may be used to establish probable cause pursuant to chapter 803 for an arrest if:

- (1) The unmanned aerial vehicle is recording directly above a public park, street, sidewalk, or easement, or any public property; and
- (2) The act leading to the arrest is committed on a public park, street, sidewalk, or easement, or any public property.

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

“Other recording” includes any photograph or a video made using an unmanned aerial vehicle.

“Unmanned aerial vehicle” means any aerial vehicle that is operated without the possibility of direct human intervention within or on the aerial vehicle. ~~[The term “unmanned”]~~ “Unmanned aerial vehicle” does not include a remote-controlled airplane.”

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 30, 2025.)

A Bill for an Act Related¹ to Law Enforcement.

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

SECTION 1. Chapter 803, Hawaii Revised Statutes, is amended by adding two new sections to part III to be appropriately designated and to read as follows:

“§803- Notice of warrantless search. Upon completion of any warrantless search of a house, store, or other building, the officer shall post notice of the search that shall include the report number, date, time, reason for entering, and office contact number for at least one of the officers involved in the search. Any entrances used by an officer shall be secured upon completion of a warrantless search.

§803- Securing of entrances after search. Each county police department, the department of law enforcement, and any state or county public body that employs law enforcement officers shall develop a policy for securing the entrances to a house, store, or other building designated as a place to be searched after a search is completed.”

SECTION 2. Chapter 803, Hawaii Revised Statutes, is amended by amending its title to read as follows:

**“CHAPTER 803
ARRESTS, SEARCHES, SEARCH WARRANTS”**

SECTION 3. Chapter 803, Hawaii Revised Statutes, is amended by amending the title of part III to read as follows:

“PART III. SEARCHES, SEARCH WARRANTS”

SECTION 4. Section 803-37, Hawaii Revised Statutes, is amended to read as follows:

“§803-37 Power of officer serving[~~ing~~]; notice of search. (a) The officer charged with the warrant[~~, if a house, store, or other building is designated as the place to be searched,~~] may enter [it] the house, store, or other building designated as the place to be searched without demanding permission if the officer finds [it] the house, store, or other building open. If the doors, gates, or other bars to the entrance are shut, the officer shall declare the officer’s office and the officer’s business and demand entrance. If the doors, gates, or other bars to the entrance are not immediately opened, the officer may break them. When entered, the officer may demand that any other part of the house, or any closet or other closed place in which the officer has reason to believe the property is concealed, may be opened for the officer’s inspection, and if refused the officer may break them. The breaking of any doors, gates, other bars to the entrance, closets, and other closed places shall be allowed when reasonable and other means of entering the space are not reasonable.

(b) Upon completion of any warranted search of a house, store, or other building, the officer shall post notice of the search that shall include the report number, date, time, reason for entering, and office contact number for at least one of the officers involved in the search. Any entrances used by an officer shall be secured upon completion of a warranted search.

(c) If an electronic device or storage media is designated as the item to be searched, the court may authorize the officer to obtain technical assistance from individuals or entities, located within or outside the State, in the examination of the item; provided that the officer shall submit a sworn statement to the judge or magistrate, certifying the reliability and qualifications of the individuals or entities and the reason their assistance is necessary; provided further that no individual or entity shall be compelled to provide technical assistance without their consent.”

ACT 246

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

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

(Approved June 30, 2025.)

Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.

ACT 246

S.B. NO. 222

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, section 3, is amended by amending subsection (f) to read as follows:

“(f) The task force shall submit an interim report on the status of its comprehensive strategic plan, including findings, recommendations, and any proposed legislation, to the legislature no later than twenty days prior to the convening of each of the regular [session] sessions of 2024[-], 2025, 2026, 2027, 2028, and 2029. The task force shall submit a final report of its comprehensive strategic plan, including findings, recommendations, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of [2025-] 2030.”

SECTION 2. Act 67, Session Laws of Hawaii 2023, is amended by amending section 5 to read as follows:

“SECTION 5. This Act shall take effect on July 1, 2023, and shall be repealed on June 30, [2025-] 2030.”

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

SECTION 4. This Act shall take effect upon its approval; provided that section 2 shall take effect on June 29, 2025.

(Approved June 30, 2025.)

ACT 247

H.B. NO. 806

A Bill for an Act Relating to Fireworks.

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

SECTION 1. The legislature finds that the widespread use of illegal fireworks poses an extreme danger and lethal risk to public health and safety, resulting in fires, serious burn injuries, and fatalities to innocent bystanders. The

cost to the community far outweighs any intrinsic benefit, as numerous lives have been lost over the years from the use of illegal fireworks. In addition, the potential for wildfires in this time of climate change is a real and present danger and is a top priority for all levels of government today.

The legislature further finds that fireworks-related tragedies, including the Aliamanu New Year's Eve explosion of 2024 that claimed at least six lives, seriously impact entire neighborhoods in urban Honolulu and across the State. Fireworks also emit excessive smoke and other toxins into the air, making breathing difficult for thousands of Hawaii residents with respiratory ailments. Noise from loud fireworks traumatizes many residents, particularly war veterans who may suffer from post-traumatic stress from being in combat. Pets and vulnerable species in their natural habitats also suffer each holiday season when fireworks noise and environmental pollution levels are especially high.

The legislature recognizes that, with the increase in fireworks-related calls, public safety agencies are heavily strained to maintain adequate response levels for other critical emergencies, which adds to the cost of state and county resources that could be used for natural disasters and other emergencies. These agencies are often overwhelmed and are not able to stop the thousands of illegal fireworks being used, making it a death trap for thousands of innocent lives who are not involved in illegal fireworks use.

The legislature also finds that the State's communities deserve to live in peace and security without the public safety risk and disruptive impact of illegal fireworks. There can be no more gray areas when lives are lost while this black market flourishes.

The legislature believes that intelligence-led policing and criminal surveillance of illegal fireworks can be effective approaches in deterring the use of illegal fireworks. An investment of funds to conduct sting operations by law enforcement to enforce fireworks ordinances or laws on Oahu is one of the first steps to effectively reducing the use of illegal fireworks in the State.

Accordingly, the purpose of this Act is to appropriate funds to the department of law enforcement for:

- (1) Sting operations on Oahu to enforce fireworks ordinances or laws; and
- (2) An explosives and firearms laboratory on Oahu.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the department of law enforcement to conduct sting operations on Oahu to enforce chapter 132D, Hawaii Revised Statutes.

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

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 for an explosives and firearms laboratory on Oahu.

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

SECTION 4. This Act shall take effect on July 1, 2025.
(Approved June 30, 2025.)

ACT 248

H.B. NO. 410

A Bill for an Act Relating to the Budget of the Office of Hawaiian Affairs.

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

PART I. GENERAL PROVISIONS

SECTION 1. SHORT TITLE. This Act shall be known and may be cited as the Office of Hawaiian Affairs Appropriations Act of 2025.

SECTION 2. DEFINITIONS. Unless otherwise clear from the context, as used in this Act:

“Means of financing” or “MOF” means the source from which funds are appropriated or authorized to be expended for the programs and projects specified in this Act. All appropriations are followed by letter symbols. The letter symbols, where used, shall have the following meanings:

A General funds

T Trust funds

“Position ceiling” means the maximum number of permanent and temporary full-time equivalent positions authorized for a particular program during a specified period or periods, as denoted by an 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 office of Hawaiian affairs (OHA) followed by the organization number for the program.

PART II. PROGRAM APPROPRIATIONS

SECTION 3. APPROPRIATIONS. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are hereby appropriated or authorized from the means of financing specified to the office of Hawaiian affairs for the fiscal biennium beginning July 1, 2025, and ending June 30, 2027. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the position ceiling 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	M O	FISCAL YEAR	M O
				2025-2026	F	2026-2027	F
Hawaiian Affairs							
1.	OHA175 - BENEFICIARY ADVOCACY						
	OPERATING		OHA	3,000,000A		3,000,000A	
			OHA	3,000,000T		3,000,000T	

PART III. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 4. If any portion of this Act or its application to any person, entity, or circumstance is held to be invalid for any reason, the legislature declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be expended to fulfill the objective of the appropriation to the extent possible.

SECTION 5. If manifest clerical, typographical, or other mechanical errors are found in this Act, the board of trustees of the office of Hawaiian affairs may correct these errors. All changes made pursuant to this section shall be reported to the legislature at its next regular session.

SECTION 6. This Act shall take effect on July 1, 2025.

(Approved June 30, 2025.)

ACT 249

H.B. NO. 1002

A Bill for an Act Relating to the Hawaii Correctional System Oversight Commission.

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

SECTION 1. Section 353L-2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The governor shall appoint an oversight coordinator from a list of three nominees submitted by the commission. The oversight coordinator shall be a person qualified by training and experience to administer the Hawaii correctional system oversight commission and shall be well-versed in criminal justice reform and maintain a firm commitment to the correctional system’s transition to a rehabilitative and therapeutic model. The oversight coordinator shall serve a ~~[two-year]~~ three-year term~~[-]; provided that at the end of the coordinator’s term, the Hawaii correctional system oversight commission may review the coordinator’s performance and make a recommendation to the governor whether the coordinator should be retained for an additional term.]”~~

SECTION 2. Section 353L-7, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) ~~[In an investigation, the]~~ The oversight coordinator may make inquiries and obtain information as the oversight coordinator thinks fit, enter without notice to inspect the premises of an agency or correctional facility, and, in an investigation, hold private hearings in accordance with chapter 91.”

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, 2025.

(Approved June 30, 2025.)

ACT 250

H.B. NO. 300

A Bill for an Act Relating to the State Budget.

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

PART I. GENERAL PROVISIONS

SECTION 1. SHORT TITLE. This Act shall be known and may be cited as the General Appropriations Act of 2025.

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 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 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
- J federal aid interstate funds
- K federal aid primary funds
- L federal aid secondary funds
- M federal aid urban funds
- N federal funds
- P other federal funds
- R private contributions
- S county funds
- T trust funds
- U interdepartmental transfers
- V American Rescue Plan funds
- W revolving funds
- X other funds

“Position ceiling” means the maximum number of permanent and temporary full-time equivalent positions that an expending agency is authorized for a particular program during a specified period or periods, as denoted by a single asterisk for permanent full-time equivalent positions and a pound sign for temporary full-time equivalent positions.

“Program ID” means the unique identifier for the specific program and consists of the abbreviation for the organization responsible for carrying out the program, followed by the organization number for the program.

PART II. PROGRAM APPROPRIATIONS

SECTION 3. APPROPRIATIONS. The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are hereby appropriated or authorized, as the case may be, from the means of financing specified to the expending agencies designated for the fiscal biennium beginning July 1, 2025, and ending June 30, 2027. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the position ceiling 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 2025-2026	M O F
A. ECONOMIC DEVELOPMENT					
1.	BED100 - STRATEGIC MARKETING AND SUPPORT			10.00 *	10.00 *
				1.00 #	1.00 #
	OPERATING		BED	3,893,040 A	3,893,040 A
			BED	1,823,499 W	1,823,499 W
			BED	700,000 P	700,000 P
2.	BED101 - OFFICE OF INTERNATIONAL AFFAIRS				
	OPERATING		BED	400,000 A	A
	INVESTMENT CAPITAL		BED	5,000,000 C	C
3.	BED105 - CREATIVE INDUSTRIES DIVISION			15.00 *	15.00 *
				1.00 #	1.00 #
	OPERATING		BED	1,885,986 A	1,921,494 A
			BED	1,080,000 B	1,080,000 B
4.	BED107 - FOREIGN TRADE ZONE			16.00 *	16.00 *
	OPERATING		BED	2,796,043 B	2,796,043 B
5.	BED142 - GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT			26.00 *	26.00 *
				4.00 #	4.00 #
	OPERATING		BED	3,802,604 A	3,802,952 A
6.	BED113 - HAWAII TOURISM AUTHORITY - ADMINISTRATION AND GOVERNANCE			14.00 *	14.00 *
	OPERATING		BED	3,696,660 A	3,696,660 A
			BED	26,977,020 B	14,000,000 B
	INVESTMENT CAPITAL		BED	36,400,000 C	C
7.	BED114 - HAWAII TOURISM AUTHORITY - BRANDING AND MARKETING			5.00 *	5.00 *
	OPERATING		BED	39,249,201 A	39,249,201 A
8.	BED115 - HAWAII TOURISM AUTHORITY - SPORTS AND SIGNATURE EVENTS			1.00 *	1.00 *
	OPERATING		BED	7,318,075 A	7,318,075 A
9.	BED116 - HAWAII TOURISM AUTHORITY - DESTINATION STEWARDSHIP AND COMMUNITY			7.00 *	7.00 *
	OPERATING		BED	7,923,883 A	7,923,883 A
10.	BED117 - HAWAII TOURISM AUTHORITY - REGENERATIVE TOURISM DEVELOPMENT			3.00 *	3.00 *
	OPERATING		BED	3,762,181 A	3,762,181 A
11.	BED118 - HAWAII TOURISM AUTHORITY - WORKFORCE DEVELOPMENT				
	OPERATING		BED	1,050,000 A	1,050,000 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
12.	AGR101	FINANCIAL ASSISTANCE FOR AGRICULTURE		9.00 *	9.00 *
	OPERATING		AGR	874,338 A	874,338 A
			AGR	5,500,000 W	5,500,000 W
13.	AGR122	PLANT PEST AND DISEASE CONTROL		143.00 *	143.00 *
	OPERATING		AGR	21,335,989 A	21,335,989 A
			AGR	4,130,800 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
			AGR	365,946 P	365,946 P
14.	AGR131	RABIES QUARANTINE		32.32 *	32.32 *
	OPERATING		AGR	4,781,110 B	4,781,110 B
15.	AGR132	ANIMAL DISEASE CONTROL		25.68 *	25.68 *
	OPERATING		AGR	3,421,755 A	3,352,755 A
			AGR	47,802 B	47,802 B
				1.00 #	1.00 #
			AGR	306,941 P	306,941 P
	INVESTMENT CAPITAL		AGS	7,000,000 C	C
16.	LNR172	FORESTRY - RESOURCE MANAGEMENT AND DEVELOPMENT		34.00 *	34.00 *
	OPERATING		LNR	8,808,994 A	8,808,994 A
			LNR	2,455,475 B	2,455,475 B
				1.00 *	1.00 *
			LNR	7,100,000 P	10,530,000 P
17.	AGR151	QUALITY AND PRICE ASSURANCE		23.50 *	23.50 *
	OPERATING		AGR	1,826,443 A	1,826,443 A
			AGR	109,046 B	109,046 B
			AGR	100,000 N	100,000 N
			AGR	300,000 T	300,000 T
			AGR	186,848 W	127,848 W
			AGR	138,624 P	138,624 P
18.	AGR171	AGRICULTURAL DEVELOPMENT AND MARKETING		11.00 *	11.00 *
	OPERATING		AGR	1,109,694 A	1,067,694 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 2025-2026	FISCAL YEAR 2026-2027
19.	AGR141	- AGRICULTURAL RESOURCE MANAGEMENT			
				26.50 *	19.00 *
	OPERATING		AGR	4,221,136 A	1,798,532 A
				13.50 *	13.50 *
			AGR	2,851,320 B	2,851,320 B
				*	7.50 *
			AGR	2,747,123 W	1,375,787 W
	INVESTMENT CAPITAL		AGR	5,000,000 C	C
			AGR	1,000 N	N
20.	AGR192	- GENERAL ADMINISTRATION FOR AGRICULTURE			
				33.00 *	32.00 *
	OPERATING		AGR	5,580,886 A	5,556,126 A
				*	1.00 *
			AGR	P	164,450 P
	INVESTMENT CAPITAL		AGS	1,900,000 C	2,200,000 C
21.	BED170	- AGRIBUSINESS DEVELOPMENT AND RESEARCH			
				13.50 *	13.50 *
	OPERATING		BED	4,825,616 A	4,823,166 A
				0.50 *	0.50 *
			BED	82,126 U	82,126 U
				2.00 *	2.00 *
				6.00 #	6.00 #
			BED	16,259,661 W	4,048,264 W
	INVESTMENT CAPITAL		BED	111,201,000 C	5,150,000 C
22.	AGR153	- AQUACULTURE DEVELOPMENT			
				7.00 *	7.00 *
	OPERATING		AGR	978,519 A	978,519 A
			AGR	125,000 B	125,000 B
23.	BED120	- HAWAII STATE ENERGY OFFICE			
				1.00 *	1.00 *
				25.00 #	25.00 #
	OPERATING		BED	2,571,816 A	2,571,816 A
			BED	795,000 B	795,000 B
			BED	7,146,250 T	7,146,250 T
24.	BED143	- HAWAII TECHNOLOGY DEVELOPMENT CORPORATION			
				8.00 *	8.00 *
				4.00 #	4.00 #
	OPERATING		BED	4,701,795 A	4,701,795 A
					2,701,795 A ¹
			BED	1,604,258 B	1,604,258 B
			BED	2,017,203 W	2,017,203 W
			10.00	#	10.00 #
			BED	994,214 P	994,214 P
25.	BED146	- NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY			
				17.00 #	17.00 #
	OPERATING		BED	7,929,310 B	7,929,310 B

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR	FISCAL YEAR
				2025-2026	2026-2027
26.	BED138	- HAWAII GREEN INFRASTRUCTURE AUTHORITY			
				7.25 #	7.25 #
	OPERATING		BED	86,633,318 B	86,639,653 B
				1.75 #	1.75 #
			BED	444,261 P	444,261 P
27.	LNR141	- WATER AND LAND DEVELOPMENT			
				24.00 *	24.00 *
	OPERATING		LNR	3,403,862 A	3,403,862 A
				4.00 *	4.00 *
			LNR	907,330 B	907,330 B
			LNR	199,479 T	199,479 T
	INVESTMENT CAPITAL		LNR	2,000,000 C	C
28.	BED150	- HAWAII COMMUNITY DEVELOPMENT AUTHORITY			
				13.00 *	13.00 *
				1.00 #	1.00 #
	OPERATING		BED	1,526,750 A	1,526,750 A
				11.00 *	11.00 *
				1.00 #	1.00 #
			BED	2,554,972 B	2,554,972 B
	INVESTMENT CAPITAL		BED	38,000,000 C	29,450,000 C
29.	BED160	- HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION			
	OPERATING		BED	3,100,000 N	3,100,000 N
				23.00 *	23.00 *
				48.00 #	48.00 #
			BED	16,060,058 W	15,889,058 W
			BED	3,000,000 P	3,000,000 P
	INVESTMENT CAPITAL		BED	100,000,000 C	140,000,000 C

B. EMPLOYMENT

1.	LBR111	- WORKFORCE DEVELOPMENT			
				13.10 *	13.10 *
	OPERATING		LBR	6,822,007 A	6,822,007 A
			LBR	5,364,646 B	5,364,646 B
				57.20 *	57.20 *
				34.00 #	34.00 #
			LBR	6,550,000 N	6,550,000 N
			LBR	2,891,173 U	2,891,173 U
				0.70 *	0.70 *
			LBR	300,000 P	300,000 P
2.	LBR135	- WORKFORCE DEVELOPMENT COUNCIL			
	OPERATING		LBR	455,026 A	455,026 A
				7.00 *	7.00 *
			LBR	10,700,000 N	10,700,000 N
3.	LBR171	- UNEMPLOYMENT INSURANCE PROGRAM			
				10.00 *	10.00 *
	OPERATING		LBR	1,098,246 A	1,098,246 A
			LBR	2,173,756 B	2,173,756 B
				187.50 *	187.50 *
			LBR	18,000,000 N	18,000,000 N
			LBR	341,400,000 T	341,400,000 T

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
4.		LBR903 - OFFICE OF COMMUNITY SERVICES		13.00 * 5.00 #	13.00 * 5.00 #
		OPERATING	LBR	4,971,563 A	4,971,563 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	C
5.		HMS802 - VOCATIONAL REHABILITATION		38.73 * 2.00 #	38.73 * 2.00 #
		OPERATING	HMS	5,056,561 A	6,138,995 A
				73.27 *	73.27 *
			HMS	19,176,876 N	19,176,876 N
			HMS	2,000,000 W	2,000,000 W
6.		LBR143 - HAWAII OCCUPATIONAL SAFETY AND HEALTH PROGRAM		17.30 * 0.50 #	17.30 * 0.50 #
		OPERATING	LBR	1,393,204 A	1,393,204 A
				19.00 *	19.00 *
			LBR	2,746,105 W	2,746,105 W
				19.70 *	19.70 *
			LBR	2,400,000 P	2,400,000 P
7.		LBR152 - WAGE STANDARDS PROGRAM		20.00 *	20.00 *
		OPERATING	LBR	1,383,835 A	1,442,931 A
			LBR	500,000 B	500,000 B
8.		LBR153 - HAWAII CIVIL RIGHTS COMMISSION		22.50 * 0.50 *	22.50 * 0.50 *
		OPERATING	LBR	1,843,633 A	1,843,633 A
				5.00 #	5.00 #
			LBR	350,000 P	350,000 P
9.		LBR183 - DISABILITY COMPENSATION PROGRAM		77.00 * 11.00 *	77.00 * 11.00 *
		OPERATING	LBR	8,679,642 A	9,039,187 A
				5.00 #	5.00 #
			LBR	24,157,551 T	24,157,551 T
10.		LBR161 - HAWAII LABOR RELATIONS BOARD		3.00 * 7.00 #	3.00 * 7.00 #
		OPERATING	LBR	1,138,087 A	1,138,087 A
11.		LBR812 - LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD		12.00 *	12.00 *
		OPERATING	LBR	1,209,410 A	1,209,410 A
12.		LBR901 - RESEARCH AND STATISTICS		2.00 *	2.00 *
		OPERATING	LBR	178,081 A	178,081 A
				4.00 *	4.00 *
				1.00 #	1.00 #
			LBR	440,322 N	440,322 N

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
13.		LBR902 - GENERAL ADMINISTRATION		18.83 *	18.83 *
				3.46 #	3.46 #
	OPERATING		LBR	3,937,790 A	2,912,790 A
			LBR	200,000 B	200,000 B
				32.17 *	32.17 *
				1.54 #	1.54 #
			LBR	6,000,000 P	6,000,000 P
C. TRANSPORTATION FACILITIES					
1.		TRN102 - DANIEL K. INOUE INTERNATIONAL AIRPORT		661.00 *	661.00 *
				15.00 #	15.00 #
	OPERATING		TRN	283,790,642 B	285,933,581 B
	INVESTMENT CAPITAL		TRN	17,061,000 E	26,760,000 E
			TRN	1,000 N	1,000 N
2.		TRN104 - GENERAL AVIATION		31.00 *	31.00 *
	OPERATING		TRN	19,811,421 B	17,928,307 B
3.		TRN111 - HILO INTERNATIONAL AIRPORT		85.00 *	85.00 *
				2.00 #	2.00 #
	OPERATING		TRN	26,440,201 B	28,974,929 B
	INVESTMENT CAPITAL		TRN	26,000,000 E	E
			TRN	1,000 N	N
4.		TRN114 - ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE		110.00 *	110.00 *
				3.00 #	3.00 #
	OPERATING		TRN	34,282,904 B	34,549,166 B
	INVESTMENT CAPITAL		TRN	137,045,000 E	E
			TRN	10,000,000 N	N
5.		TRN116 - WAIMEA-KOHALA AIRPORT		4.00 *	4.00 *
	OPERATING		TRN	1,338,058 B	1,339,121 B
6.		TRN118 - UPOLU AIRPORT			
	OPERATING		TRN	51,100 B	51,100 B
7.		TRN131 - KAHULUI AIRPORT		183.00 *	183.00 *
				4.00 #	4.00 #
	OPERATING		TRN	52,283,111 B	52,419,747 B
	INVESTMENT CAPITAL		TRN	52,250,000 E	57,500,000 E
			TRN	5,000,000 N	N
8.		TRN133 - HANA AIRPORT		3.00 *	3.00 *
	OPERATING		TRN	762,108 B	762,525 B
9.		TRN135 - KAPALUA AIRPORT		12.00 *	12.00 *
	OPERATING		TRN	3,133,189 B	3,135,770 B
10.		TRN141 - MOLOKAI AIRPORT		14.00 *	14.00 *

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
		OPERATING	TRN	3,993,273 B	3,998,586 B
		INVESTMENT CAPITAL	TRN	6,230,000 E	E
			TRN	2,000,000 N	N
11.	TRN143 - KALAUPAPA AIRPORT			2.00 *	2.00 *
	OPERATING	TRN		520,929 B	520,929 B
12.	TRN151 - LANAI AIRPORT			14.00 *	14.00 *
	OPERATING	TRN		4,575,622 B	4,584,732 B
13.	TRN161 - LIHUE AIRPORT			115.00 *	115.00 *
				3.00 #	3.00 #
	OPERATING	TRN		32,974,694 B	33,055,875 B
	INVESTMENT CAPITAL	TRN		9,225,000 E	5,140,000 E
		TRN		1,000 N	4,600,000 N
14.	TRN163 - PORT ALLEN AIRPORT				
	OPERATING	TRN		1,841 B	1,841 B
15.	TRN195 - AIRPORTS ADMINISTRATION			135.00 *	135.00 *
	OPERATING	TRN		476,268,398 B	467,112,227 B
	INVESTMENT CAPITAL	TRN		7,500,000 B	7,500,000 B
		TRN		294,381,000 E	751,666,000 E
		TRN		1,802,000 N	60,002,000 N
		TRN		301,200,000 X	200,000 X
16.	TRN301 - HONOLULU HARBOR			104.00 *	104.00 *
	OPERATING	TRN		33,294,730 B	33,212,670 B
	INVESTMENT CAPITAL	TRN		24,992,000 B	39,992,000 B
		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		2,258,009 B	2,252,332 B
	INVESTMENT CAPITAL	TRN		4,000 B	34,992,000 B
		TRN		4,000 N	4,000 N
		TRN		4,000 R	4,000 R
18.	TRN311 - HILO HARBOR			15.00 *	15.00 *
	OPERATING	TRN		4,733,388 B	4,728,916 B
	INVESTMENT CAPITAL	TRN		4,000 B	44,992,000 B
		TRN		4,000 N	4,000 N
		TRN		4,000 R	4,000 R
19.	TRN313 - KAWAIHAE HARBOR			2.00 *	2.00 *
	OPERATING	TRN		2,585,678 B	2,585,027 B

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
20.	TRN331	KAHULUI HARBOR			
	OPERATING	TRN	19.00 *	19.00 *	
	INVESTMENT CAPITAL	TRN	6,732,925 B	6,725,038 B	
		TRN	4,000 B	9,992,000 B	
		TRN	4,000 N	4,000 N	
		TRN	4,000 R	4,000 R	
21.	TRN341	KAUNAKAKAI HARBOR			
	OPERATING	TRN	1.00 *	1.00 *	
	INVESTMENT CAPITAL	TRN	834,558 B	834,216 B	
		TRN	4,000 B	4,000 B	
		TRN	4,000 N	4,000 N	
		TRN	4,000 R	4,000 R	
22.	TRN361	NAWILIWILI HARBOR			
	OPERATING	TRN	15.00 *	15.00 *	
	INVESTMENT CAPITAL	TRN	4,579,638 B	4,570,717 B	
		TRN	9,992,000 B	4,992,000 B	
		TRN	4,000 N	4,000 N	
		TRN	4,000 R	4,000 R	
23.	TRN363	PORT ALLEN HARBOR			
	OPERATING	TRN	1.00 *	1.00 *	
			255,870 B	255,379 B	
24.	TRN351	KAUMALAPAU HARBOR			
	OPERATING	TRN	1.00 *	1.00 *	
	INVESTMENT CAPITAL	TRN	514,295 B	511,891 B	
		TRN	4,000 B	1,992,000 B	
		TRN	4,000 N	4,000 N	
		TRN	4,000 R	4,000 R	
25.	TRN395	HARBORS ADMINISTRATION			
	OPERATING	TRN	72.00 *	72.00 *	
		TRN	122,924,440 B	103,372,371 B	
	INVESTMENT CAPITAL	TRN	25,000,000 N	25,000,000 N	
		TRN	17,492,000 B	17,492,000 B	
		TRN	4,000 N	4,000 N	
		TRN	4,000 R	4,000 R	
26.	TRN333	HANA HARBOR			
	OPERATING	TRN	13,519 B	13,519 B	
27.	TRN501	OAHU HIGHWAYS			
	OPERATING	TRN	184.00 *	184.00 *	
	INVESTMENT CAPITAL	TRN	97,979,039 B	98,253,732 B	
		TRN	5,445,000 C	C	
		TRN	14,898,000 E	800,000 E	
		TRN	22,134,000 N	3,200,000 N	
28.	TRN511	HAWAII HIGHWAYS			
	OPERATING	TRN	117.50 *	117.50 *	
	INVESTMENT CAPITAL	TRN	25,508,570 B	25,522,385 B	
		TRN	4,500,000 E	4,800,000 E	
		TRN	N	19,200,000 N	
		TRN	1,000,000 S	S	

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
29.	TRN531 - MAUI HIGHWAYS			90.00 *	90.00 *
				1.00 #	1.00 #
	OPERATING		TRN	28,978,093 B	28,041,366 B
	INVESTMENT CAPITAL		TRN	1,000,000 B	B
			TRN	5,000,000 E	100,000 E
			TRN	4,001,000 N	400,000 N
30.	TRN561 - KAUAI HIGHWAYS			60.00 *	60.00 *
	OPERATING		TRN	15,191,701 B	14,943,899 B
	INVESTMENT CAPITAL		TRN	1,000,000 E	5,200,000 E
			TRN	4,000,000 N	20,800,000 N
31.	TRN595 - HIGHWAYS ADMINISTRATION				
	OPERATING		TRN	20,000,000 A	A
				520.50 *	520.50 *
				3.00 #	3.00 #
			TRN	229,186,637 B	207,904,208 B
			TRN	15,763,634 N	16,213,634 N
	INVESTMENT CAPITAL		TRN	22,721,000 B	17,343,000 B
			TRN	1,000,000 C	C
			TRN	156,684,000 E	111,324,000 E
			TRN	614,705,000 N	426,975,000 N
			TRN	700,000 S	S
32.	TRN597 - HIGHWAYS SAFETY			32.20 *	32.20 *
	OPERATING		TRN	12,319,296 B	12,319,296 B
				6.00 *	6.00 *
			TRN	6,495,670 N	6,495,670 N
				0.80 *	0.80 *
			TRN	1,214,379 P	1,214,379 P
33.	TRN995 - GENERAL ADMINISTRATION				
	OPERATING		TRN	350,000 A	A
				110.00 *	110.00 *
				2.00 #	2.00 #
			TRN	33,851,577 B	34,069,484 B
				1.00 *	1.00 *
			TRN	12,784,696 N	12,784,696 N
			TRN	743,067 R	743,067 R
34.	TRN695 - ALOHA TOWER DEVELOPMENT CORPORATION			1.00 *	1.00 *
	OPERATING		TRN	1,842,580 B	1,842,580 B

D. ENVIRONMENTAL PROTECTION

1.	HTH840 - ENVIRONMENTAL MANAGEMENT			90.00 *	90.00 *
				1.00 #	1.00 #

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F
		OPERATING	HTH	7,063,978 A 59.00 * 4.00 #	7,379,458 A 59.00 * 4.00 #
			HTH	80,891,943 B 33.50 * 1.00 #	80,891,943 B 33.50 * 1.00 #
			HTH	4,064,084 N 2.00 *	4,064,084 N 2.00 *
			HTH	3,013,024 U 43.00 *	3,013,024 U 43.00 *
			HTH	260,514,599 W 7.25 * 4.00 #	260,514,599 W 7.25 * 4.00 #
		INVESTMENT CAPITAL	HTH	8,889,111 P	7,998,178 P
			HTH	10,995,000 C	10,995,000 C
			HTH	54,964,000 N	54,964,000 N
2.		AGR846 - PESTICIDES		37.00 * 2.00 #	37.00 * 2.00 #
		OPERATING	AGR	2,729,255 A	2,729,255 A
			AGR	2,598,038 W 2.00 * 1.00 #	2,364,038 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	5,526,913 A 3.00 * 0.25 #	5,526,913 A 3.00 * 0.25 #
			LNR	4,239,054 B 1.00 * 1.75 #	4,239,054 B 1.00 * 1.75 #
			LNR	4,864,500 N 2.00 * 6.50 #	4,889,500 N 2.00 * 6.50 #
		INVESTMENT CAPITAL	LNR	12,537,534 P	283,534 P
			LNR	1,150,000 C	C
4.		LNR402 - NATIVE RESOURCES AND FIRE PROTECTION PROGRAM		73.50 *	73.50 *
		OPERATING	LNR	26,434,031 A 18.50 * 1.00 #	23,539,031 A 18.50 * 1.00 #
			LNR	3,679,077 N	3,679,077 N
			LNR	106,475 T 7.00 #	106,475 T 7.00 #
			LNR	1,686,056 U 2.50 *	1,686,056 U 2.50 *
		INVESTMENT CAPITAL	LNR	4,571,982 P	2,883,534 P
			LNR	10,500,000 C	C

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
5.	LNR404 - WATER RESOURCES				
				28.00 *	28.00 *
	OPERATING		LNR	4,584,758 A	4,484,758 A
				5.00 *	5.00 *
			LNR	1,283,123 B	1,283,123 B
	INVESTMENT CAPITAL		LNR	6,000,000 C	C
6.	LNR405 - CONSERVATION AND RESOURCES ENFORCEMENT				
				199.25 *	199.25 *
	OPERATING		LNR	20,509,745 A	17,545,614 A
			LNR	2,021,447 B	921,447 B
				3.75 *	3.75 *
			LNR	958,875 N	958,875 N
			LNR	32,671 W	32,671 W
			LNR	100,000 P	100,000 P
	INVESTMENT CAPITAL		LNR	4,450,000 C	C
7.	LNR407 - NATURAL AREA RESERVES AND WATERSHED MANAGEMENT				
				69.50 *	69.50 *
				4.00 #	4.00 #
	OPERATING		LNR	11,709,704 A	11,334,704 A
			LNR	180,000 B	180,000 B
			LNR	440,000 N	440,000 N
				0.50 *	0.50 *
			LNR	3,000,000 P	3,000,000 P
	INVESTMENT CAPITAL		LNR	7,200,000 C	C
8.	LNR906 - LNR - NATURAL AND PHYSICAL ENVIRONMENT				
				55.00 *	55.00 *
				1.00 #	1.00 #
	OPERATING		LNR	7,011,321 A	7,061,839 A
				20.00 *	20.00 *
				1.00 #	1.00 #
			LNR	3,475,827 B	3,475,827 B
				1.00 #	1.00 #
			LNR	116,466 P	116,466 P
9.	HTH849 - ENVIRONMENTAL HEALTH ADMINISTRATION				
				29.50 *	29.50 *
				1.25 #	1.25 #
	OPERATING		HTH	3,878,888 A	3,878,888 A
				2.15 *	2.15 *
				0.60 #	0.60 #
			HTH	189,937 N	189,937 N
				11.00 *	11.00 *
			HTH	2,826,328 W	2,826,328 W
				11.95 *	11.95 *
				2.15 #	2.15 #
			HTH	2,330,057 P	5,751,220 P
10.	LNR907 - AHA MOKU ADVISORY COMMITTEE				
				1.00 *	1.00 *
	OPERATING		LNR	286,300 A	286,300 A
11.	LNR908 - KAHOO LAWE ISLAND RESERVE COMMISSION				
				2.00 *	2.00 *
				14.00 #	14.00 #
	OPERATING		LNR	1,845,510 A	1,845,510 A

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR	FISCAL YEAR
				2025-2026	2026-2027
12.	LNR909	- MAUNA KEA STEWARDSHIP & OVERSIGHT AUTHORITY			
				13.00 #	13.00 #
	OPERATING		LNR	14,000,800 A	14,000,800 A
E. HEALTH					
1.	HTH100	- COMMUNICABLE DISEASE AND PUBLIC HEALTH NURSING			
				236.87 *	236.87 *
				1.00 #	1.00 #
	OPERATING		HTH	33,001,090 A	33,067,876 A
				22.00 #	22.00 #
			HTH	8,827,137 N	8,827,137 N
				3.00 *	3.00 *
			HTH	637,849 U	637,849 U
				11.00 *	11.00 *
				23.50 #	23.50 #
	INVESTMENT CAPITAL		HTH	5,311,894 P	5,311,894 P
			AGS	8,000,000 C	C
2.	HTH131	- DISEASE OUTBREAK CONTROL			
				26.60 *	26.60 *
	OPERATING		HTH	2,333,942 A	2,604,086 A
				20.40 *	20.40 *
				9.00 #	9.00 #
			HTH	20,255,445 N	3,705,177 N
				1.00 *	1.00 *
				21.50 #	21.50 #
			HTH	9,378,970 P	9,378,970 P
3.	HTH730	- EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM			
				10.00 *	10.00 *
				2.20 #	2.20 #
	OPERATING		HTH	59,091,232 A	59,321,974 A
				6.00 #	6.00 #
			HTH	22,323,419 B	22,323,419 B
				3.00 #	3.00 #
			HTH	420,000 P	420,000 P
4.	HTH560	- FAMILY HEALTH SERVICES			
				114.00 *	114.00 *
				0.50 #	0.50 #
	OPERATING		HTH	45,499,911 A	45,566,966 A
				11.40 *	11.40 *
				2.00 #	2.00 #
			HTH	17,965,804 B	17,965,804 B
				99.80 *	99.80 *
				8.50 #	8.50 #
			HTH	38,121,215 N	38,121,215 N
				1.00 #	1.00 #
			HTH	101,558 U	101,558 U
				15.30 *	15.30 *
				14.00 #	14.00 #
			HTH	12,523,019 P	12,523,019 P
5.	HTH590	- CHRONIC DISEASE PREVENTION AND HEALTH PROMOTION			
				46.50 *	46.50 *
				2.00 #	2.00 #

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
		OPERATING	HTH	7,041,748 A	7,041,748 A
			HTH	48,706,356 B	48,706,356 B
				1.00 *	1.00 *
			HTH	1,192,408 U	1,192,408 U
				9.50 *	9.50 *
				17.50 #	17.50 #
			HTH	6,740,166 P	6,740,166 P
6.		HTH595 - HEALTH RESOURCES ADMINISTRATION		2.00 *	2.00 *
		OPERATING	HTH	244,093 A	244,093 A
7.		HTH596 - OFFICE OF MEDICAL CANNABIS CONTROL & REGULATION		21.00 *	21.00 *
				5.00 #	5.00 #
		OPERATING	HTH	3,109,260 A	3,109,260 A
				7.00 *	7.00 *
			HTH	2,578,518 B	2,425,368 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	2,157,500 A	2,032,500 A
		INVESTMENT CAPITAL	HTH	5,800,000 C	5,000,000 C
10.		HTH212 - HAWAII HEALTH SYSTEMS CORPORATION - REGIONS			
		OPERATING	HTH	216,537,303 A	199,816,303 A
				2,337.85 *	2,337.85 *
			HTH	582,286,185 B	582,286,185 B
		INVESTMENT CAPITAL	HTH	28,839,000 C	53,709,000 C
			HTH	R	25,000,000 R
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	12,000,000 A	6,000,000 A
		INVESTMENT CAPITAL	HTH	6,000,000 C	6,000,000 C
13.		HTH215 - HHSC - OAHU REGION			
		OPERATING	HTH	8,000,000 A	14,000,000 A
				439.00 *	439.00 *
			HTH	48,500,000 B	48,400,000 B
		INVESTMENT CAPITAL	HTH	5,600,000 C	5,110,000 C
14.		HTH420 - ADULT MENTAL HEALTH - OUTPATIENT		343.00 *	343.00 *
				49.50 #	49.50 #
		OPERATING	HTH	89,622,044 A	93,667,271 A
			HTH	11,610,000 B	11,610,000 B
				1.00 #	1.00 #
			HTH	2,333,370 N	2,333,370 N
				1.00 #	1.00 #
			HTH	137,363 P	137,363 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR	FISCAL YEAR
				2025-2026	2026-2027
15.	HTH430 - ADULT MENTAL HEALTH - INPATIENT			853.00 * 20.00 # 157,045,865 A 147,045,865 A ¹	853.00 * 20.00 # 134,673,554 A
	OPERATING		HTH	23,650,000 C	16,750,000 C
	INVESTMENT CAPITAL		AGS		
16.	HTH440 - ALCOHOL AND DRUG ABUSE DIVISION			29.00 * 20,395,713 A 750,000 B 1.00 * 9,038,656 N 5.00 # 6,654,376 P	29.00 * 20,395,713 A 750,000 B 1.00 * 9,038,656 N 5.00 # 6,722,746 P
	OPERATING		HTH		
			HTH		
			HTH		
			HTH		
			HTH		
			HTH		
17.	HTH460 - CHILD AND ADOLESCENT MENTAL HEALTH			159.50 * 8.00 # 63,631,355 A 29.00 * 15,375,579 B 5.00 # 2,339,630 N 2.00 # 2,281,992 U	159.50 * 8.00 # 63,631,355 A 29.00 * 15,375,579 B 5.00 # 2,339,630 N 2.00 # 2,281,992 U
	OPERATING		HTH		
			HTH		
			HTH		
			HTH		
			HTH		
			HTH		
18.	HTH501 - DEVELOPMENTAL DISABILITIES			211.00 * 1.00 # 121,506,572 A 5.00 * 7,747,738 B	211.00 * 1.00 # 131,398,120 A 5.00 * 7,747,738 B
	OPERATING		HTH		
			HTH		
19.	HTH495 - BEHAVIORAL HEALTH ADMINISTRATION			2.00 * 210,907 A	2.00 * 210,907 A
	OPERATING		HTH		
20.	HTH610 - ENVIRONMENTAL HEALTH SERVICES			127.00 * 9,207,720 A 34.00 * 4,487,489 B 2.00 * 158,000 N 3.00 * 271,269 U 2.00 * 396,994 P	127.00 * 9,292,836 A 34.00 * 4,936,115 B 2.00 * 158,000 N 3.00 * 271,269 U 2.00 * 396,994 P
	OPERATING		HTH		
			HTH		
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21.	HTH710 - STATE LABORATORY SERVICES			69.00 * 9,189,196 A 0.75 * 2.00 # 272,901 B 9.00 #	69.00 * 9,262,196 A 0.75 * 2.00 # 272,901 B 9.00 #
	OPERATING		HTH		
			HTH		
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PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR	FISCAL YEAR
				M O 2025-2026	M O 2026-2027
			HTH	1,029,222 N	1,029,222 N
				0.25 *	0.25 *
			HTH	23,967 W	23,967 W
				2.00 #	2.00 #
			HTH	429,999 P	429,999 P
22.	HTH720 - HEALTH CARE ASSURANCE			22.55 *	22.55 *
				2.00 #	2.00 #
	OPERATING		HTH	4,030,204 A	4,030,204 A
				2.85 *	2.85 *
			HTH	2,355,000 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			7.00 *	7.00 *
	OPERATING		HTH	941,225 A	726,733 A
			HTH	340,000 B	114,000 B
24.	HTH760 - HEALTH STATUS MONITORING			38.50 *	38.50 *
				3.00 #	3.00 #
	OPERATING		HTH	3,079,488 A	2,258,388 A
				2.00 #	2.00 #
			HTH	530,318 B	530,318 B
				5.00 *	5.00 *
			HTH	627,294 P	627,294 P
25.	HTH905 - DEVELOPMENTAL DISABILITIES COUNCIL			2.50 *	2.50 *
	OPERATING		HTH	262,940 A	262,940 A
				5.00 *	5.00 *
			HTH	527,570 N	527,570 N
26.	HTH907 - GENERAL ADMINISTRATION			180.00 *	180.00 *
				11.00 #	11.00 #
	OPERATING		HTH	36,764,229 A	32,038,805 A
				8.00 *	8.00 *
				20.00 #	20.00 #
			HTH	5,275,000 N	5,275,000 N
				4.00 #	4.00 #
			HTH	684,932 P	684,932 P
27.	HTH908 - OFFICE OF LANGUAGE ACCESS			6.00 *	6.00 *
	OPERATING		HTH	714,494 A	714,494 A
F. SOCIAL SERVICES					
1.	HMS301 - CHILD PROTECTIVE SERVICES			303.75 *	303.75 *
	OPERATING		HMS	50,570,717 A	50,570,717 A
				1.00 *	1.00 *
			HMS	6,124,053 B	6,124,053 B
				84.75 *	84.75 *
			HMS	49,452,950 N	49,452,950 N
			HMS	400,000 P	400,000 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
2.		HMS302 - GENERAL SUPPORT FOR CHILD CARE			
				38.92 *	38.92 *
		OPERATING	HMS	2,840,528 A	2,840,528 A
				38.08 *	38.08 *
			HMS	14,137,770 N	14,137,770 N
3.		HMS303 - CHILD PROTECTIVE SERVICES PAYMENTS			
		OPERATING	HMS	48,265,586 A	48,265,586 A
			HMS	31,542,000 N	31,542,000 N
4.		HMS305 - CASH SUPPORT FOR CHILD CARE			
		OPERATING	HMS	57,811,811 A	57,811,811 A
			HMS	69,565,754 N	69,565,754 N
5.		HMS501 - IN-COMMUNITY YOUTH PROGRAMS			
				18.50 *	18.50 *
				1.00 #	1.00 #
		OPERATING	HMS	10,764,943 A	10,800,451 A
				0.50 *	0.50 *
				0.50 #	0.50 #
			HMS	2,050,000 N	1,534,135 N
6.		HMS503 - HAWAII YOUTH CORRECTIONAL FACILITY (HYCF)			
				90.00 *	90.00 *
		OPERATING	HMS	9,992,933 A	9,992,933 A
		INVESTMENT CAPITAL	AGS	3,720,000 C	C
7.		DEF112 - SERVICES TO VETERANS			
				28.00 *	28.00 *
		OPERATING	DEF	2,066,978 A	2,066,978 A
		INVESTMENT CAPITAL	DEF	35,000,000 C	C
			DEF	58,000,000 P	P
8.		HMS601 - ADULT PROTECTIVE AND COMMUNITY SERVICES			
				69.48 *	69.48 *
		OPERATING	HMS	6,875,326 A	6,875,326 A
				7.02 *	7.02 *
				3.00 #	3.00 #
			HMS	838,010 N	838,010 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	8,345,024 N	8,345,024 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

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	M O F
13.	HMS220 - RENTAL HOUSING SERVICES				
	OPERATING		HMS	5.00 *	5.00 *
				4,694,409 A	4,694,409 A
				191.00 *	191.00 *
				4.50 #	4.50 #
			HMS	106,838,200 N	112,088,200 N
				17.00 *	17.00 *
	INVESTMENT CAPITAL		HMS	5,134,715 W	5,187,506 W
			BED	68,000,000 C	C
14.	HMS229 - HAWAII PUBLIC HOUSING AUTHORITY ADMINISTRATION				
				2.00 *	2.00 *
				3.00 #	3.00 #
	OPERATING		HMS	502,838 A	502,838 A
			HMS	27,864,996 N	27,840,930 N
				119.00 *	119.00 *
				47.00 #	47.00 #
			HMS	17,416,598 W	17,676,361 W
15.	HMS222 - RENTAL ASSISTANCE SERVICES				
	OPERATING		HMS	1.00 *	1.00 *
				1,557,121 A	1,557,121 A
				34.00 *	34.00 *
				1.00 #	1.00 #
			HMS	73,368,975 N	77,039,700 N
16.	HMS224 - HOMELESS SERVICES				
	OPERATING		HMS	11.00 *	11.00 *
			HMS	27,931,773 A	27,931,773 A
				814,000 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	1,031,466,906 A	1,031,466,906 A
			HMS	230,000,000 B	230,000,000 B
			HMS	2,291,497,122 N	2,291,497,122 N
			HMS	6,781,921 U	6,781,921 U
			HMS	15,798,564 P	15,798,564 P
19.	HMS236 - CASE MANAGEMENT FOR SELF-SUFFICIENCY				
	OPERATING		HMS	287.43 *	287.43 *
				19,875,373 A	19,673,479 A
				226.57 *	226.57 *
			HMS	26,545,359 N	26,393,053 N
			HMS	30,237 P	30,237 P
20.	HMS238 - DISABILITY DETERMINATION				
	OPERATING		HMS	50.00 *	50.00 *
				8,859,927 N	8,859,927 N
21.	ATG500 - CHILD SUPPORT ENFORCEMENT SERVICES				
				69.70 *	69.70 *
				0.34 #	0.34 #

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
		OPERATING	ATG	5,448,469 A	5,448,469 A
			ATG	2,231,224 T	2,231,224 T
				135.30 *	135.30 *
				0.66 #	0.66 #
			ATG	20,006,088 P	20,006,088 P
22.	HMS237 - EMPLOYMENT AND TRAINING		HMS	469,505 A	469,505 A
	OPERATING		HMS	2,575,945 N	2,575,945 N
23.	HHL602 - PLANNING AND DEVELOPMENT FOR HAWAIIAN HOMESTEADS				
	OPERATING		HHL	10,000,000 A	10,000,000 A
			HHL	101,866,373 B	4,824,709 B
				4.00 *	4.00 *
				8.00 #	8.00 #
			HHL	24,126,731 N	24,126,731 N
			HHL	3,740,534 T	3,740,534 T
			HHL	7,000,000 W	7,000,000 W
				3.00 #	3.00 #
			HHL	393,600 P	442,800 P
	INVESTMENT CAPITAL		HHL	20,000,000 C	C
24.	HHL625 - ADMINISTRATION AND OPERATING SUPPORT			200.00 *	200.00 *
	OPERATING		HHL	18,032,234 A	18,032,234 A
25.	HTH904 - EXECUTIVE OFFICE ON AGING			17.60 *	17.60 *
				3.35 #	3.35 #
	OPERATING		HTH	12,988,560 A	13,024,068 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			7.00 *	7.00 *
	OPERATING		HTH	724,846 A	767,346 A
				13.00 *	13.00 *
			HTH	2,186,855 B	2,186,855 B
				2.00 *	2.00 *
			HTH	314,641 U	314,641 U
27.	HMS902 - GENERAL SUPPORT FOR HEALTH CARE PAYMENTS			137.00 *	137.00 *
				4.50 #	4.50 #
	OPERATING		HMS	16,133,771 A	16,133,771 A
				0.87 *	0.87 *
			HMS	30,104,367 B	30,104,367 B
				145.63 *	145.63 *
				16.50 #	16.50 #
			HMS	96,345,000 N	96,345,000 N
			HMS	1,200,000 P	1,200,000 P
28.	HMS903 - GENERAL SUPPORT FOR SELF-SUFFICIENCY SERVICES			51.30 *	51.30 *
	OPERATING		HMS	48,609,196 A	48,604,950 A
				46.70 *	46.70 *
			HMS	95,422,009 N	95,418,155 N
			HMS	19,560,000 P	19,560,000 P

PROGRAM APPROPRIATIONS						
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS		
				FISCAL YEAR 2025-2026	M O F	FISCAL YEAR 2026-2027
29.	HMS904 - GENERAL ADMINISTRATION - DHS					
				151.59 *		151.59 *
				8.00 #		5.00 #
	OPERATING		HMS	18,703,261 A		14,292,045 A
				31.41 *		31.41 *
				6.00 #		#
			HMS	17,288,921 N		4,788,768 N
	INVESTMENT CAPITAL		HMS	10,000,000 C		C
30.	HMS901 - GENERAL SUPPORT FOR SOCIAL SERVICES					
				33.50 *		33.50 *
	OPERATING		HMS	4,287,230 A		3,487,230 A
				9.50 *		9.50 *
			HMS	3,246,986 N		3,246,986 N
31.	HMS777 - OFFICE ON HOMELESSNESS AND HOUSING SOLUTIONS					
				8.00 *		8.00 *
	OPERATING		HMS	611,040 A		611,040 A
	INVESTMENT CAPITAL		HMS	24,400,000 C		13,000,000 C
32.	HMS555 - OFFICE OF WELLNESS AND RESILIENCE					
				12.00 *		12.00 *
	OPERATING		HMS	1,346,000 A		1,346,000 A
G. FORMAL EDUCATION						
1.	EDN100 - SCHOOL-BASED BUDGETING					
				12,397.75 *		12,397.75 *
				680.25 #		680.25 #
	OPERATING		EDN	1,301,966,939 A		1,319,319,292 A
			EDN	5,251,693 B		5,251,693 B
			EDN	167,203,642 N		167,203,642 N
			EDN	13,390,000 T		13,390,000 T
			EDN	7,495,605 U		7,495,605 U
				9.00 *		9.00 *
			EDN	3,239,686 W		3,239,301 W
				1.00 *		1.00 *
			EDN	21,414,657 P		21,414,657 P
	INVESTMENT CAPITAL		EDN	323,300,000 C		46,500,000 C
			EDN	P		120,000,000 P
2.	EDN150 - SPECIAL EDUCATION AND STUDENT SUPPORT SERVICES					
				5,348.50 *		5,368.50 *
				1,228.25 #		1,228.25 #
	OPERATING		EDN	520,838,678 A		525,281,027 A
			EDN	250,000 B		250,000 B
				2.00 *		2.00 *
				33.00 #		33.00 #
			EDN	60,084,267 N		61,584,267 N
				14.00 *		14.00 *
			EDN	11,000,000 W		11,000,000 W
			EDN	5,950,000 P		5,950,000 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
3.		EDN200 - INSTRUCTIONAL SUPPORT		457.00 *	457.00 *
				48.00 #	48.00 #
	OPERATING		EDN	92,999,004 A	93,374,921 A
				2.00 #	2.00 #
			EDN	500,000 N	500,000 N
				1.00 #	1.00 #
			EDN	273,794 P	273,794 P
4.		EDN300 - STATE ADMINISTRATION		422.00 *	424.00 *
				7.00 #	7.00 #
	OPERATING		EDN	48,692,750 A	47,007,968 A
			EDN	112,140 N	112,140 N
			EDN	3,807,440 P	3,807,440 P
5.		EDN400 - SCHOOL SUPPORT		849.50 *	849.50 *
				5.00 #	5.00 #
	OPERATING		EDN	425,299,069 A	423,937,360 A
				380,299,069 A ¹	378,937,360 A ¹
				11.00 *	11.00 *
			EDN	44,200,920 B	44,200,920 B
				718.50 *	718.50 *
				98.50 #	98.50 #
			EDN	74,600,000 N	74,600,000 N
			EDN	150,000 R	150,000 R
				4.00 *	4.00 *
				2.00 #	2.00 #
			EDN	11,597,927 W	11,597,927 W
			EDN	1,000,000 P	1,000,000 P
6.		EDN450 - SCHOOL FACILITIES AUTHORITY		12.00 *	12.00 *
	OPERATING		EDN	1,731,283 A	1,738,979 A
	INVESTMENT CAPITAL		EDN	55,000,000 C	C
7.		EDN500 - SCHOOL COMMUNITY SERVICES		42.00 *	42.00 *
				6.00 #	6.00 #
	OPERATING		EDN	6,296,201 A	6,325,235 A
			EDN	1,633,908 B	1,633,908 B
				2.00 #	2.00 #
			EDN	3,266,757 N	3,266,757 N
			EDN	23,224,665 W	23,224,665 W
			EDN	300,000 P	300,000 P
8.		EDN600 - CHARTER SCHOOLS			
	OPERATING		EDN	159,798,565 A	162,578,377 A
			EDN	5,042,000 N	5,042,000 N
9.		EDN612 - CHARTER SCHOOLS COMMISSION AND ADMINISTRATION		81.12 *	81.12 *
	OPERATING		EDN	12,554,269 A	12,564,269 A
				6.88 *	6.88 *
			EDN	1,800,000 N	1,800,000 N

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
10.	EDN700 - EARLY LEARNING				
	OPERATING		EDN	281.00 * 21,305,769 A	331.00 * 24,749,084 A
			EDN	3,000,000 B	3,000,000 B
				1.00 #	1.00 #
			EDN	125,628 N	125,628 N
				2.00 #	2.00 #
			EDN	380,000 P	380,000 P
11.	BUF745 - RETIREMENT BENEFITS - DOE		BUF	552,407,076 A	572,505,610 A
12.	BUF765 - HEALTH PREMIUM PAYMENTS - DOE		BUF	187,755,868 A	191,510,985 A
13.	BUF725 - DEBT SERVICE PAYMENTS - DOE		BUF	446,515,250 A	521,973,994 A
14.	AGS807 - SCHOOL R&M, NEIGHBOR ISLAND DISTRICTS				
	OPERATING		AGS	81.00 * 6,973,068 A	81.00 * 6,951,567 A
				10.00 *	10.00 *
			AGS	2,346,640 U	2,346,640 U
15.	EDN407 - PUBLIC LIBRARIES				
	OPERATING		EDN	566.50 * 47,850,582 A	567.50 * 47,632,130 A
			EDN	4,000,000 B	4,000,000 B
			EDN	2,000,000 N	2,000,000 N
	INVESTMENT CAPITAL		AGS	27,000,000 C	25,000,000 C
16.	DEF114 - HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY				
	OPERATING		DEF	24.50 # 3,885,050 A	24.50 # 3,885,050 A
				73.50 #	73.50 #
	INVESTMENT CAPITAL		DEF	6,482,477 P 8,000,000 C	6,482,477 P C
17.	UOH100 - UNIVERSITY OF HAWAII, MANOA				
	OPERATING		UOH	2,969.64 * 42.25 # 290,419,091 A	2,969.64 * 42.25 # 290,618,531 A
				289,634,091 A ¹	
				368.25 *	368.25 *
				2.00 #	2.00 #
			UOH	361,552,962 B	361,552,962 B
				75.06 *	75.06 *
			UOH	6,873,565 N	6,873,565 N
				28.00 *	28.00 *
	INVESTMENT CAPITAL		UOH	65,569,059 W	65,569,059 W
			UOH	59,750,000 C	28,500,000 C
			UOH	30,750,000 E	28,500,000 E
18.	UOH110 - UNIVERSITY OF HAWAII, JOHN A. BURNS SCHOOL OF MEDICINE				
	OPERATING		UOH	209.03 * 3.50 # 27,613,321 A	209.03 * 3.50 # 27,613,321 A
			UOH	28,917,688 B	28,917,688 B
			UOH	8,010,453 W	8,010,453 W

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
19.	UOH210	UNIVERSITY OF HAWAII, HILO		534.25 * 7.00 #	534.25 * 7.00 #
	OPERATING		UOH	50,610,150 A 25.00 *	50,727,650 A 25.00 *
			UOH	44,435,015 B	44,435,015 B
			UOH	443,962 N 2.00 *	443,962 N 2.00 *
	INVESTMENT CAPITAL		UOH	7,489,592 W	7,489,592 W
			UOH	15,000,000 C	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		246.50 * 1.50 #	246.50 * 1.50 #
	OPERATING		UOH	23,838,504 A	24,015,377 A
			UOH	22,028,269 B	22,028,269 B
			UOH	802,037 N	802,037 N
	INVESTMENT CAPITAL		UOH	2,097,704 W 6,500,000 C	2,097,704 W C
22.	UOH800	UNIVERSITY OF HAWAII, COMMUNITY COLLEGES		1,825.50 * 46.00 #	1,825.50 * 46.00 #
	OPERATING		UOH	192,200,937 A	192,200,937 A
			UOH	75,650,296 B 0.50 *	75,650,296 B 0.50 *
			UOH	4,428,296 N 34.00 *	4,428,296 N 34.00 *
	INVESTMENT CAPITAL		UOH	31,826,332 W	31,826,332 W
			UOH	45,000,000 C	10,000,000 C
23.	UOH900	UNIVERSITY OF HAWAII, SYSTEMWIDE SUPPORT		424.00 * 1.00 #	411.00 * 1.00 #
	OPERATING		UOH	65,093,776 A 14.00 *	65,093,776 A 14.00 *
			UOH	24,242,602 B 4.00 *	24,242,602 B 4.00 *
			UOH	4.00 # 1,094,875 N	4.00 # 1,094,875 N
	INVESTMENT CAPITAL		UOH	2.00 * 18,501,700 W	15.00 * 18,501,700 W
			UOH	50,504,000 C	4,000 C
24.	BUF748	RETIREMENT BENEFITS - UH			
	OPERATING		BUF	219,919,128 A	224,317,511 A
25.	BUF768	HEALTH PREMIUM PAYMENTS - UH			
	OPERATING		BUF	68,661,870 A	70,035,107 A
26.	BUF728	DEBT SERVICE PAYMENTS - UH			
	OPERATING		BUF	165,254,696 A	193,181,876 A
27.	UOH115	UNIVERSITY OF HAWAII, CANCER CENTER		37.00 *	37.00 *
	OPERATING		UOH	3,797,693 A	3,797,693 A

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	M O F
H. CULTURE AND RECREATION					
1.	UOH881 - AQUARIA				
	OPERATING		UOH	9.00 * 919,917 A	9.00 * 919,917 A
				7.00 *	7.00 *
			UOH	3,517,717 B	3,517,717 B
			UOH	996,530 W	996,530 W
	INVESTMENT CAPITAL		UOH	1,702,000 C	C
2.	AGS881 - STATE FOUNDATION ON CULTURE AND THE ARTS				
				1.50 *	17.75 *
	OPERATING		AGS	10,435,556 A	14,432,957 A
			AGS	3,335,150 B	3,335,150 B
				*	4.25 *
			AGS	523,074 N	992,771 N
	INVESTMENT CAPITAL		AGS	8,500,000 C	C
3.	LNR802 - HISTORIC PRESERVATION				
				45.00 *	45.00 *
	OPERATING		LNR	4,520,402 A	4,520,402 A
				3.00 *	3.00 *
			LNR	923,397 B	923,397 B
				6.00 *	6.00 *
			LNR	751,525 N	751,525 N
4.	LNR804 - FOREST AND OUTDOOR RECREATION				
				37.50 *	37.50 *
	OPERATING		LNR	4,812,230 A	4,812,230 A
				3.00 *	3.00 *
			LNR	917,145 B	917,145 B
				19.00 *	19.00 *
			LNR	5,396,897 N	5,396,897 N
				3.00 *	3.00 *
			LNR	913,329 W	913,329 W
5.	LNR806 - PARKS ADMINISTRATION AND OPERATION				
				155.00 *	155.00 *
	OPERATING		LNR	12,886,065 A	12,886,065 A
			LNR	31,094,536 B	31,094,536 B
	INVESTMENT CAPITAL		LNR	8,400,000 C	2,150,000 C
			LNR	750,000 N	250,000 N
6.	LNR801 - OCEAN-BASED RECREATION				
				7.00 *	7.00 *
	OPERATING		LNR	478,396 A	478,396 A
				124.00 *	124.00 *
			LNR	42,965,486 B	42,965,486 B
			LNR	1,500,000 N	1,500,000 N
	INVESTMENT CAPITAL		LNR	28,650,000 C	C

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
7.		BED180 - SPECTATOR EVENTS & SHOWS -ALOHA STADIUM		18.00 *	18.00 *
				1.00 #	1.00 #
	OPERATING		BED	8,772,356 B	8,772,356 B
I. PUBLIC SAFETY					
1.		PSD402 - HALAWA CORRECTIONAL FACILITY		410.00 *	410.00 *
	OPERATING		PSD	39,211,885 A	39,211,885 A
2.		PSD403 - KULANI CORRECTIONAL FACILITY		83.00 *	83.00 *
	OPERATING		PSD	7,099,249 A	7,099,249 A
3.		PSD404 - WAIAWA CORRECTIONAL FACILITY		112.00 *	112.00 *
	OPERATING		PSD	9,032,631 A	9,032,631 A
4.		PSD405 - HAWAII COMMUNITY CORRECTIONAL CENTER		193.00 *	193.00 *
	OPERATING		PSD	15,855,815 A	15,855,815 A
5.		PSD406 - MAUI COMMUNITY CORRECTIONAL CENTER		205.00 *	205.00 *
	OPERATING		PSD	16,652,787 A	16,652,787 A
6.		PSD407 - OAHU COMMUNITY CORRECTIONAL CENTER		500.00 *	500.00 *
	OPERATING		PSD	43,886,972 A	43,160,178 A
7.		PSD408 - KAUAI COMMUNITY CORRECTIONAL CENTER		74.00 *	74.00 *
	OPERATING		PSD	6,628,031 A	6,628,031 A
8.		PSD409 - WOMEN'S COMMUNITY CORRECTIONAL CENTER		269.00 *	269.00 *
	OPERATING		PSD	20,991,799 A	20,991,799 A
9.		PSD410 - INTAKE SERVICE CENTERS		73.00 *	73.00 *
	OPERATING		PSD	5,891,809 A	5,891,809 A
10.		PSD420 - CORRECTIONS PROGRAM SERVICES		185.00 *	185.00 *
	OPERATING		PSD	26,143,271 A	26,143,271 A
			PSD	1,045,989 N	1,045,989 N
11.		PSD421 - HEALTH CARE		264.60 *	264.60 *
	OPERATING		PSD	38,877,361 A	38,877,361 A
12.		PSD422 - HAWAII CORRECTIONAL INDUSTRIES		2.00 *	2.00 *
				42.00 #	42.00 #
	OPERATING		PSD	10,884,725 W	10,884,725 W
13.		PSD808 - NON-STATE FACILITIES		9.00 *	9.00 *
	OPERATING		PSD	42,589,908 A	42,589,908 A

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
14.	LAW502 - NARCOTICS ENFORCEMENT DIVISION				
	OPERATING			14.00 *	14.00 *
			LAW	1,713,945 A	1,713,945 A
			LAW	8.00 *	8.00 *
			LAW	1,004,853 W	1,004,853 W
			LAW	800,000 P	800,000 P
15.	LAW503 - SHERIFF				
	OPERATING			318.00 *	318.00 *
			LAW	28,441,127 A	28,623,526 A
			LAW	600,000 N	600,000 N
				150.00 *	150.00 *
			LAW	19,616,116 U	19,616,116 U
			LAW	600,000 P	600,000 P
16.	LAW504 - CRIMINAL INVESTIGATION DIVISION				
	OPERATING			16.00 *	16.00 *
				6.00 #	6.00 #
			LAW	4,113,508 A	3,462,585 A
				3,613,508 A ¹	
				2.00 *	2.00 *
				5.00 #	5.00 #
			LAW	731,972 U	731,972 U
17.	LAW505 - LAW ENFORCEMENT TRAINING DIVISION				
	OPERATING			8.00 *	8.00 *
			LAW	2,668,464 A	2,668,464 A
18.	LAW900 - GENERAL ADMINISTRATION				
	OPERATING			72.00 *	72.00 *
			LAW	20,894,244 A	16,957,744 A
				17,894,244 A ¹	
	INVESTMENT CAPITAL		LAW	5,000,000 U	5,000,000 U
			LAW	3,000,000 C	C
19.	LAW901 - OFFICE OF HOMELAND SECURITY				
	OPERATING			14.00 *	14.00 *
				8.50 #	8.50 #
			LAW	2,362,031 A	2,362,031 A
			LAW	3,724,886 N	4,551,095 N
			LAW	9,405,469 P	9,550,715 P
20.	PSD611 - ADULT PAROLE DETERMINATIONS				
	OPERATING			7.00 *	7.00 *
			PSD	569,373 A	569,373 A
21.	PSD612 - ADULT PAROLE SUPERVISION AND COUNSELING				
	OPERATING			61.00 *	61.00 *
			PSD	5,211,808 A	5,211,808 A
22.	PSD613 - CRIME VICTIM COMPENSATION COMMISSION				
	OPERATING			13.00 *	13.00 *
			PSD	1,125,638 A	1,125,638 A
			PSD	1,186,017 B	1,186,017 B
				1.00 #	1.00 #
			PSD	859,315 P	859,315 P

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
23.		PSD900 - GENERAL ADMINISTRATION			
				149.00 *	149.00 *
	OPERATING		PSD	25,287,667 A	25,287,667 A
				4.00 *	4.00 *
			PSD	1,331,967 B	1,331,967 B
			PSD	75,065 T	75,065 T
	INVESTMENT CAPITAL		AGS	64,750,000 C	15,000,000 C
			PSD	10,000,000 C	C
24.		ATG231 - STATE CRIMINAL JUSTICE INFORMATION AND IDENTIFICATION			
				23.50 *	23.50 *
	OPERATING		ATG	2,614,592 A	2,497,809 A
				24.50 *	24.50 *
			ATG	4,370,515 W	4,370,515 W
			ATG	1,204,841 P	1,204,841 P
25.		LNR810 - PREVENTION OF NATURAL DISASTERS			
				1.00 *	1.00 *
	OPERATING		LNR	110,000 A	110,000 A
				8.00 *	8.00 *
			LNR	7,660,556 B	7,660,556 B
			LNR	10,522,413 P	1,160,621 P
26.		DEF110 - AMELIORATION OF PHYSICAL DISASTERS			
				100.25 *	100.25 *
				1.00 #	1.00 #
	OPERATING		DEF	10,455,364 A	10,256,912 A
				21.75 *	21.75 *
				1.50 #	1.50 #
			DEF	1,430,238 P	1,430,238 P
	INVESTMENT CAPITAL		DEF	725,000 C	C
27.		DEF116 - HAWAII ARMY AND AIR NATIONAL GUARD			
				19.75 *	19.75 *
	OPERATING		DEF	7,081,247 A	7,081,247 A
				99.25 *	99.25 *
				20.00 #	20.00 #
			DEF	40,051,745 P	40,210,106 P
	INVESTMENT CAPITAL		DEF	1,173,000 C	C
			DEF	3,223,000 P	P
28.		DEF118 - HAWAII EMERGENCY MANAGEMENT AGENCY			
				26.00 *	26.00 *
				90.00 #	90.00 #
	OPERATING		DEF	14,097,375 A	14,097,375 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
				25.00 #	25.00 #
			DEF	22,497,034 P	22,497,034 P
	INVESTMENT CAPITAL		AGS	6,500,000 C	6,500,000 C
			AGS	1,500,000 P	1,500,000 P

PROGRAM APPROPRIATIONS						
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS		
				FISCAL YEAR 2025-2026	M O F	FISCAL YEAR 2026-2027
J. INDIVIDUAL RIGHTS						
1.	CCA102	CABLE TELEVISION				
		OPERATING	CCA	6.00 * 2,511,181 B		6.00 * 2,507,752 B
2.	CCA103	CONSUMER ADVOCATE FOR COMMUNICATION, UTILITIES, AND TRANSPORTATION SERVICES				
		OPERATING	CCA	25.00 * 4,944,320 B		25.00 * 4,944,320 B
3.	CCA104	FINANCIAL SERVICES REGULATION				
		OPERATING	CCA CCA	43.00 * 6,417,109 B 301,000 T		43.00 * 6,417,109 B 301,000 T
4.	CCA105	PROFESSIONAL AND VOCATIONAL LICENSING				
		OPERATING	CCA	72.00 * 11.00 # 9,909,730 B		72.00 * 11.00 # 9,909,730 B
			CCA	8.00 * 4.00 # 2,880,256 T		8.00 * 4.00 # 2,880,256 T
5.	CCA106	INSURANCE REGULATORY SERVICES				
		OPERATING	CCA CCA	95.00 * 23,746,784 B 201,000 T		95.00 * 22,746,784 B 201,000 T
6.	CCA107	POST-SECONDARY EDUCATION AUTHORIZATION				
		OPERATING	CCA	1.00 * 249,052 B		1.00 * 249,052 B
7.	CCA901	PUBLIC UTILITIES COMMISSION				
		OPERATING	CCA	69.00 * 19,725,310 B		69.00 * 19,777,291 B
8.	CCA110	OFFICE OF CONSUMER PROTECTION				
		OPERATING	CCA CCA	20.00 * 1.00 # 3,833,679 B 100,681 T		20.00 * 1.00 # 3,833,679 B 100,681 T
9.	AGR812	MEASUREMENT STANDARDS				
		OPERATING	AGR	10.00 * 746,480 A		10.00 * 746,480 A
10.	CCA111	BUSINESS REGISTRATION AND SECURITIES REGULATION				
		OPERATING	CCA	77.00 * 10,459,932 B		77.00 * 10,432,895 B
11.	CCA112	REGULATED INDUSTRIES COMPLAINTS OFFICE				
		OPERATING	CCA	66.00 * 1.00 # 8,930,940 B		66.00 * 1.00 # 8,930,940 B
12.	CCA191	GENERAL SUPPORT				
		OPERATING	CCA	54.00 * 1.00 # 24,860,659 B		54.00 * 1.00 # 12,858,290 B

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR	FISCAL YEAR
				2025-2026	2026-2027
13.	AGS105 - ENFORCEMENT OF INFORMATION PRACTICES				
				10.50 *	10.50 *
	OPERATING		AGS	1,258,905 A	1,258,905 A
14.	BUF151 - OFFICE OF THE PUBLIC DEFENDER				
				133.50 *	133.50 *
	OPERATING		BUF	15,137,691 A	15,137,691 A
15.	LNR111 - CONVEYANCES AND RECORDINGS				
				56.00 *	56.00 *
				1.00 #	1.00 #
	OPERATING		LNR	7,731,946 B	7,731,946 B
16.	HMS888 - COMMISSION ON THE STATUS OF WOMEN				
				1.00 *	1.00 *
				1.00 #	1.00 #
	OPERATING		HMS	184,462 A	184,462 A

K. GOVERNMENT-WIDE SUPPORT

1.	GOV100 - OFFICE OF THE GOVERNOR				
				24.00 *	24.00 *
				23.00 #	23.00 #
	OPERATING		GOV	4,701,872 A	4,551,872 A
				4,551,872 A ¹	
2.	LTG100 - OFFICE OF THE LIEUTENANT GOVERNOR				
				17.00 *	17.00 *
	OPERATING		LTG	2,251,665 A	2,251,665 A
			LTG	312,000 B	312,000 B
3.	BED144 - STATEWIDE PLANNING AND COORDINATION				
				30.00 *	30.00 *
				8.00 #	7.00 #
	OPERATING		BED	4,580,161 A	4,280,161 A
				5.00 #	5.00 #
			BED	2,041,871 N	2,041,871 N
			BED	2,000,000 W	2,000,000 W
	INVESTMENT CAPITAL		BED	7,500,000 C	C
4.	BED130 - ECONOMIC PLANNING AND RESEARCH				
				18.46 *	18.46 *
				5.00 #	5.00 #
	OPERATING		BED	5,744,533 A	5,744,533 A
				8.04 *	8.04 *
			BED	864,351 P	864,351 P
5.	BUF101 - DEPARTMENTAL ADMINISTRATION AND BUDGET DIVISION				
				53.00 *	58.00 *
	OPERATING		BUF	14,051,217 A	13,504,737 A
			BUF	427,305,000 B	427,305,000 B
6.	BUF103 - VACATION PAYOUT - STATEWIDE				
	OPERATING		BUF	9,700,000 A	9,700,000 A

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	M O F
7.	AGS871 - CAMPAIGN SPENDING COMMISSION				
	OPERATING		AGS	7.00 *	7.00 *
			AGS	2,757,314 A	1,027,919 A
				1,043,732 T	1,043,732 T
8.	AGS879 - OFFICE OF ELECTIONS				
				16.50 *	16.50 *
				3.00 #	3.00 #
	OPERATING		AGS	6,452,228 A	2,595,761 A
				0.50 *	0.50 *
				1.00 #	1.00 #
			AGS	99,694 N	99,694 N
9.	TAX100 - COMPLIANCE				
	OPERATING		TAX	149.00 *	149.00 *
				10,613,723 A	10,668,773 A
10.	TAX103 - TAX COLLECTION SERVICES OFFICE				
				43.00 *	43.00 *
				1.00 #	1.00 #
	OPERATING		TAX	3,427,288 A	3,427,288 A
11.	TAX105 - TAX SERVICES AND PROCESSING				
	OPERATING		TAX	129.00 *	129.00 *
				7,116,185 A	7,116,185 A
12.	TAX107 - SUPPORTING SERVICES - REVENUE COLLECTION				
				86.00 *	87.00 *
				7.00 #	7.00 #
	OPERATING		TAX	18,528,791 A	19,823,837 A
				18,453,269 A ¹	19,534,359 A ¹
				15.00 #	15.00 #
			TAX	3,629,626 B	3,629,626 B
13.	AGS101 - ACCOUNTING SYSTEM DEVELOPMENT AND MAINTENANCE				
	OPERATING		AGS	22.00 *	22.00 *
				10,964,409 A	8,431,323 A
14.	AGS102 - EXPENDITURE EXAMINATION				
	OPERATING		AGS	18.00 *	18.00 *
				1,628,950 A	1,629,046 A
15.	AGS103 - RECORDING AND REPORTING				
	OPERATING		AGS	13.00 *	13.00 *
				1,386,549 A	1,387,165 A
16.	AGS104 - INTERNAL POST AUDIT				
				7.00 *	7.00 *
				3.00 #	3.00 #
	OPERATING		AGS	1,023,968 A	1,025,751 A
17.	BUF115 - FINANCIAL ADMINISTRATION				
				18.00 *	18.00 *
	OPERATING		BUF	2,870,681 A	2,867,681 A
				9.00 *	9.00 *
			BUF	15,957,630 T	15,957,630 T

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
18.	BUF721 - DEBT SERVICE PAYMENTS - STATE OPERATING		BUF	668,429,515 A	605,294,407 A
19.	ATG100 - LEGAL SERVICES				
				321.74 *	321.74 *
				18.67 #	18.67 #
	OPERATING		ATG	47,212,444 A	45,402,026 A
				32.90 *	32.90 *
				1.00 #	1.00 #
			ATG	6,484,008 B	6,542,845 B
				5.23 #	5.23 #
			ATG	11,641,670 N	11,641,670 N
				1.00 *	1.00 *
			ATG	4,065,177 T	4,065,177 T
				111.60 *	111.60 *
				17.10 #	17.10 #
			ATG	21,765,719 U	21,765,719 U
				5.60 *	5.60 *
				2.00 #	2.00 #
			ATG	3,539,882 W	3,539,882 W
				21.44 *	21.44 *
				0.50 #	0.50 #
			ATG	4,890,531 P	5,005,104 P
20.	AGS131 - ENTERPRISE TECHNOLOGY SERVICES				
				138.00 *	138.00 *
	OPERATING		AGS	51,336,206 A	52,238,803 A
				50,736,206 A ¹	51,638,803 A ¹
				12.00 *	12.00 *
				1.00 #	1.00 #
			AGS	2,578,244 B	2,578,244 B
				33.00 *	33.00 *
	INVESTMENT CAPITAL		AGS	6,315,295 U	6,315,295 U
			AGS	4,000,000 C	2,000,000 C
21.	AGS111 - ARCHIVES - RECORDS MANAGEMENT				
				19.00 *	19.00 *
				1.00 #	1.00 #
	OPERATING		AGS	4,383,125 A	6,469,149 A
				3.00 *	3.00 *
			AGS	521,304 B	521,304 B
				2.00 #	2.00 #
22.	AGS891 - ENHANCED 911 BOARD				
				2.00 *	2.00 *
	OPERATING		AGS	14,035,349 B	14,035,349 B
23.	HRD102 - WORKFORCE ATTRACTION, SELECTION, CLASSIFICATION, AND EFFECTIVENESS				
				89.00 *	89.00 *
	OPERATING		HRD	28,276,844 A	27,649,629 A
			HRD	700,000 B	700,000 B
				2.00 *	2.00 *
			HRD	5,178,161 U	5,178,161 U
24.	HRD191 - SUPPORTING SERVICES - HUMAN RESOURCES DEVELOPMENT				
				12.00 *	12.00 *
	OPERATING		HRD	2,897,063 A	2,750,816 A

PROGRAM APPROPRIATIONS					
ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
25.	BUF141	- EMPLOYEES' RETIREMENT SYSTEM			
	OPERATING		BUF	117.00 * 30,773,357 X	117.00 * 25,727,960 X
26.	BUF143	- HAWAII EMPLOYER UNION TRUST FUND			
	OPERATING		BUF	63.00 * 11,193,297 T	63.00 * 11,337,016 T
27.	AGS234	- CENTRAL SERVICES - CEMETERY MANAGEMENT OFFICE			
	OPERATING		AGS	2.00 * 1,088,500 A	2.00 * 1,167,000 A
28.	BUF741	- RETIREMENT BENEFITS - STATE			
	OPERATING		BUF	512,718,644 A	522,870,219 A
			BUF	4,000,000 U	4,000,000 U
29.	BUF761	- HEALTH PREMIUM PAYMENTS - STATE			
	OPERATING		BUF	158,214,808 A	161,379,104 A
30.	BUF762	- HEALTH PREMIUM PAYMENT FOR ANNUAL REQUIRED CONTRIBUTION (ARC).			
	OPERATING		BUF	838,506,000 A	846,891,000 A
31.	LNR101	- PUBLIC LANDS MANAGEMENT			
	OPERATING		LNR	1.00 # 177,872 A	1.00 # 177,872 A
			LNR	63.00 * 24,483,607 B	63.00 * 22,983,607 B
	INVESTMENT CAPITAL		LNR	3,200,000 B	B
			LNR	3,355,000 C	C
32.	AGS203	- STATE RISK MANAGEMENT AND INSURANCE ADMINISTRATION			
	OPERATING		AGS	26,987,995 A	26,987,995 A
			AGS	5.00 * 25,701,949 W	5.00 * 25,706,793 W
33.	AGS211	- LAND SURVEY			
	OPERATING		AGS	10.00 * 913,342 A	10.00 * 914,121 A
			AGS	285,000 U	285,000 U
34.	AGS223	- OFFICE LEASING			
	OPERATING		AGS	8.00 * 7,177,674 A	8.00 * 7,178,040 A
			AGS	5,500,000 U	5,500,000 U
35.	LNR102	- LEGACY LAND CONSERVATION PROGRAM			
	OPERATING		LNR	2.00 * 9,034,784 B	2.00 * 9,034,784 B
36.	AGS221	- PUBLIC WORKS - PLANNING, DESIGN, AND CONSTRUCTION			
	OPERATING		AGS	91.00 * 8,105,782 A	91.00 * 8,112,911 A
			AGS	4,000,000 W	4,000,000 W
	INVESTMENT CAPITAL		AGS	24,004,000 C	4,000 C

PROGRAM APPROPRIATIONS

ITEM NO.	PROG. ID	PROGRAM	EXPENDING AGENCY	APPROPRIATIONS	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
37.	AGS231	CENTRAL SERVICES - CUSTODIAL SERVICES		125.00 * 1.00 #	126.00 * 1.00 #
	OPERATING		AGS	25,792,541 A	25,844,638 A
			AGS	1,699,084 U	1,699,084 U
38.	AGS232	CENTRAL SERVICES - GROUNDS MAINTENANCE		32.00 * 2,669,822 A	32.00 * 2,669,822 A
	OPERATING		AGS		
39.	AGS233	CENTRAL SERVICES - BUILDING REPAIRS AND ALTERATIONS		33.00 * 3,692,561 A	33.00 * 3,693,069 A
	OPERATING		AGS		
40.	AGS240	STATE PROCUREMENT		25.00 * 1.00 #	25.00 * 1.00 #
	OPERATING		AGS	2,203,297 A	2,205,274 A
41.	AGS244	SURPLUS PROPERTY MANAGEMENT		5.00 * 2,006,599 W	5.00 * 2,006,803 W
	OPERATING		AGS		
42.	AGS251	AUTOMOTIVE MANAGEMENT - MOTOR POOL		13.00 * 3,541,577 W	13.00 * 3,539,054 W
	OPERATING		AGS		
43.	AGS252	AUTOMOTIVE MANAGEMENT - PARKING CONTROL		27.00 * 4,563,614 W	27.00 * 4,561,089 W
	OPERATING		AGS		
44.	AGS901	GENERAL ADMINISTRATIVE SERVICES		54.00 * 2.00 #	54.00 * 2.00 #
	OPERATING		AGS	5,905,937 A	5,904,935 A
	INVESTMENT CAPITAL		AGS	35,000,000 C	C
45.	SUB201	CITY AND COUNTY OF HONOLULU			
	INVESTMENT CAPITAL		CCH	2,000,000 C	C
			CCH	8,000,000 S	S
46.	SUB301	COUNTY OF HAWAII			
	INVESTMENT CAPITAL		COH	3,500,000 C	C
			COH	3,500,000 S	S
47.	SUB501	COUNTY OF KAUAI			
	INVESTMENT CAPITAL		COK	13,000,000 C	C
			COK	13,000,000 S	S

PART III. PROGRAM APPROPRIATION PROVISIONS

SECTION 4. Provided that of the general fund appropriations for debt service payments (BUF721-BUF728) for fiscal biennium 2025-2027, balances that are unrequired for debt service payments may be used to pay for expenses related to section 39-14, Hawaii Revised Statutes, and for costs of bond issuance, or may be transferred to retirement benefits payments (BUF741-BUF748) and health premium payments (BUF761-BUF768); provided further that the funds shall not be expended for any other purpose; and provided further that any un-

expended funds shall lapse to the general fund at the end of the respective fiscal year for which the appropriation was made.

SECTION 5. Provided that of the general fund appropriation for the Hawaii technology development corporation (BED143), the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 shall be expended for manufacturing assistance program grants in alignment with regional economic development and opportunities; provided further that the Hawaii technology development corporation shall submit a report of all grant awardees, including the amounts awarded, alignment to regional economic development and statewide initiatives, and resulting impacts, to the legislature no later than thirty days prior to the convening of the regular session of 2026; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund at the end of each fiscal year.

SECTION 6. Provided that of the general fund appropriation for the Hawaii technology development corporation (BED143), the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 shall be expended for small business innovation research phase II and phase III matching grants in alignment with regional economic development and opportunities; provided further that the Hawaii technology development corporation shall submit a report of² all grant awardees, including the amounts awarded, alignment to regional economic development and statewide initiatives, and resulting impacts, to the legislature no later than thirty days prior to the convening of the regular session of 2026; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund at the end of each fiscal year.

SECTION 7. Provided that of the general fund appropriation for the Hawaii technology development corporation (BED143), the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 shall be expended for accelerator program grants in alignment with regional economic development and opportunities; provided further that the Hawaii technology development corporation shall submit a report of all grant awardees, including the amounts awarded, alignment to regional economic development and statewide initiatives, and resulting impacts, to the legislature no later than thirty days prior to the convening of the regular session of 2026; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund at the end of each fiscal year.

SECTION 8. Provided that of the general fund appropriation for strategic marketing and support (BED100), the sum of \$865,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 shall be expended for the made in Hawaii workforce development program in accordance with section 486-119, Hawaii Revised Statutes; provided further that the department of business, economic development, and tourism shall submit a report to the legislature no later than thirty days prior to the convening of the regular session of 2026, that shall include but not be limited to the number of new companies assisted at local events and shows, number of new to export companies for both domestic and international exports, number of market expansion companies that are

expanding into a new region or country market, aggregate actual sales of companies assisted at consumer shows or at local, domestic, and international trade shows, aggregate projected sales anticipated within twelve to eighteen months after an export activity, aggregate number of jobs generated or supported as a result of assistance, and economic impact from assistance provided; provided further that any funds not expended or encumbered for this purpose shall lapse to the general fund at the end of each fiscal year.

SECTION 9. Provided that of the general fund appropriation for the office of the governor (GOV100), the sum of \$4,551,872 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 shall be for the office of the governor; provided further that the governor submits the supplemental budget to the legislature no later than thirty days prior to the convening of the regular session of 2026 in accordance with section 37-72, Hawaii Revised Statutes, as prescribed by the legislature.

SECTION 10. Provided that of the general fund appropriation for agricultural resource management (AGR141), the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 shall be deposited into the irrigation system revolving fund, to be expended for irrigation related expenses pursuant to section 167-22, Hawaii Revised Statutes.

SECTION 11. Provided that of the general fund appropriation for departmental administration and budget division (BUF101), the sum of \$1,011,564 or so much thereof as may be necessary for fiscal year 2025-2026 shall be expended for salary adjustments as recommended by the commission on salaries; provided that the governor may transfer funds between departments and programs to implement any salary adjustments as recommended by the commission on salaries.

SECTION 12. Provided that of the general fund appropriation for school support (EDN400), the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 shall be expended to contract the department of law enforcement to improve school safety across department of education campuses via technology; provided further that any funds not expended for this purpose shall lapse to the general fund.

PART IV. GRANT-IN-AID APPROPRIATIONS

SECTION 13. APPROPRIATIONS. The legislature finds that the grant recipients named in this part have applied for a grant pursuant to section 42F-102, Hawaii Revised Statutes, and qualify to receive a grant pursuant to section 42F-103, Hawaii Revised Statutes.

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 2025-2026 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 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. \$225,000.00	808 CLEANUPS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR 808 CLEANUPS, FOR COSTS RELATED TO PERSONNEL AND PROGRAMS FOCUSED ON CONSERVATION PROJECTS IN HAWAII FOR LNR - NATURAL AND PHYSICAL ENVI- RONMENT (LNR906) ALL EXPENSES RELAT- ED TO THEIR APPLICATION OF FUNDS; AND
2. \$300,000.00	ADULT FRIENDS FOR YOUTH ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR ADULT FRIENDS FOR YOUTH, FOR COSTS RELATED TO EDUCATIONAL SUP- PORT SERVICES FOR HIGH-RISK YOUTH FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
3. \$115,000.00	AFTER SCHOOL ALL-STARS HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR AFTER SCHOOL ALL-STARS HAWAII, FOR COSTS RELATED TO EXPANSION OF AFTER-SCHOOL AND SUMMER PROGRAMS FOR TITLE I SCHOOLS FOR STATE ADMINIS- TRATION (EDN300) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
4. \$100,000.00	ALALUA LIFE FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR ALALUA LIFE FOUNDATION, FOR COSTS RELATED TO A MEMORIAL GARDEN FOR LAHAINA FOR OFFICE OF COMMUNI- TY SERVICES (LBR903) ALL EXPENSES RE- LATED TO THEIR APPLICATION OF FUNDS; AND
5. \$140,000.00	ALOHA HARVEST ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR ALOHA HARVEST, FOR COSTS RELATED TO FOOD RESCUE AND REDISTRIBUTION FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
6. \$75,000.00	BEST BUDDIES HAWAII, LLC ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR BEST BUDDIES HAWAII, LLC, FOR COSTS RELATED TO FRIENDSHIP AND LEADERSHIP DEVELOPMENT FOR STUDENTS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES FOR STATE ADMINISTRATION (EDN300) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
7. \$125,000.00	CATHOLIC CHARITIES HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR CATHOLIC CHARITIES HAWAII, FOR COSTS RELATED TO EDUCATION, RECREATION, HEALTH PROMOTION, AND HEALTH SCREENING FOR SENIORS FOR GENERAL ADMINISTRATION (HTH907) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
8. \$125,000.00	CENTER FOR TOMORROWS LEADERS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR CENTER FOR TOMORROWS LEADERS, FOR COSTS RELATED TO STRENGTHENING THE STATE'S WORKFORCE PIPELINE FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
9. \$50,000.00	COMMON GRACE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR COMMON GRACE, FOR COSTS RELATED TO ASSISTING SOCIALLY DIS-ENGAGED YOUTH WITH ACADEMIC AND BEHAVIORAL CHALLENGES FOR GENERAL ADMINISTRATION - DHS (HMS904) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
10. \$100,000.00	DOWNTOWN ART CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR DOWNTOWN ART CENTER, FOR COSTS RELATED TO ESTABLISHING AN ARTS AND CULTURE COMMUNITY CENTER IN HONOLULU FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
11. \$50,000.00	EPILEPSY FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR EPILEPSY FOUNDATION, FOR COSTS RELATED TO EXPANSION OF EPILEPSY EDUCATION, ADVOCACY AND SUPPORT SERVICES STATEWIDE FOR FAMILY HEALTH SERVICES (HTH560) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
12. \$20,000.00	EWA BEACH LIONS CLUB FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR EWA BEACH LIONS CLUB FOUNDATION, FOR COSTS RELATED TO ANNUAL COMMUNITY ENRICHMENT EVENTS FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
13. \$40,000.00	FRIENDS OF CHILDREN'S JUSTICE CENTER OF EAST HI ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR FRIENDS OF CHILDREN'S JUSTICE CENTER OF EAST HI, FOR COSTS RELATED TO EMERGENCY, SPECIAL NEEDS, AND ENHANCEMENT SERVICES TO CHILD VICTIMS OF ABUSE FOR GENERAL ADMINISTRATION - DHS (HMS904) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
14. \$100,000.00	GOVERNOR ARIYOSHI FOUNDATION: GALT LEADERSHIP TRAINING ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR GOVERNOR ARIYOSHI FOUNDATION: GALT LEADERSHIP TRAINING, FOR COSTS RELATED TO ESTABLISHING A LEADERSHIP TRAINING PROGRAM FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
15. \$200,000.00	HALE MAHAOLU ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HALE MAHAOLU, FOR COSTS RELATED TO PROVIDING ESSENTIAL WRAP AROUND SERVICES FOR VULNERABLE POPULATIONS FOR GENERAL ADMINISTRATION - DHS (HMS904) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
16. \$20,000.00	HAMAKUA YOUTH FOUNDATION, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAMAKUA YOUTH FOUNDATION, INC., FOR COSTS RELATED TO AFTER SCHOOL CARE, CULTURAL PROGRAMS, AND INTERMITTENT FOOD ASSISTANCE FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
17. \$300,000.00	HAWAII AG AND CULINARY ALLIANCE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII AG AND CULINARY ALLIANCE, FOR COSTS RELATED TO WORKFORCE DEVELOPMENT OUTREACH INITIATIVES FOR AGRICULTURAL DEVELOPMENT AND MARKETING (AGR192) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
18. \$325,000.00	HAWAII AGRICULTURAL FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII AGRICULTURAL FOUNDATION, FOR COSTS RELATED TO EXPANSION OF AGRICULTURAL EDUCATION, WORKFORCE DEVELOPMENT, AND COMMUNITY ENGAGEMENT FOR GENERAL ADMINISTRATION FOR AGRICULTURE (AGR171) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
19. \$100,000.00	HAWAII CONSTRUCTION CAREER DAYS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII CONSTRUCTION CAREER DAYS, FOR COSTS RELATED TO PROVIDING CAREER PATHWAYS IN THE CONSTRUCTION INDUSTRY FOR SCHOOL-BASED BUDGETING (EDN100) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
20. \$125,000.00	HAWAII COUNCIL FOR THE HUMANITIES ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII COUNCIL FOR THE HUMANITIES, FOR COSTS RELATED TO DEVELOPMENT OF RESEARCH-BASED HISTORY CURRICULUM AND TEACHER RESOURCES AND TRAINING IN ENGLISH AND HAWAIIAN FOR STATE ADMINISTRATION (EDN300) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
21. \$350,000.00	HAWAII FARM BUREAU FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII FARM BUREAU FOUNDATION, FOR COSTS RELATED TO AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT FOR GENERAL ADMINISTRATION FOR AG- RICULTURE (AGR171), ALL EXPENSES RE- LATED TO THEIR APPLICATION OF FUNDS; AND
22. \$20,000.00	HAWAII HEALTH & HARM REDUCTION CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII HEALTH & HARM REDUCTION CENTER, FOR COSTS RELATED TO DIRECT LEGAL ASSISTANCE FOR UNSHELTERED HOMELESS FOR LEGAL SERVICES (ATG100) ALL EXPENSES RELATED TO THEIR APPLI- CATION OF FUNDS; AND
23. \$100,000.00	HAWAII ISLAND HUMANE SOCIETY S.P.C.A. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII ISLAND HUMANE SOCIETY S.P.C.A., FOR COSTS RELATED TO SPAY AND NEUTER PROGRAMS FOR OFFICE OF COM- MUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
24. \$40,000.00	HAWAII STATE SCIENCE OLYMPIAD ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII STATE SCIENCE OLYMPIAD, FOR COSTS RELATED TO EXPANSION AND ENHANCEMENT OF STATEWIDE STEM EDU- CATION INITIATIVES FOR SCHOOL-BASED BUDGETING (EDN100) ALL EXPENSES RE- LATED TO THEIR APPLICATION OF FUNDS; AND
25. \$250,000.00	HAWAII SYMPHONY ORCHESTRA ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII SYMPHONY ORCHESTRA, FOR COSTS RELATED TO YOUTH EDUCATION AND COMMUNITY MUSIC PERFORMANCES FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) ALL EXPENSES RE- LATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
26. \$50,000.00	HAWAII TAX HELP AND FINANCIAL EMPOWERMENT SOLUTIONS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII TAX HELP AND FINANCIAL EMPOWERMENT SOLUTIONS, FOR COSTS RELATED TO FREE TAX SERVICES AND TAX EDUCATION FOR GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT (BED142) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
27. \$100,000.00	HAWAII VOLCANO CIRCUS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HAWAII VOLCANO CIRCUS, FOR COSTS RELATED TO PERFORMANCE, FINE ARTS, AGRICULTURE, AND TECHNOLOGY EDUCATION AND DISASTER PREPAREDNESS PLANNING SERVICES AND TRAINING FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
28. \$50,000.00	HELPING HANDS HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HELPING HANDS HAWAII, FOR COSTS RELATED TO INTERPRETATION AND WRITTEN TRANSLATION TO LOW-INCOME RESIDENTS FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
29. \$20,000.00	HOKULANI CHILDREN'S THEATRE OF MOLOKAI ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HOKULANI CHILDREN'S THEATRE OF MOLOKAI, FOR COSTS RELATED TO PERFORMING ARTS PROGRAMS FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
30. \$75,000.00	HOOKIPA KAUAI ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HOOKIPA KAUAI, FOR COSTS RELATED TO PURCHASE OF FOOD, HYGIENE, AND SHELTERING PRODUCTS FOR GENERAL ADMINISTRATION - DHS (HMS904) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
31. \$270,000.00	HOOLA NA PUA ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HOOLA NA PUA, FOR COSTS RELATED TO CONTINUUM OF PREVENTION, INTERVENTION, AND TRAUMA INFORMED, EVIDENCE BASED SERVICES FOR IN-COMMUNITY YOUTH PROGRAMS (HMS501) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
32. \$75,000.00	HOSPICE OF HILO ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HOSPICE OF HILO, FOR COSTS RELATED TO INTERDISCIPLINARY PALLIATIVE CARE TEAM FOR GENERAL ADMINISTRATION - DHS (HMS904) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
33. \$10,000.00	HUA O LAHUI ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HUA O LAHUI, FOR COSTS RELATED TO CANOE CARVING, KOI MAKING, AND FILM-MAKING TARGETING NATIVE HAWAIIAN VETERANS FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
34. \$110,000.00	HUI O HAUULA ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR HUI O HAUULA, FOR COSTS RELATED TO CONTINUATION AND EXPANSION OF AFTER SCHOOL PROGRAMS, EMERGENCY PREPARATION, SENIOR SERVICES, FOOD DISTRIBUTION, AND DIGITAL LITERACY FOR ADMINISTRATION AND OPERATING SUPPORT (HHL625) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
35. \$65,000.00	IBOUNCE UP, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR IBOUNCE UP, INC., FOR COSTS RELATED TO MENTAL RESILIENCE TRAINING SESSIONS FOR AT-RISK AND UNDER-SERVED INDIVIDUALS FOR ADULT MENTAL HEALTH - OUTPATIENT (HTH420) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
36. \$150,000.00	INNOVATIONS PUBLIC CHARTER SCHOOL FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR INNOVATIONS PUBLIC CHARTER SCHOOL FOUNDATION, FOR COSTS RELATED TO ACQUISITION OF FURNITURE, FIXTURES, AND EQUIPMENT FOR STATE ADMINISTRATION (EDN300) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
37. \$250,000.00	JAPAN-AMERICA SOCIETY OF HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR JAPAN-AMERICA SOCIETY OF HAWAII, FOR COSTS RELATED TO A HAWAII-JAPAN SISTER SUMMIT FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
8. ² \$200,000.00	KALIHI COMMUNITY CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR KALIHI COMMUNITY CENTER, FOR COSTS RELATED TO CULTURAL ASSISTANCE AND LEADERSHIP BUILDING FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
39. \$40,000.00	KAPULE ORGANIZATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR KAPULE ORGANIZATION, FOR COSTS RELATED TO EDUCATIONAL NATURE EXPLORATIONS, FISHPOND RESTORATION, AND NATIVE HAWAIIAN CANOE SAILING FOR HIGH SCHOOL STUDENTS FOR ECOSYSTEM PROTECTION AND RESTORATION (LNR401) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
40. \$75,000.00	KAUAI FOODBANK, INC., THE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR THE KAUAI FOODBANK, INC., FOR COSTS RELATED TO VARIOUS FOOD DISTRIBUTION PROGRAMS TARGETING SENIORS AND CHILDREN FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
41. \$375,000.00	KOOLAULOA HEALTH CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR KOOLAULOA HEALTH CENTER, FOR COSTS RELATED TO OPERATIONS OF A HEALTH CENTER FOR GENERAL ADMINISTRATION (HTH907) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
42. \$175,000.00	KUALOA-HEEIA ECUMENICAL YOUTH PROJECT ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR KUALOA-HEEIA ECUMENICAL YOUTH PROJECT, FOR COSTS RELATED TO EXPANSION OF A CULTURALLY GROUNDED YOUTH PROGRAM FOR ADMINISTRATION AND OPERATING SUPPORT (HHL625) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
43. \$185,000.00	KUMANO I KE ALA O MAKAWELI ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, KUMANO I KE ALA O MAKAWELI, FOR COSTS RELATED TO EDUCATION IN NATIVE HAWAIIAN FOOD CROPS, LAND MANAGEMENT, AND MITIGATION OF EROSION FOR ADMINISTRATION AND OPERATING SUPPORT (HHL625) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
44. \$25,000.00	LANAI ACADEMY OF PERFORMING ARTS, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR LANAI ACADEMY OF PERFORMING ARTS, INC., FOR COSTS RELATED TO A PERFORMING ARTS PROGRAM OFFERING ART CLASSES, MUSIC PRODUCTION, AND PERFORMING ART CAMPS FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
45. \$75,000.00	LEGAL CLINIC, THE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR THE LEGAL CLINIC, FOR COSTS RELAT- ED TO IN-STATE JOB TRAINING PROGRAMS AND IMMIGRATION LAW CAPACITY FOR LE- GAL SERVICES (ATG100) ALL EXPENSES RE- LATED TO THEIR APPLICATION OF FUNDS; AND
46. \$200,000.00	LEILEHUA ALUMNI AND COMMUNITY ASSOCIATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR LEILEHUA ALUMNI AND COMMUNITY ASSOCIATION, FOR COSTS RELATED TO DEVELOPMENT OF AGRICULTURAL, AGRI- CULTURAL TECHNOLOGY, AND AGRICUL- TURAL ENTREPRENEURSHIP PROGRAMS FOR HIGH SCHOOL STUDENTS IN THE LEILEHUA COMPLEX FOR SCHOOL-BASED BUDGETING (EDN100) ALL EXPENSES RE- LATED TO THEIR APPLICATION OF FUNDS; AND
47. \$150,000.00	MAUI ECONOMIC DEVELOPMENT BOARD, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR MAUI ECONOMIC DEVELOPMENT BOARD, INC., FOR COSTS RELATED TO PROGRAMS THAT PROVIDE PROFESSIONAL DEVELOPMENT, INTERNSHIPS, CAREER AWARENESS OPPORTUNITIES, EXTRACUR- RICULAR ACTIVITIES, AND IN-CLASSROOM SUPPORT TO PUBLIC SCHOOL STUDENTS AND TEACHERS STATEWIDE FOR SCHOOL- BASED BUDGETING (EDN100) ALL EXPENS- ES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
48. \$375,000.00	MOILIILI COMMUNITY CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR MOILIILI COMMUNITY CENTER, FOR COSTS RELATED TO SUSTAIN ESSENTIAL COMMUNITY CENTER PROGRAMS AND OPERATIONS FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; PROVIDED THAT NO FUNDS SHALL BE USED FOR THE BENEFIT OF THE MOILIILI COMMUNITY CENTER JAPANESE LANGUAGE SCHOOL, IN ACCORDANCE WITH ARTICLE X, SECTION 1, OF THE HAWAII STATE CONSTITUTION; AND
49. \$100,000.00	NA WAHINE PAANI O PUNAHOU ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR NA WAHINE PAANI O PUNAHOU, FOR COSTS RELATED TO OPERATIONS OF AN ALL-GIRL HIGH SCHOOL WRESTLING TOURNAMENT FOR STATE ADMINISTRATION (EDN300) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
50. \$100,000.00	OAHU RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR OAHU RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL, FOR COSTS RELATED TO OPERATION OF POP-UP LABS FOR STEM FOR SCHOOLS AND YOUTH ORGANIZATIONS FOR SCHOOL-BASED BUDGETING (EDN100) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
51. \$250,000.00	OCEANIT RESEARCH FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR OCEANIT RESEARCH FOUNDATION, FOR COSTS RELATED TO A PROJECT TO RESTORE A BALANCED COASTAL ECOSYSTEM IN MANTOKUJI BAY FOR HAWAII TECHNOLOGY DEVELOPMENT CORPORATION (BED143) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
52. \$100,000.00	OHANA ARTS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR OHANA ARTS, FOR COSTS RELATED TO TRANSPORTATION COSTS FOR YOUTH TOURING CAST PERFORMANCES FOR STATE FOUNDATION ON CULTURE AND THE ARTS (AGS881) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
53. \$150,000.00	PACIFIC BIRTH COLLECTIVE INCORPORATED ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR PACIFIC BIRTH COLLECTIVE INCORPORATED, FOR COSTS RELATED TO PROVIDING FINANCIAL ASSISTANCE TO INDIVIDUALS PURSUING LICENSURE AS A CERTIFIED MIDWIFE FOR GENERAL ADMINISTRATION (HTH907) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
54. \$175,000.00	PACIFIC INTERNATIONAL CENTER FOR HIGH TECHNOLOGY RESEARCH ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR PACIFIC INTERNATIONAL CENTER FOR HIGH TECHNOLOGY RESEARCH, FOR COSTS RELATED TO THE ANNUAL US-JAPAN COUNCIL ANNUAL CONFERENCE FOR GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT (BED142) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
55. \$150,000.00	PACIFIC TSUNAMI MUSEUM, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR PACIFIC TSUNAMI MUSEUM, INC., FOR COSTS RELATED TO TSUNAMI PREPAREDNESS THROUGH MUSEUM EDUCATION AND COMMUNITY OUTREACH FOR AMELIORATION OF PHYSICAL DISASTERS (DEF110) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
56. \$55,000.00	PARENTS AND CHILDREN TOGETHER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR PARENTS AND CHILDREN TOGETHER, FOR COSTS RELATED TO PROTECTION OF VICTIMS OF FAMILY VIOLENCE FOR FAMILY HEALTH SERVICES (HTH560) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
57. \$200,000.00	RESCUE TUBE FOUNDATION, THE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR THE RESCUE TUBE FOUNDATION, FOR COSTS RELATED TO EXPANSION OF DEPLOYMENT AND BUILDING OF SUSTAIN- ABILITY FOR PUBLIC RESCUE TUBES FOR LNR - NATURAL AND PHYSICAL ENVIRON- MENT (LNR906) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
58. \$50,000.00	RISEHI ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR RISEHI, FOR COSTS RELATED TO EX- PANSION OF MENTORSHIP PROGRAMS FOR STUDENTS STATEWIDE FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EX- PENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
59. \$300,000.00	SEARIDER PRODUCTIONS FOUNDATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR SEARIDER PRODUCTIONS FOUNDA- TION, FOR COSTS RELATED TO PROVID- ING ACTIVITIES AND OPPORTUNITIES TO LEEWARD COAST STUDENTS FOCUSING ON HEALTHY LIVING, MAINTAINING A POSITIVE ATTITUDE, AND SAFETY FOR SCHOOL-BASED BUDGETING (EDN100)) ² ALL EXPENSES RELATED TO THEIR APPLICA- TION OF FUNDS; AND
60. \$200,000.00	SURFRIDER SPIRIT SESSIONS ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR SURFRIDER SPIRIT SESSIONS, FOR COSTS RELATED TO PROVIDING CULTUR- ALLY RELEVANT, HIGH VALUE PROGRAMS FOR AT-RISK YOUTH TO OVERCOME TRAU- MA, BUILD RESILIENCE, AND PROMOTE POSITIVE DEVELOPMENT FOR GENERAL ADMINISTRATION - DHS (HMS904) ALL EX- PENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
61. \$170,000.00	SUSTAINABLE COASTLINES HAWAII ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR SUSTAINABLE COASTLINES HAWAII, FOR COSTS RELATED TO ONGOING COAST- AL AND MAUKA STEWARDSHIP, LEARNING COHORTS, AND EDUCATIONAL SERVICES RELATED TO RESOURCE RECOVERY AND SUSTAINABILITY FOR LNR - NATURAL AND PHYSICAL ENVIRONMENT (LNR906) ALL EX- PENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
62. \$200,000.00	UNITED KOREAN ASSOCIATION OF HAWAII, THE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR THE UNITED KOREAN ASSOCIATION OF HAWAII, FOR COSTS RELATED TO OPER- ATING A CULTURAL COMMUNITY CENTER FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
63. \$200,000.00	WAHIAWA CENTER FOR COMMUNITY HEALTH, THE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR THE WAHIAWA CENTER FOR COM- MUNITY HEALTH, FOR COSTS RELATED TO PROVIDING PRIMARY CARE, MENTAL HEALTH SERVICES, SUBSTANCE ABUSE DISORDER TREATMENT, AND SOCIAL SERVICES IN WAIALUA, MOKULEIA, AND KAENA POINT FOR FAMILY HEALTH SER- VICES (HTH560) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
64. \$250,000.00	WAIANAE DISTRICT COMPREHENSIVE HEALTH AND HOSPITAL BOARD, INCORPORATED ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR WAIANAE DISTRICT COMPREHENSIVE HEALTH AND HOSPITAL BOARD, INCORPO- RATED, FOR COSTS RELATED TO SECURITY STAFFING, STAFF EMERGENCY SCENARIO TRAINING, AND EXPANSION OF SURVEIL- LANCE AND MONITORING SYSTEMS FOR FAMILY HEALTH SERVICES (HTH560) ALL EX- PENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
65. \$400,000.00	WAIKIKI BUSINESS IMPROVEMENT DISTRICT ASSOCIATION ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR WAIKIKI BUSINESS IMPROVEMENT DISTRICT ASSOCIATION, FOR COSTS RELATED TO AN AMBASSADOR PROGRAM PROVIDING CUSTODIAL SERVICES, SAFETY AND SECURITY, HOSPITALITY SERVICES, AND SUPPORT FOR MENTALLY ILL AND HOMELESS INDIVIDUALS IN WAIKIKI FOR GENERAL SUPPORT FOR ECONOMIC DEVELOPMENT (BED142) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
66. \$75,000.00	WAIKIKI COMMUNITY CENTER ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR WAIKIKI COMMUNITY CENTER, FOR COSTS RELATED TO EVIDENCE-BASED WELLNESS ACTIVITIES AND PERSONALIZED RESOURCE NAVIGATION FOR SENIORS FOR GENERAL ADMINISTRATION (HTH907) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
67. \$80,000.00	WAIPA FOUNDATION, THE ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR THE WAIPA FOUNDATION, FOR COSTS RELATED TO UPGRADE OF KITCHEN FACILITIES, SUSTAIN OPERATIONAL STAFF, AND CONDUCT A PROFESSIONAL ASSESSMENT OF THE FACILITIES' OVERALL CONDITION AND FUNCTIONALITY FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND
68. \$200,000.00	WEED AND SEED HAWAII, INC. ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR WEED AND SEED HAWAII, INC., FOR COSTS RELATED TO STAFFING, TRAINING, AND ACTIVITIES IN COMMUNITIES WITH A HISTORY OF HIGH LEVELS OF CRIME, DRUG USE, VIOLENCE, AND SEVERE ECONOMIC DETERIORATION FOR LEGAL SERVICES (ATG100) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS; AND

<u>AMOUNT</u>	<u>PROJECT</u>
69. \$100,000.00	YOUNG WOMEN’S CHRISTIAN ASSOCIATION OF OAHU ADD FUNDS AS A GRANT PURSUANT TO CHAPTER 42F, HAWAII REVISED STATUTES, FOR YOUNG WOMEN’S CHRISTIAN ASSOCIATION OF OAHU, FOR COSTS RELATED TO OPERATIONS OF EMPLOYMENT SUPPORT SERVICES FOR WOMEN EXPERIENCING ECONOMIC, EDUCATIONAL, AND EMOTIONAL INSTABILITY FOR OFFICE OF COMMUNITY SERVICES (LBR903) ALL EXPENSES RELATED TO THEIR APPLICATION OF FUNDS.

PART V. CAPITAL IMPROVEMENT PROJECTS

SECTION 14. 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 such projects are listed in this section. Several related or similar projects may be combined into a single project if such combination is advantageous or convenient for implementation; and provided further that the total cost of the projects thus combined shall not exceed the total of the sum specified for the projects separately. The amount after each cost element and the total funding for each project listed in this part are in thousands of dollars.

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M	FISCAL M
				YEAR O 2025-2026 F	YEAR O 2026-2027 F

A. ECONOMIC DEVELOPMENT

BED101 - OFFICE OF INTERNATIONAL AFFAIRS

1.	EAST-WEST CENTER, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT TO RENOVATE, IMPROVE, AND MODERNIZE EAST-WEST CENTER BUILDINGS.	TOTAL FUNDING	BED	5,000 C	C

BED113 - HAWAII TOURISM AUTHORITY - ADMINISTRATION AND GOVERNANCE

2.	HAWAII CONVENTION CENTER IMPROVEMENTS, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO THE HAWAII CONVENTION CENTER.	TOTAL FUNDING	BED	36,400 C	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
AGR132 - ANIMAL DISEASE CONTROL					
3.		HALAWA ANIMAL INDUSTRY FACILITY IMPROVEMENTS, OAHU CONSTRUCTION FOR IMPROVEMENTS TO THE ANIMAL INDUSTRY FACILITY IN HALAWA.			
		TOTAL FUNDING	AGS	7,000 C	C
AGR141 - AGRICULTURAL RESOURCE MANAGEMENT					
4.		STATE IRRIGATION SYSTEM RESERVOIR SAFETY IMPROVEMENTS, STATEWIDE PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION 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 AGR	5,000 C 1 N	C N
AGR192 - GENERAL ADMINISTRATION FOR AGRICULTURE					
5.		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	1,900 C	2,200 C
BED170 - AGRIBUSINESS DEVELOPMENT AND RESEARCH					
6.		ACQUISITION OF AGRICULTURAL LANDS, KAPAIA, KAUAI LAND ACQUISITION FROM GROVE FARM ON KAUAI.			
		TOTAL FUNDING	BED	39,000 C	C
7.		ACQUISITION OF AGRICULTURAL LANDS, WAIMEA, KAUAI LAND ACQUISITION FOR AGRICULTURAL LANDS ON KAUAI, TMKS: 1-6-001-045, 1-6-001-030, AND 1-6-001-028.			
		TOTAL FUNDING	BED	1,300 C	C
8.		AGRICULTURAL INFRASTRUCTURE IMPROVEMENTS, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO AGRICULTURAL INFRASTRUCTURE IN WAHIAWA AND WAIALUA, OAHU.			
		TOTAL FUNDING	BED	9,200 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
9.		ANIMAL PROCESSING AND STORAGE FACILITY, OAHU			
		PLANS, DESIGN, CONSTRUCTION, EQUIPMENT, AND FURNISHINGS FOR A DEDICATED SMALL ANIMAL PROCESSING AND STORAGE FACILITY ON OAHU TO SUPPORT POST-SLAUGHTER HANDLING. THIS FACILITY WILL INCLUDE AREAS FOR CARCASS BREAKDOWN, MEAT CUTTING, PACKAGING, CHILLING, AND COLD STORAGE TO EXPAND LOCAL CAPACITY FOR SAFE, HIGH-QUALITY MEAT PROCESSING. THE PROJECT WILL SERVE SMALL- AND MID-SIZED PRODUCERS, IMPROVE LOCAL FOOD SYSTEM INFRASTRUCTURE, AND ENHANCE THE AVAILABILITY OF HAWAII-GROWN MEAT FOR CONSUMERS.			
		TOTAL FUNDING	BED	17,000 C	C
10.		COMMERCIAL LAND PURCHASE, OAHU			
		LAND ACQUISITION OF COMMERCIAL LAND ON OAHU, TMK 7-1-006-001.			
		TOTAL FUNDING	BED	500 C	4,500 C
11.		CONSTRUCTION FOR A STATE POSTHARVEST FACILITY, OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A POSTHARVEST FACILITY ON OAHU, TMKs 7-1-002:004 (por.); 009 (por.); 023 (por.).			
		TOTAL FUNDING	BED	22,076 C	C
12.		FOOD AND PRODUCT INNOVATION NETWORK (FPIN), STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, EQUIPMENT, LAND ACQUISITION, AND FURNISHINGS FOR A FOOD AND PRODUCT INNOVATION NETWORK, STATEWIDE.			
		TOTAL FUNDING	BED	350 C	C
13.		FOOD PROCESSING PLANT, OAHU			
		LAND ACQUISITION, PLANS, DESIGN, EQUIPMENT, AND FURNISHING FOR A FOOD PROCESSING PLANT, OAHU, TMKs 7-4-005-032 and 7-4-005-018.			
		TOTAL FUNDING	BED	6,275 C	650 C
14.		IRRIGATION SYSTEM, OAHU			
		PLANS, DESIGN, LAND ACQUISITION, REHABILITATION, AND EXPANSION COSTS FOR AN AGRICULTURAL IRRIGATION SYSTEM, WAHIAWA, OAHU.			
		TOTAL FUNDING	BED	2,000 C	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
15.		PURCHASE OF LAND LOCKED BETWEEN STATE-OWNED LAND, OAHU LAND ACQUISITION FOR AGRICULTURAL LANDS ON OAHU, TMK 6-5-002-027.			
		TOTAL FUNDING	BED	3,000 C	C
16.		SMALL ANIMAL SLAUGHTERHOUSE, OAHU LAND ACQUISITION, PLANS, DESIGN, CONSTRUCTION, AND FURNISHING EQUIPMENT FOR A SMALL ANIMAL SLAUGHTERHOUSE. GROUND AND SITE IMPROVEMENTS, EQUIPMENT, AND APPURTENANCES, OAHU.			
		TOTAL FUNDING	BED	4,000 C	C
17.		WAIAHOLE WATER SYSTEM IMPROVEMENTS, OAHU PLANS, DESIGN, CONSTRUCTION AND EQUIPMENT FOR IMPROVEMENTS TO THE WAIAHOLE WATER SYSTEM AND APPURTENANT WORKS.			
		TOTAL FUNDING	BED	2,500 C	C
18.		WASTEWATER RECLAIMED WATER IRRIGATION SYSTEM, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A WASTEWATER RECLAIMED WATER IRRIGATION SYSTEM AND INTAKE PUMP STATION, WAHIAWA, OAHU.			
		TOTAL FUNDING	BED	4,000 C	C
LNR141 - WATER AND LAND DEVELOPMENT					
19.		ROCKFALL AND FLOOD MITIGATION, STATEWIDE DESIGN AND CONSTRUCTION FOR ROCKFALL AND FLOOD MITIGATION AT VARIOUS LOCATIONS, STATEWIDE. THE LEGISLATURE FINDS AND DECLARES THAT THE APPROPRIATION IS IN THE PUBLIC INTEREST AND FOR THE PUBLIC'S HEALTH, SAFETY AND GENERAL WELFARE OF THE STATE.			
		TOTAL FUNDING	LNR	2,000 C	C
BED150 - HAWAII COMMUNITY DEVELOPMENT AUTHORITY					
20.		99-YEAR LEASEHOLD PROGRAM, PHASE 2, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A LEASEHOLD CONDOMINIUM FACILITY UNDER THE 99-YEAR LEASEHOLD PROGRAM, LOCATED AT TMKs 2-1-049-080 AND 2-1-049-063.			
		TOTAL FUNDING	BED	15,000 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
21.		CLIMATE CHANGE IMPACT ASSESSMENT, OAHU			
		PLANS TO CONDUCT AN ASSESSMENT AND RULEMAKING TO CONSIDER THE IMPACTS OF CLIMATE CHANGE AND SEA LEVEL RISE FOR THE DEVELOPMENT IN HCDA'S KAKAAKO AND KALAELOA COMMUNITY DEVELOPMENT DISTRICTS.			
		TOTAL FUNDING	BED	2,000 C	C
22.		IWILEI-KAPALAMA COMMUNITY DEVELOPMENT, OAHU			
		DESIGN AND CONSTRUCTION OF INFRASTRUCTURE PROJECTS TO SUPPORT IWILEI-KAPALAMA COMMUNITY DEVELOPMENT.			
		TOTAL FUNDING	BED	12,000 C	C
23.		KAKAAKO MAKAI GEOTECHNICAL ASSESSMENT, OAHU			
		RESEARCH PAST STUDIES AND CONDUCT GEOTECHNICAL SURVEY OF CONTAMINATED MAKAI LANDS.			
		TOTAL FUNDING	BED	1,500 C	C
24.		KAKAAKO MAKAI PLANNING, OAHU			
		PLANS FOR AN INFRASTRUCTURE ASSESSMENT AND COMMUNITY PLANNING FOR KAKAAKO MAKAI.			
		TOTAL FUNDING	BED	1,000 C	C
25.		KALAELOA INFRASTRUCTURE-EIS DISTRICT WIDE, KALAELOA, OAHU			
		PLANS FOR PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT FOR THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT.			
		TOTAL FUNDING	BED	1,000 C	C
26.		KUPUNA SUPPORTIVE HOUSING, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION OF KUPUNA SUPPORTIVE HOUSING, LOCATED AT TMK 2-1-030-012.			
		TOTAL FUNDING	BED	5,500 C	29,450 C

BED160 - HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION

27.		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND, STATEWIDE			
		CONSTRUCTION TO PROVIDE AN INFUSION OF FUNDS TO FINANCE ADDITIONAL AFFORDABLE RENTAL HOUSING, STATEWIDE.			
		TOTAL FUNDING	BED	50,000 C	50,000 C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
28.		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND, TIER II, STATEWIDE			
		CONSTRUCTION TO PROVIDE AN INFUSION OF FUNDS TO FINANCE RENTAL HOUSING REVOLVING FUND TIER II AFFORDABLE RENTAL HOUSING, STATEWIDE.			
		TOTAL FUNDING	BED	50,000 C	50,000 C
29.		DWELLING UNIT REVOLVING FUND INFUSION, STATEWIDE			
		CONSTRUCTION TO PROVIDE AN INFUSION OF FUNDS TO FINANCE ADDITIONAL AFFORDABLE HOUSING, STATEWIDE.			
		TOTAL FUNDING	BED	C	40,000 C

B. EMPLOYMENT

LBR903 - OFFICE OF COMMUNITY SERVICES

1.	442ND LEGACY CENTER				
	CONSTRUCTION FOR COMPLETION OF MUSEUM. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.				
	TOTAL FUNDING	LBR		300 C	C
2.	ADULT FRIENDS FOR YOUTH				
	LAND ACQUISITION FOR HIGH-RISK YOUTH REDIRECTIONAL THERAPY. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.				
	TOTAL FUNDING	LBR		300 C	C
3.	ALCOHOLIC REHABILITATION SERVICES OF HAWAII, INC., THE				
	CONSTRUCTION FOR INSTALLATION OF SOLAR PANELS. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.				
	TOTAL FUNDING	LBR		400 C	C
4.	ARC OF HILO, THE				
	LAND ACQUISITION FOR REDIRECTIONAL THERAPY FOR HIGH-RISK YOUTH. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.				
	TOTAL FUNDING	LBR		300 C	C
5.	ARC OF MAUI COUNTY				
	CONSTRUCTION AND LAND ACQUISITION FOR SAFE AND ACCESSIBLE ENVIRONMENT FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENT DISABILITIES, AND ELECTRICAL UPGRADES. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.				
	TOTAL FUNDING	LBR		200 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
6.		BACK TO THE BEGINNING, INC. CONSTRUCTION AND EQUIPMENT FOR BUILDING OF RESIDENTIAL FACILITIES. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	300 C	C
7.		BLOOD BANK OF HAWAII EQUIPMENT FOR BLOODMOBILE VEHICLE. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	500 C	C
8.		BOYS AND GIRLS CLUB OF HAWAII CONSTRUCTION AND EQUIPMENT FOR CLUBHOUSE REPAIRS ON OAHU AND KAUAI. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	600 C	C
9.		DIGS DESIGN, CONSTRUCTION, EQUIPMENT, AND LAND ACQUISITION FOR PROCUREMENT AND CONSTRUCTION OF AN AFFORDABLE CENTER ON OAHU. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	600 C	C
10.		ELEPAIO SOCIAL SERVICES PLANS, DESIGN, AND CONSTRUCTION FOR DEVELOPMENT OF A COMMUNITY RESILIENCE FACILITY. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	600 C	C
11.		EPISCOPAL CHURCH IN HAWAII, THE CONSTRUCTION FOR CONSTRUCTION OF A COMMUNITY CENTER IN KAPOLEI. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	480 C	C
12.		FILIPINO COMMUNITY CENTER INC., THE CONSTRUCTION FOR SECURITY, SAFETY, AND FACILITY INFRASTRUCTURE IMPROVEMENTS, AND LANDSCAPE REHABILITATION. 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 M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
13.		FIVE MOUNTAINS HAWAII, INC. CONSTRUCTION FOR CONSTRUCTION OF A RURAL HEALTH CLINIC ON HAWAII ISLAND. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		200 C	C
14.		FRIENDS OF THE SUNSET MEMORIAL CEMETERY CONSTRUCTION FOR MAUSOLEUM RENOVATION. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		150 C	C
15.		GREGORY HOUSE PROGRAMS PLANS AND CONSTRUCTION FOR REPAIR AND IMPROVEMENTS TO A TRANSITIONAL HOUSING FACILITY ON OAHU. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		300 C	C
16.		HABITAT FOR HUMANITY INTERNATIONAL, INC. (HONOLULU) CONSTRUCTION FOR A HOME REPAIR REVOLVING FUND PROGRAM ON OAHU. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		175 C	C
17.		HALE OPIO KAUAI, INC. CONSTRUCTION FOR RENOVATION OF TWO RESIDENTIAL TREATMENT HOMES IN LAWAI AND KAPAHI. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		168 C	C
18.		HANA HEALTH DESIGN AND CONSTRUCTIONS FOR CONSTRUCTION OF A SPECIALTY MEDICAL AND DENTAL FACILITY. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		600 C	C
19.		HAWAII FOODBANK, INC. PLANS, CONSTRUCTION, AND EQUIPMENT FOR SOLAR PANEL INSTALLATION. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		800 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
20.		HAWAII ISLAND VETERANS MEMORIAL			
		CONSTRUCTION AND EQUIPMENT FOR RENOVATIONS OF ADULT DAY HEALTH HALLWAYS, CLASSROOMS, AND MEETING AREAS. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		175 C	C
21.		HAWAII THEATRE CENTER			
		CONSTRUCTION AND EQUIPMENT FOR BUILDING RESIDENTIAL FACILITIES. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		150 C	C
22.		HAWAII UNITED OKINAWA ASSOCIATION			
		CONSTRUCTION AND LAND ACQUISITION FOR THE PURCHASE OF LAND AND ELECTRICAL UPGRADES. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		400 C	C
23.		HIIPAKA, LLC			
		CONSTRUCTION FOR A CULTURAL TRAINING AND EDUCATION CENTER. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		400 C	C
24.		HILO BAYFRONT TRAILS, INC.			
		CONSTRUCTION AND EQUIPMENT FOR SAFETY REPAIRS AND IMPROVEMENTS. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		120 C	C
25.		HOLUALOA FOUNDATION FOR ARTS & CULTURE			
		PLANS AND DESIGN FOR MASTER CAMPUS PLAN DEVELOPMENT TO RENOVATE AND UPGRADE EXISTING FACILITIES. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		300 C	C
26.		HOMESTEAD COMMUNITY DEVELOPMENT CORPORATION			
		DESIGN FOR DEVELOPMENT OF A HAWAIIAN HOMESTEAD MULTI-PURPOSE CENTER IN SOUTH HILO. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING LBR		350 C	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
27.		HOOULU LAHUI LAND ACQUISITION FOR ACQUISITION OF A PROPERTY FOR PUBLIC CHARTER SCHOOL IN PUNA. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING	LBR	500 C	C
28.		HUI MALAMA O KANEIOLOUMA CONSTRUCTION AND EQUIPMENT FOR RESTORATION OF ANCIENT HAWAIIAN VILLAGE ON KAUAI. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING	LBR	400 C	C
29.		INSPIRATION HAWAII MUSEUM, INC. PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REPAIR AND RENOVATION OF RESTROOMS. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING	LBR	311 C	C
30.		ISLAND OF HAWAII YMCA, THE DESIGN FOR DESIGN OF NEW COMMUNITY CENTER PROJECT ON HAWAII ISLAND. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING	LBR	300 C	C
31.		JAPANESE CULTURAL CENTER OF HAWAII CONSTRUCTION FOR RENOVATION OF HISTORICAL HERITAGE EXHIBIT ON OAHU. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING	LBR	300 C	C
32.		KALIHI-PALAMA HEALTH CENTER (HALE HOOLA HOU) CONSTRUCTION FOR RENOVATION OF BATHROOM, NEW ALARM, NEW AIR CONDITIONING, AND REPLACEMENT OF DENTAL EQUIPMENT. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING	LBR	350 C	C
33.		KAUAI ECONOMIC OPPORTUNITY INCORPORATED CONSTRUCTION FOR REPAIR OF HOMELESS SHELTER PROPERTIES. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING	LBR	600 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
34.		KAUAI FOODBANK, INC., THE CONSTRUCTION FOR REPAIR OF WAREHOUSE IN LIHUE. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	116 C	C
35.		LAI OPUA 2020 PLANS, DESIGN, AND CONSTRUCTION FOR COMPLETION OF COMMUNITY COMPLEX IN KEALAKEHE. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	300 C	C
36.		LANAKILA PACIFIC PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR AIR CONDITIONING REPLACEMENT. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	500 C	C
37.		MAKIKI CHRISTIAN CHURCH CONSTRUCTION FOR RE-ROOFING OF TOWER AND SOCIAL HALL. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	500 C	C
38.		MALAMA KAUAI (AGRICULTURAL PARK) DESIGN, CONSTRUCTION, AND EQUIPMENT FOR ESTABLISHMENT OF AN AGRICULTURAL PARK IN EAST KAUAI. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	350 C	C
39.		MALAMA NA MAKUA A KEIKI CONSTRUCTION FOR REPAIR AND REPLACE ROOF AND CEILING, RENOVATION OF BATHROOM, AND OFFICE SPACE. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	425 C	C
40.		MANOA JAPANESE LANGUAGE SCHOOL CONSTRUCTION FOR BATHROOM RENOVATION. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	130 C	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
41.		MAUI ADVANCED MANUFACTURING ALLIANCE CORP. CONSTRUCTION FOR DEVELOPMENT OF AN ADVANCED MANUFACTURING CENTER. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		400 C	C
42.		NAMAHANA EDUCATION FOUNDATION CONSTRUCTION FOR CONSTRUCTION OF CLASSROOMS AT NAMAHANA SCHOOL. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		400 C	C
43.		OLELO COMMUNITY TELEVISION DESIGN AND EQUIPMENT FOR SERVER CAPACITY FOR MEDIA CAPTURE, PROCESSING, AND ADDITIONAL ARCHIVAL SPACE. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		400 C	C
44.		PAPAKOLEA COMMUNITY DEVELOPMENT CORPORATION PLANS FOR MASTER PLANNING FOR EXPANSION OF NATIVE HAWAIIAN EDUCATION AND CULTURE CENTER IN PUOWAINA. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		500 C	C
45.		POLYNESIAN VOYAGING SOCIETY PLANS AND CONSTRUCTION FOR RENOVATIONS OF A MARINE EDUCATION AND TRAINING CENTER. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		175 C	C
46.		PUNA COMMUNITY HEALTH CENTER FOUNDATION PLANS AND DESIGN FOR A MEDICAL CAMPUS IN PUNA. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		400 C	C
47.		REHABILITATION HOSPITAL OF THE PACIFIC, THE EQUIPMENT FOR PURCHASE AND INSTALLATION OF HOSPITAL BEDS. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS. TOTAL FUNDING LBR		600 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2025-2026	M O F	FISCAL YEAR 2026-2027	M O F
48.		ST. JAMES EPISCOPAL CHURCH CONSTRUCTION FOR NEW COMMUNITY CENTER IN WAIMEA. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.					
		TOTAL FUNDING	LBR	200	C		C
49.		TRUST FOR PUBLIC LAND, THE PLANS AND DESIGN FOR AALA PARK IMPROVEMENTS. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.					
		TOTAL FUNDING	LBR	475	C		C
50.		UNITED STATES VETERANS INITIATIVE CONSTRUCTION FOR MAINTENANCE AND IMPROVEMENTS TO EMERGENCY SHELTER IN WAIANAE. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.					
		TOTAL FUNDING	LBR	100	C		C
51.		WAHIAWA CENTER FOR COMMUNITY HEALTH, THE PLANS AND CONSTRUCTION FOR RENOVATION OF A PEDIATRIC CLINIC. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.					
		TOTAL FUNDING	LBR	400	C		C
52.		WAIANAE COMMUNITY RE-DEVELOPMENT CORPORATION EQUIPMENT FOR FARM EQUIPMENT FOR PRODUCTION OF ORGANIC PRODUCE. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.					
		TOTAL FUNDING	LBR	100	C		C
53.		WAIMANALO HEALTH CENTER CONSTRUCTION FOR ENHANCEMENTS TO A PATIENT-CENTERED HEALTH CARE HOME. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.					
		TOTAL FUNDING	LBR	350	C		C
54.		WAIOHULI HAWAIIAN HOMESTEADERS ASSOCIATION, INC. PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR COMPUTER CENTER CONSTRUCTION. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.					
		TOTAL FUNDING	LBR	400	C		C
55.		WEST HAWAII COMMUNITY HEALTH CENTER, INC. PLANS, DESIGN, AND CONSTRUCTION FOR CONSTRUCTION OF WORKFORCE HOUSING. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.					
		TOTAL FUNDING	LBR	500	C		C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
56.		YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF OAHU (KOKOKAHI)			
		CONSTRUCTION FOR RENOVATIONS TO JULIETTE M. ATHERTON HALL AND KITCHEN. THIS PROJECT QUALIFIES AS A GRANT PURSUANT TO CHAPTER 42F, HRS.			
		TOTAL FUNDING	LBR	400 C	C

C. TRANSPORTATION FACILITIES

TRN102 - DANIEL K. INOUE INTERNATIONAL AIRPORT

1.	DANIEL K. INOUE INTERNATIONAL AIRPORT, AIRPORT IMPROVEMENTS, OAHU				
	DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO TERMINALS, SYSTEMS, AND FACILITIES AT THE AIRPORT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.				
	TOTAL FUNDING	TRN	17,061 E	26,760 E	
		TRN	1 N	1 N	

TRN111 - HILO INTERNATIONAL AIRPORT

2.	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	26,000 E		E
		TRN	1 N		N

TRN114 - ELLISON ONIZUKA KONA INTERNATIONAL AIRPORT AT KEAHOLE

3.	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	137,045 E		E
		TRN	10,000 N		N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2025-2026	M O F	FISCAL YEAR 2026-2027	M O F

TRN131 - KAHULUI AIRPORT

4.	KAHULUI AIRPORT, AIRPORT IMPROVEMENTS, MAUI						
	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	52,250	E	57,500	E
			TRN	5,000	N		N

TRN141 - MOLOKAI AIRPORT

5.	MOLOKAI AIRPORT, AIRPORT IMPROVEMENTS, MOLOKAI						
	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	6,230	E		E
			TRN	2,000	N		N

TRN161 - LIHUE AIRPORT

6.	LIHUE AIRPORT, AIRPORT IMPROVEMENTS, KAUAI						
	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	9,225	E	5,140	E
			TRN		1 N	4,600	N

TRN195 - AIRPORTS ADMINISTRATION

7.	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	154,877	E	656,162	E
			TRN	1,800	N	60,000	N

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
8.		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.	TRN TRN	50,000 E	39,000 E
				1 N	1 N
9.		AIRPORTS DIVISION CAPITAL IMPROVEMENT PROGRAM PROJECT STAFF COSTS, STATEWIDE PLANS, DESIGN, AND CONSTRUCTION FOR COSTS RELATED TO WAGES AND FRINGE BENEFITS FOR PERMANENT PROJECT FUNDED STAFF POSITIONS FOR THE IMPLEMENTATION OF CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR THE DEPARTMENT OF TRANSPORTATION'S AIRPORTS DIVISION. PROJECT MAY ALSO INCLUDE FUNDS FOR NON-PERMANENT CAPITAL IMPROVEMENT PROGRAM RELATED POSITIONS (OTHER FUNDS FROM PASSENGER FACILITY CHARGES).	TRN TRN	7,500 B	7,500 B
				200 X	200 X
10.		FACILITY IMPROVEMENTS, STATEWIDE DESIGN AND CONSTRUCTION FOR IMPROVEMENTS OF VARIOUS FACILITIES AND OTHER RELATED IMPROVEMENTS. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.	TRN TRN	89,500 E	56,500 E
				1 N	1 N
11.		LUMP SUM CIP - AIRPORTS PROJECT ADJUSTMENT FUND, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE ESTABLISHMENT OF A CONTINGENCY FUND FOR PROJECT ADJUSTMENT PURPOSES SUBJECT TO THE PROVISIONS OF THE APPROPRIATIONS ACT.	TRN	4 E	4 E
12.		RENTAL CAR FACILITY IMPROVEMENTS, STATEWIDE DESIGN AND CONSTRUCTION TO PROVIDE CONSOLIDATED CAR RENTAL FACILITIES FOR THE RENTAL CAR AGENCIES AND OTHER RELATED IMPROVEMENTS (OTHER FUNDS FROM CUSTOMER FACILITY CHARGES).	TRN	301,000 X	X

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2025-2026	M O F	FISCAL YEAR 2026-2027	M O F

TRN301 - HONOLULU HARBOR

13.		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	24,992	B	39,992	B
			TRN		4N		4N
			TRN		4R		4R

TRN303 - KALAELOA BARBERS POINT HARBOR

14.		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	4	B	34,992	B
			TRN		4N		4N
			TRN		4R		4R

TRN311 - HILO HARBOR

15.		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	44,992	B		
			TRN		4N		4N
			TRN		4R		4R

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F
TRN331 - KAHULUI HARBOR					
16.		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	9,992 B
			TRN	4N	4N
			TRN	4R	4R
TRN341 - KAUNAKAKAI HARBOR					
17.		KAUNAKAKAI HARBOR IMPROVEMENTS, MOLOKAI			
		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 KAUNAKAKAI HARBOR, MOLOKAI. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	4B	4B
			TRN	4N	4N
			TRN	4R	4R
TRN361 - NAWILIWILI HARBOR					
18.		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	9,992 B	4,992 B
			TRN	4N	4N
			TRN	4R	4R

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F

TRN351 - KAUMALAPAU HARBOR

19.		KAUMALAPAU HARBOR IMPROVEMENTS, LANAI			
		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 KAUMALAPAU HARBOR, LANAI. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	4B	1,992B
			TRN	4N	4N
			TRN	4R	4R

TRN395 - HARBORS ADMINISTRATION

20.		COMMERCIAL HARBORS ADMINISTRATIVE INITIATIVES, STATEWIDE			
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR COST RELATED TO STATEWIDE IMPROVEMENTS FOR THE DEPARTMENT OF TRANSPORTATION'S HARBORS DIVISION, STATEWIDE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	14,992B	14,992B
			TRN	4N	4N
			TRN	4R	4R
21.		MODERNIZATION PROGRAM - HARBORS DIVISION CIP PROJECT STAFF COSTS, STATEWIDE			
		PLANS FOR COSTS RELATED TO WAGES AND FRINGE BENEFITS FOR PERMANENT HARBOR MODERNIZATION PLAN PROJECT FUNDED STAFF POSITIONS FOR THE IMPLEMENTATION OF MODERNIZATION PROGRAM PROJECTS FOR THE DEPARTMENT OF TRANSPORTATION'S HARBORS DIVISION, STATEWIDE. PROJECTS MAY ALSO INCLUDE FUNDS FOR NON-PERMANENT CAPITAL IMPROVEMENT PROGRAM RELATED POSITIONS.			
		TOTAL FUNDING	TRN	2,500B	2,500B

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F
TRN501 - OAHU HIGHWAYS					
22.		ALA WAI CANAL AND WATERWAYS DEBRIS CLEARING, OAHU			
		DESIGN AND IMPLEMENT PILOT PROJECT FOR ALA WAI CANAL AND WATERWAYS TO PREVENT DEBRIS FROM FLOWING INTO THE ALA WAI SMALL BOAT HARBOR AND OCEAN.			
		TOTAL FUNDING	TRN	750 C	C
23.		INTERSTATE ROUTE H-1 IMPROVEMENTS, KUALAKAI INTERCHANGE TO WAIAWA INTERCHANGE, OAHU			
		DESIGN FOR THE ADDITION OF A TRAVEL LANE IN EACH DIRECTION OF INTERSTATE ROUTE H-1, BETWEEN KUALAKAI INTERCHANGE AND WAIAWA INTERCHANGE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	400 E	800 E
			TRN	1,600 N	3,200 N
24.		INTERSTATE ROUTE H-1, KUNIA EAST BOUND ON-RAMP, OAHU			
		PLANS FOR A KUNIA EAST BOUND ON-RAMP; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	TRN	1,500 E	E
25.		INTERSTATE ROUTE H-3, FINISH WORK AND MITIGATION, JUNCTION AT H-1 TO KMCAS, OAHU			
		CONSTRUCTION FOR FINISH WORK RELATED TO THE CONSTRUCTION OF INTERSTATE ROUTE H-3. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	2,428 E	E
			TRN	5,654 N	N
26.		KAMEHAMEHA HIGHWAY, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR A BARRIER AND SIGNAGE ALONG KAMEHAMEHA HIGHWAY NEAR THE KIPAPA GULCH BRIDGE TO ENHANCE PUBLIC SAFETY, PREVENT UNAUTHORIZED ENCAMPMENTS, AND ENSURE UNOBSTRUCTED ACCESS TO THE HIGHWAY.			
		TOTAL FUNDING	TRN	1,850 E	E

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
27.		KAMEHAMEHA HIGHWAY, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO KAMEHAMEHA HIGHWAY BETWEEN MILILANI AND PEARL CITY. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT. ²			
		TOTAL FUNDING	TRN	3,720 E	E
			TRN	14,880 N	N
28.		LAND ACQUISITION TO SUPPORT THE NORTH SHORE SUSTAINABLE COMMUNITIES PLAN, OAHU			
		PLANS, LAND ACQUISITION, AND DESIGN FOR ACQUISITION, DUE DILIGENCE, AND EIS FOR PARCEL LOCATED AT TMK: 6-4-001-015.			
		TOTAL FUNDING	TRN	4,695 C	C
29.		PAAKEA ROAD, OAHU			
		CONSTRUCTION FOR IMPROVEMENTS TO PAAKEA ROAD FOR USE AS AN EMERGENCY PARALLEL ROUTE ON THE WEST COAST OF OAHU.			
		TOTAL FUNDING	TRN	5,000 E	E
TRN511 - HAWAII HIGHWAYS					
30.		ALTERNATE ROUTE SELECTION STUDY FOR PUNA MAKAI ALTERNATE ROUTE, HAWAII			
		PLANS FOR ALTERNATIVE ROUTE FOR PUNA MAKAI.			
		TOTAL FUNDING	TRN	1,500 E	E
31.		ALTERNATE ROUTE SELECTION STUDY FOR PUNA MAUKA, HAWAII			
		PLANS FOR ALTERNATIVE ROUTE FOR PUNA MAUKA; 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	TRN	1,000 E	E
			TRN	1,000 S	S
32.		PUAINAKO STREET IMPROVEMENTS, HAWAII			
		DESIGN AND CONSTRUCTION FOR CORRIDOR IMPROVEMENTS ALONG PUAINAKO STREET. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	2,000 E	4,800 E
			TRN	N	19,200 N

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F
TRN531 - MAUI HIGHWAYS					
33.		HANA HIGHWAY IMPROVEMENTS, HUELO TO HANA, MAUI			
		CONSTRUCTION FOR IMPROVING, UPGRADING AND/OR REPAIRING ROADWAYS, BRIDGES, WALLS, DRAINAGE STRUCTURES, GUARDRAILS, AND OTHER FACILITIES ON ROUTE 360 HANA HIGHWAY. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,000 B	B
			TRN	4,000 N	N
34.		PIILANI HIGHWAY WIDENING, KILOHANA DRIVE TO WAILEA IKE DRIVE, MAUI			
		LAND ACQUISITION FOR SAFETY, OPERATIONAL, AND CAPACITY IMPROVEMENTS FOR VEHICLES AND MULTIMODAL USERS ALONG PIILANI HIGHWAY FROM KILOHANA DRIVE TO WAILEA IKE DRIVE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	E	100 E
			TRN	N	400 N
35.		WAIALE ROAD EXTENSION, MAUI			
		PLANS, DESIGN, AND CONSTRUCTION FOR A WAIALE ROAD EXTENSION TO THE WAIKAPU COUNTRY TOWN PROJECT. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	5,000 E	E
			TRN	1 N	N

TRN561 - KAUAI HIGHWAYS

36.		KAUMUALII HIGHWAY IMPROVEMENTS, LIHUE TO WEST OF MALUHIA ROAD, KAUAI			
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR WIDENING OF KAUMUALII HIGHWAY, LIHUE TO WEST OF MALUHIA ROAD, FROM TWO TO FOUR LANES. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	TRN	1,000 E	5,200 E
			TRN	4,000 N	20,800 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F
TRN595 - HIGHWAYS ADMINISTRATION					
37.		HIGHWAY DRAINAGE IMPROVEMENTS, STATEWIDE			
		LAND ACQUISITION, DESIGN, AND 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	1,348 B	B
			TRN	3,090 E	1,600 E
			TRN	4,360 N	4,000 N
38.		HIGHWAY ENVIRONMENTAL MITIGATION AND REMEDIATION, STATEWIDE			
		LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR ENVIRONMENTAL MITIGATION AND REMEDIATION MEASURES, INCLUDING EROSION CONTROL INSTALLATIONS AND BEST MANAGEMENT PRACTICES AT VARIOUS LOCATIONS, STATEWIDE.			
		TOTAL FUNDING	TRN	4,250 E	4,000 E
39.		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	962 E	E
			TRN	3,848 N	N
40.		HIGHWAY PROJECT CLOSEOUT, STATEWIDE			
		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	800 E	900 E
			TRN	2 N	3 N

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
41.		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	600 B	B
			TRN	4,425 E	4,300 E
			TRN	20,101 N	17,200 N
42.		HIGHWAY SAFETY IMPROVEMENTS, STATEWIDE			
		PLANS, LAND ACQUISITION, DESIGN, 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	1,405 B	300 B
			TRN	11,308 E	12,190 E
			TRN	24,994 N	9,560 N
43.		HIGHWAY STRUCTURAL FACILITIES PROGRAM, STATEWIDE			
		PLANS, 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	14,063 B	11,920 B
			TRN	66,686 E	72,603 E
			TRN	396,400 N	338,094 N
44.		HIGHWAY SYSTEM ENHANCEMENT, STATEWIDE			
		PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION 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	990 B	610 B
			TRN	15,738 E	5,631 E
			TRN	26,502 N	17,717 N

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
45.		HIGHWAY SYSTEM PRESERVATION IMPROVEMENTS, STATEWIDE			
		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	2,540 B	4,513 B
			TRN	23,361 E	E
			TRN	106,104 N	1 N
46.		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	1,775 B	B
			TRN	26,064 E	10,100 E
			TRN	32,394 N	40,400 N
			TRN	700 S	S
47.		PACIFIC PALISADES, OAHU			
		PLANS FOR AN EMERGENCY EGRESS/INGRESS ROUTE FOR PACIFIC PALISADES.			
		TOTAL FUNDING	TRN	1,000 C	C

D. ENVIRONMENTAL PROTECTION

HTH840 - ENVIRONMENTAL MANAGEMENT

1.	SAFE DRINKING WATER REVOLVING FUND, STATEWIDE				
	CONSTRUCTION TO PROVIDE STATE MATCH FUNDS 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	5,913 C	5,913 C	
		HTH	29,558 N	29,558 N	

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
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	5,082 C	5,082 C
			HTH	25,406 N	25,406 N
LNR401 - ECOSYSTEM PROTECTION AND RESTORATION					
3.		ANUENUE FISHERIES RESEARCH CENTER ANNEX. ROOF REPAIR/PHOTOVOLTAIC SYSTEM INSTALLATION, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR ROOF REPAIR AND INSTALLATION OF A PHOTOVOLTAIC SYSTEM AT THE ANUENUE FISHERIES RESEARCH CENTER ANNEX (AFRC ANNEX).			
		TOTAL FUNDING	LNR	750 C	C
4.		FISHING ACCESS IMPROVEMENTS, OAHU			
		PLANS, DESIGN, CONSTRUCTION, EQUIPMENT, AND RELATED WORK FOR IMPROVEMENTS ACROSS FISHING AREAS ON OAHU.			
		TOTAL FUNDING	LNR	400 C	C
LNR402 - NATIVE RESOURCES AND FIRE PROTECTION PROGRAM					
5.		KAWAINUI MARSH PROTECTION AND IMPROVEMENTS, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR PREDATOR FENCING, BUFFERS, AND ACCESS IMPROVEMENTS, VICINITY OF KAWAINUI LEVEE TO KAWAINUI MODEL AIRPLANE FIELD.			
		TOTAL FUNDING	LNR	8,750 C	C
6.		POHAKEA FIRE PREVENTION AND SUPPRESSION INFRASTRUCTURE, MAUI			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A SECTION OF DLNR LANDS IN WEST MAUI HIGHLY PRONE TO WILDFIRE DUE TO INVASIVE GRASSES. THE RECENT ACQUISITION OF THREE WELLS AND A 750,000-GALLON WATER TANK WILL ENABLE THE BRANCH TO REPLACE HAZARDOUS FUEL LOADS WITH GREEN BREAKS, RIPARIAN CORRIDORS, AND GRAZING BREAKS.			
		TOTAL FUNDING	LNR	1,750 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F

LNR404 - WATER RESOURCES

7.		DEEP MONITOR WELLS, STATEWIDE PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION TO CONSTRUCT AND/OR REPAIR DEEP MONITOR WELLS STATEWIDE TO MONITOR THE HEALTH OF DRINKING WATER AQUIFERS; GROUND AND SITE IMPROVEMENTS, AND OTHER RELATED WORK.			
		TOTAL FUNDING	LNR	2,000	C
8.		KEAUHOU AQUIFER SYSTEM, HAWAII PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR TWO DEEP MONITOR WELLS FOR THE KEAUHOU AQUIFER SYSTEM TO MONITOR THE HEALTH OF THE DRINKING WATER AQUIFER; GROUND AND SITE IMPROVEMENTS, AND OTHER RELATED WORK.			
		TOTAL FUNDING	LNR	4,000	C

LNR405 - CONSERVATION AND RESOURCES ENFORCEMENT

9.		DOCARE HAWAII BRANCH OFFICE BUILDING RENOVATION, HAWAII DESIGN AND CONSTRUCTION FOR THE RENOVATION OF THE DOCARE HAWAII BRANCH OFFICE DUE TO SEVERE TERMITE INFESTATION RESULTING IN MAJOR DAMAGE TO THE STRUCTURE, INCLUDING INTERIOR WALLS, SUPPORT BEAMS, DOORS, AND RELATED WORK.			
		TOTAL FUNDING	LNR	2,000	C
10.		LAND ACQUISITION, PLANS, AND DESIGN FOR DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT FACILITY, OAHU. LAND ACQUISITION, PLANS, AND DESIGN FOR DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT FACILITY, OAHU, TMK 7-4-001-025.			
		TOTAL FUNDING	LNR	2,450	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F
LNR407 - NATURAL AREA RESERVES AND WATERSHED MANAGEMENT					
11.		KAWAINUI MARSH, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION OF WATER TRANSFER SYSTEM FROM KAWAINUI MARSH ACROSS THE KAWAINUI FLOOD CONTROL LEVEE TO HAMAKUA MARSH AND IMPROVEMENTS TO ROAD AND ACCESS TO KAWAINUI FLOOD CONTROL LEVEE FOR MAINTENANCE TO USACE STANDARDS.			
		TOTAL FUNDING	LNR	2,200	C
12.		WATERSHED PROTECTION AND INITIATIVES, STATEWIDE			
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT TO PROTECT AND RESTORE FORESTED WATERSHEDS AND OTHER WATER SUPPLIES, STATEWIDE; EQUIPMENT AND APPURTENANCES, 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.			
		TOTAL FUNDING	LNR	5,000	C
E. HEALTH					
HTH100 - COMMUNICABLE DISEASE AND PUBLIC HEALTH NURSING					
1.		KALAUPAPA SETTLEMENT, CARE HOME IMPROVEMENTS, MOLOKAI			
		DESIGN AND CONSTRUCTION FOR NECESSARY IMPROVEMENTS TO PROVIDE FOR HEALTH AND SAFETY, ACCESSIBILITY, AND OTHER CODE REQUIREMENTS.			
		TOTAL FUNDING	AGS	2,500	C
2.		KALAUPAPA SETTLEMENT, CLOSE C&D LANDFILL, AND INSTALL SYNTHETIC COVER LAYER AT MSW LANDFILL, MOLOKAI			
		DESIGN AND CONSTRUCTION TO CLOSE LANDFILLS AND INSTALL SYNTHETIC COVER.			
		TOTAL FUNDING	AGS	5,500	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F
HTH211 - KAHUKU HOSPITAL					
3.		KAHUKU MEDICAL CENTER, LUMP SUM PROJECTS, OAHU			
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR RENOVATION AND IMPROVEMENTS OF KAHUKU MEDICAL CENTER BUILDING AND CAMPUS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HTH	5,800 C	5,000 C
HTH212 - HAWAII HEALTH SYSTEMS CORPORATION - REGIONS					
4.		HOOLA LAHUI HAWAII, KAUAI			
		PLANS AND DESIGN FOR A MEDICAL AND DENTAL OUTPATIENT CLINIC FOR A FEDERALLY QUALIFIED HEALTH CENTER AND NATIVE HAWAIIAN HEALTH CARE SYSTEM SITE.			
		TOTAL FUNDING	HTH	1,500 C	C
5.		KAU HOSPITAL, KEAAU OUTPATIENT CENTER, HAWAII			
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR SITE WORK FOR A NEW AMBULATORY CARE CENTER IN KEAAU, PROVIDED THAT NO FUNDS SHALL BE MADE AVAILABLE UNLESS MATCHED DOLLAR-FOR-DOLLAR IN CASH OR BY IN-KIND DONATIONS BY THE PRIVATE SECTOR.			
		TOTAL FUNDING	HTH	C	25,000 C
			HTH	R	25,000 R
6.		LUMP SUM HAWAII HEALTH SYSTEMS CORPORATION - HAWAII REGION, HAWAII			
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE HAWAII REGIONS OF THE HAWAII HEALTH SYSTEMS CORPORATION FOR IMPROVEMENTS AND RENOVATIONS INCLUDING RENOVATIONS AND/OR EXPANSION OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HTH	5,500 C	4,300 C
7.		LUMP SUM HAWAII HEALTH SYSTEMS CORPORATION - KAUAI REGION, KAUAI			
		DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE KAUAI REGION OF THE HAWAII HEALTH SYSTEMS CORPORATION FOR IMPROVEMENTS AND RENOVATIONS INCLUDING NEW FACILITIES, RENOVATION, EXPANSION, AND/OR REPLACEMENT OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HTH	20,000 C	12,500 C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
8.		SAMUEL MAHELONA MEMORIAL HOSPITAL MASTER PLAN, KAUAI PLANS AND DESIGN FOR DEVELOPMENT OF A MASTER PLAN FOR SAMUEL MAHELONA MEMORIAL HOSPITAL, INCLUDING CONNECTOR ROAD PLANNING.			
		TOTAL FUNDING	HTH	500 C	C
9.		WHR KONA COMMUNITY HOSPITAL - EMERGENCY DEPARTMENT, HAWAII PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE RECONFIGURATION AND RENOVATION OF THE EMERGENCY ROOM AND ADJACENT CRITICAL CARE FACILITIES.			
		TOTAL FUNDING	HTH	1,339 C	11,909 C
HTH214 - MAUI HEALTH SYSTEM, A KFH LLC					
10.		LUMP SUM MAUI HEALTH SYSTEM, FACILITIES REPAIR, RENOVATIONS AND UPGRADES, MAUI AND LANAI PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS, REPAIRS, RENOVATIONS, EXPANSION, MODERNIZATION AND UPGRADES TO MAUI MEMORIAL MEDICAL CENTER (MMMC), KULA HOSPITAL (KH), AND LANAI COMMUNITY HOSPITAL (LCH).			
		TOTAL FUNDING	HTH	6,000 C	6,000 C
HTH215 - HHSC - OAHU REGION					
11.		LUMP SUM HAWAII HEALTH SYSTEMS CORPORATION, OAHU REGION, OAHU DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE OAHU REGION OF THE HAWAII HEALTH SYSTEMS CORPORATION FOR IMPROVEMENTS AND RENOVATIONS INCLUDING RENOVATIONS AND/OR EXPANSION OF FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	HTH	5,600 C	5,110 C
HTH430 - ADULT MENTAL HEALTH - INPATIENT					
12.		HAWAII STATE HOSPITAL, HALE HOOLA BUILDING, RENOVATIONS, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR RENOVATIONS TO THE HAWAII STATE HOSPITAL.			
		TOTAL FUNDING	AGS	16,000 C	11,000 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
13.		HAWAII STATE HOSPITAL, HEALTH AND SAFETY, OAHU DESIGN AND CONSTRUCTION FOR NECESSARY IMPROVEMENTS TO PROVIDE FOR HEALTH AND SAFETY, ACCESSIBILITY, AND OTHER CODE REQUIREMENTS.			
		TOTAL FUNDING	AGS	3,150 C	5,750 C
14.		HAWAII STATE HOSPITAL, REPAIR CHILLED WATER LINE AND RELATED IMPROVEMENTS, OAHU DESIGN, CONSTRUCTION, AND EQUIPMENT TO REPAIR UNDERGROUND CHILLED WATER LINE AND OTHER RELATED IMPROVEMENTS.			
		TOTAL FUNDING	AGS	1,000 C	C
15.		HAWAII STATE HOSPITAL, WATER SYSTEM IMPROVEMENTS AND OTHER WORK, OAHU DESIGN AND CONSTRUCTION FOR WATER SYSTEM IMPROVEMENTS AND OTHER WORK.			
		TOTAL FUNDING	AGS	3,500 C	C

F. SOCIAL SERVICES

HMS503 - HAWAII YOUTH CORRECTIONAL FACILITY (HYCF)

1.	KYFWC SECURED CUSTODY FACILITY REROOF, OAHU DESIGN AND CONSTRUCTION TO REPAIR AND RENOVATE THE SECURED CUSTODY FACILITY'S ROOF AT THE KAWAIOLOA YOUTH AND FAMILY WELLNESS CENTER CAMPUS.				
	TOTAL FUNDING	AGS	3,720 C		C

DEF112 - SERVICES TO VETERANS

2.	3RD HAWAII STATE VETERAN'S HOME, MAUI PLANS, DESIGNS, CONSTRUCTION, AND EQUIPMENT COSTS FOR A NEW LONG-TERM CARE STATE VETERANS HOME ON THE ISLAND OF MAUI. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.				
	TOTAL FUNDING	DEF	35,000 C		C
		DEF	58,000 P		P

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
HMS220 - RENTAL HOUSING SERVICES					
3.		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND FOR HPHA KA LEI MOMI DEVELOPMENT, MAYOR WRIGHT HOMES, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION TO PROVIDE AN INFUSION OF FUNDS TO FINANCE HPHA KA LEI MOMI DEVELOPMENT, MAYOR WRIGHT HOMES.			
		TOTAL FUNDING	BED	56,000 C	C
4.		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND FOR HPHA KA LEI MOMI PREDEVELOPMENT, KAAHUMANU HOMES I, OAHU			
		PLANS AND DESIGN TO PROVIDE AN INFUSION OF FUNDS TO FINANCE HPHA KA LEI MOMI PREDEVELOPMENT, KAAHUMANU HOMES I, WHICH MAY INCLUDE ASSESSMENTS, STUDIES, PERMITTING, ARCHITECTURAL DESIGNS, AND OTHER RELATED WORK.			
		TOTAL FUNDING	BED	2,350 C	C
5.		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND FOR HPHA KA LEI MOMI PREDEVELOPMENT, KAAHUMANU HOMES, MULTI-PHASE, OAHU			
		PLANS AND DESIGN TO PROVIDE AN INFUSION OF FUNDS TO FINANCE HPHA KA LEI MOMI PREDEVELOPMENT, KAAHUMANU HOMES, MULTI-PHASE, WHICH MAY INCLUDE ASSESSMENTS, STUDIES, PERMITTING, ARCHITECTURAL DESIGNS, AND OTHER RELATED WORK.			
		TOTAL FUNDING	BED	700 C	C
6.		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND FOR HPHA KA LEI MOMI PREDEVELOPMENT, KAPAA HOMES, KAUAI			
		PLANS AND DESIGN TO PROVIDE AN INFUSION OF FUNDS TO FINANCE HPHA KA LEI MOMI PREDEVELOPMENT, KAPAA HOMES, WHICH MAY INCLUDE ASSESSMENTS, STUDIES, PERMITTING, ARCHITECTURAL DESIGNS, AND OTHER RELATED WORK.			
		TOTAL FUNDING	BED	4,000 C	C
7.		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND FOR HPHA KA LEI MOMI PREDEVELOPMENT, LANAKILA HOMES I, HAWAII			
		PLANS AND DESIGN TO PROVIDE AN INFUSION OF FUNDS TO FINANCE HPHA KA LEI MOMI PREDEVELOPMENT, LANAKILA HOMES I, WHICH MAY INCLUDE ASSESSMENTS, STUDIES, PERMITTING, ARCHITECTURAL DESIGNS, AND OTHER RELATED WORK.			
		TOTAL FUNDING	BED	3,500 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2025-2026	M O F	FISCAL YEAR 2026-2027	M O F
8.		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND FOR HPHA KA LEI MOMI PREDEVELOPMENT, LANAKILA HOMES, MULTI-PHASE, HAWAII					
		PLANS AND DESIGN TO PROVIDE AN INFUSION OF FUNDS TO FINANCE HPHA KA LEI MOMI PREDEVELOPMENT, LANAKILA HOMES, MULTI-PHASE, WHICH MAY INCLUDE ASSESSMENTS, STUDIES, PERMITTING, ARCHITECTURAL DESIGNS, AND OTHER RELATED WORK.					
		TOTAL FUNDING	BED	700	C		C
9.		CASH INFUSION FOR RENTAL HOUSING REVOLVING FUND FOR HPHA KA LEI MOMI PREDEVELOPMENT, NANAKULI HOMES, OAHU					
		PLANS AND DESIGN TO PROVIDE AN INFUSION OF FUNDS TO FINANCE HPHA KA LEI MOMI PREDEVELOPMENT, NANAKULI HOMES, WHICH MAY INCLUDE ASSESSMENTS, STUDIES, PERMITTING, ARCHITECTURAL DESIGNS, AND OTHER RELATED WORK.					
		TOTAL FUNDING	BED	750	C		C
HHL602 - PLANNING AND DEVELOPMENT FOR HAWAIIAN HOMESTEADS							
10.		LUMP SUM REPAIR AND MAINTENANCE - HAWAIIAN HOME LANDS EXISTING INFRASTRUCTURE, STATEWIDE					
		PLANS, DESIGN, AND CONSTRUCTION FOR REPAIR AND MAINTENANCE OF EXISTING INFRASTRUCTURE ON VARIOUS HAWAIIAN HOME LANDS, STATEWIDE.					
		TOTAL FUNDING	HHL	20,000	C		C
HMS904 - GENERAL ADMINISTRATION - DHS							
11.		IT MODERNIZATION FOR THE BES SYSTEM, STATEWIDE					
		CONSTRUCTION TO COMPLETE THE BENEFITS ELIGIBILITY SOLUTION (BES) IT SYSTEM.					
		TOTAL FUNDING	HMS	10,000	C		C
HMS777 - OFFICE ON HOMELESSNESS AND HOUSING SOLUTIONS							
12.		KAUHALE DEVELOPMENT PROJECTS LUMP SUM, STATEWIDE					
		PLANS, DESIGN, LAND ACQUISITION, CONSTRUCTION, AND EQUIPMENT FOR KAUHALE DEVELOPMENT PROJECTS, STATEWIDE, GROUND AND SITE IMPROVEMENT; ACCESS, SERVICES, AND RELATED IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.					
		TOTAL FUNDING	HMS	24,400	C	13,000	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F

G. FORMAL EDUCATION

EDN100 - SCHOOL-BASED BUDGETING

1.	JAMES CAMPBELL HIGH SCHOOL, OAHU	CONTINUATION OF PHASED FUNDING FOR TITLE IX PROJECT FOR DESIGN AND CONSTRUCTION OF ATHLETIC STADIUM AND SUPPORT FACILITIES, INCLUDING LOCKER ROOMS UNDER BLEACHERS, FITNESS AND WEIGHT ROOM, RENOVATION OF PLAY COURTS; AND ALTERNATIVES, INCLUDING CONCESSION STAND, RESTROOM, AND VISITOR BLEACHERS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	TOTAL FUNDING EDN	9,000 C	C
2.	KAILUA HIGH SCHOOL, OAHU	PLANS, DESIGN, AND CONSTRUCTION FOR THE ATHLETIC COMPLEX GIRLS LOCKER ROOM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	TOTAL FUNDING EDN	9,500 C	C
3.	LUMP SUM CIP - CAPACITY, STATEWIDE	PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR CAPACITY; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.	TOTAL FUNDING EDN	3,000 C	C
4.	LUMP SUM CIP - COMPLIANCE, STATEWIDE	DESIGN AND CONSTRUCTION PROJECTS TO BRING THE DOE IN COMPLIANCE WITH ADA, ABR, AND GENDER EQUITY REQUIREMENTS.	TOTAL FUNDING EDN	16,000 C	C
5.	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	71,000 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2025-2026	M O F	FISCAL YEAR 2026-2027	M O F
6.		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		C	30,000	C
					P	120,000	P
7.		LUMP SUM CIP - HEALTH AND SAFETY, STATEWIDE					
		PLANS, DESIGN, AND CONSTRUCTION FOR IMPROVEMENTS TO SCHOOL FACILITIES AND GROUNDS TO MEET HEALTH AND SAFETY REQUIREMENTS/ LAWS, AND ORDINANCES AND/OR COUNTY REQUIREMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.					
		TOTAL FUNDING	EDN	40,000	C		C
8.		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	2,000	C		C
9.		LUMP SUM CIP - PROJECT COMPLETION, STATEWIDE					
		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	50,000	C		C
10.		LUMP SUM CIP - SUPPORT FACILITIES, STATEWIDE					
		DESIGN AND CONSTRUCTION FOR THE IMPROVEMENT OF EXISTING OR NEW SCHOOL FACILITIES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.					
		TOTAL FUNDING	EDN	18,000	C		C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
11.		LUMP SUM CIP - TELECOMMUNICATIONS, STATEWIDE			
		DESIGN, CONSTRUCTION, AND EQUIPMENT TO MAINTAIN AND IMPROVE DOE'S CONVERGED INFRASTRUCTURE PROVIDING BELLS AND PAGING FOR SCHOOL SAFETY; CONVERGED INFRASTRUCTURE PROVIDING SCHOOLS' ACCESS TO ONLINE LEARNING AND INTERNET RESOURCES; TELECOMMUNICATIONS, AND ELECTRICAL INFRASTRUCTURE IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	3,000	C
12.		MCKINLEY HS ATHLETIC COMPLEX IMPROVEMENTS, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR VARIOUS ATHLETIC COMPLEX IMPROVEMENTS, INCLUDING BLEACHERS AND LIGHTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	7,000	C
13.		PAIA ELEMENTARY SCHOOL NEW CLASSROOM, MAUI			
		CONSTRUCTION FOR A NEW CLASSROOM BUILDING AT PAIA ELEMENTARY SCHOOL, MAUI.			
		TOTAL FUNDING	EDN	35,000	C
14.		PUU KUKUI ELEMENTARY SCHOOL, MAUI			
		PLANS, DESIGN, AND CONSTRUCTION FOR TWO PORTABLE CLASSROOMS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	3,200	C
15.		REGIONAL KITCHENS, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, GROUND AND SITE IMPROVEMENTS, EQUIPMENT, FURNISHING, AND APPURTENANCES FOR THE EXPANSION OF REGIONAL KITCHENS, STATEWIDE.			
		TOTAL FUNDING	EDN	55,650	16,500 C
16.		WILCOX ELEMENTARY SCHOOL TENNIS COURTS, KAUAI			
		PLANS, DESIGN, AND CONSTRUCTION FOR RECONSTRUCTION AND IMPROVEMENTS OF TENNIS COURTS INCLUDING FENCING, TENNIS NETS, RESURFACING, AND STRIPING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	EDN	950	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F

EDN450 - SCHOOL FACILITIES AUTHORITY

17.		LUMP SUM CIP - PRE-KINDERGARTEN CAPACITY			
		PLANS, DESIGN, CONSTRUCTION, EQUIPMENT AND APPURTENANCES FOR NEW FACILITIES AND/OR RENOVATION, IMPROVEMENT, AND EXPANSION OF EXISTING SCHOOL FACILITIES; GROUND & SITE IMPROVEMENTS.			
		TOTAL FUNDING	EDN	20,000 C	C
18.		NEW CENTRAL MAUI ELEMENTARY AND MIDDLE SCHOOL, MAUI			
		PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, EQUIPMENT AND APPURTENANCES FOR NEW K-8 SCHOOL USING STANDARDS BASED DESIGNS, MODERN EDUCATIONAL SPECIFICATIONS, DESIGN GUIDES, CONSTRUCTION SPECIFICATIONS, STANDARD TECHNICAL DRAWINGS, AND COMMISSIONING PLANS, FOR ACCELERATED CONSTRUCTION SCHEDULES AND BUILDING MAINTAINABILITY.			
		TOTAL FUNDING	EDN	35,000 C	C

EDN407 - PUBLIC LIBRARIES

19.		HAWAII STATE PUBLIC LIBRARY SYSTEM, HEALTH AND SAFETY, STATEWIDE			
		PLANS, DESIGN AND CONSTRUCTION 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 GROUNDS, AND NEW CONSTRUCTION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	AGS	25,000 C	25,000 C
20.		KAPAA LIBRARY, KAUAI			
		PLANS AND DESIGN FOR A NEW KAPAA LIBRARY.			
		TOTAL FUNDING	AGS	2,000 C	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F
DEF114 - HAWAII NATIONAL GUARD YOUTH CHALLENGE ACADEMY					
21.		YOUTH CHALLENGE ACADEMY B1786 AND B1787 UPGRADES AND IMPROVEMENTS, OAHU			
		DESIGN AND CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS TO BUILDINGS 1786 AND 1787, INCLUDING BUT NOT LIMITED TO WINDOW SYSTEM, PLUMBING, AIR CONDITIONING, EMERGENCY GENERATOR SYSTEM, UTILITY SYSTEM, FIRE ALARMS, AND OTHER SYSTEMS AT THE YOUTH CHALLENGE ACADEMY IN KALAELOA, OAHU.			
		TOTAL FUNDING	DEF	8,000 C	C
UOH100 - UNIVERSITY OF HAWAII, MANOA					
22.		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	9,000 C	C
23.		UHM, STUDENT HOUSING SERVICES (SHS) IMPROVEMENTS, OAHU			
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO THE UH MANOA STUDENT HOUSING SERVICES FACILITIES. PROJECTS TO INCLUDE RENEWAL, IMPROVEMENTS, AND MODERNIZATION TO THE INTERIOR AND EXTERIOR OF THE FACILITIES. IMPROVEMENTS INCLUDE BUT ARE NOT LIMITED TO ROOFS, BUILDING ENVELOPE, MECHANICAL, ELECTRICAL, PLUMBING, FIRE PROTECTION SYSTEMS, ELEVATORS, STRUCTURAL, AND PEDESTRIAN PATHWAYS.			
		TOTAL FUNDING	UOH	30,750 C	28,500 C
			UOH	30,750 E	28,500 E
24.		UNIVERSITY OF HAWAII AT MANOA COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESILIENCE, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR THE WAIMANALO CTAHR AGRICULTURAL RESEARCH AND EXTENSION STATION (CARES) CENTER, INCLUDING REPAIRS, MAINTENANCE, AND DEMOLITION OF BUILDINGS, AND PHASE 1 REDESIGN.			
		TOTAL FUNDING	UOH	4,000 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
25.		UNIVERSITY OF HAWAII AT MANOA COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESILIENCE, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR DEVELOPMENT OF THE CONTROLLED ENVIRONMENTAL AGRICULTURE INNOVATION FARM LOCATED AT THE MAGOON RESEARCH STATION IN MANOA.			
		TOTAL FUNDING	UOH	6,000 C	C
26.		UNIVERSITY OF HAWAII, MANOA CAMPUS, ATHLETIC FACILITY IMPROVEMENTS, OAHU PLANS, DESIGN, AND CONSTRUCTION FOR VARIOUS REPAIRS AND IMPROVEMENTS TO ATHLETIC FACILITIES AND FIELD IMPROVEMENTS.			
		TOTAL FUNDING	UOH	10,000 C	C
UOH210 - UNIVERSITY OF HAWAII, HILO					
27.		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	15,000 C	C
UOH700 - UNIVERSITY OF HAWAII, WEST OAHU					
28.		UHWO, RENEW, IMPROVE, AND MODERNIZE, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS TO UNIVERSITY OF HAWAII AT WEST OAHU FACILITIES. PROJECTS TO INCLUDE RENEWAL, IMPROVEMENTS, AND MODERNIZATION OF INTERIOR AND EXTERIOR STRUCTURES, ROOFS, MECHANICAL AND ELECTRICAL SYSTEMS, PEDESTRIAN PATHWAYS, ROADWAYS, GROUNDS, AND OTHER PROJECT COSTS TO UPGRADE EXISTING TEMPORARY AND NEW FACILITIES; PLANNING PROJECTS AND STUDIES; AND ALL PROJECT RELATED COSTS.			
		TOTAL FUNDING	UOH	6,500 C	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
UOH800 - UNIVERSITY OF HAWAII, COMMUNITY COLLEGES					
29.		CCS, CAPITAL RENEWAL AND DEFERRED MAINTENANCE, AND MINOR CIP STATEWIDE			
		DESIGN AND CONSTRUCTION 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		20,000 C	C
30.		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		20,000 C	C
31.		KAUAI CC, STUDENT, FACULTY/STAFF, AND WORKFORCE HOUSING, KAUAI			
		PLANS, DESIGN, AND CONSTRUCTION FOR STUDENT, FACULTY/STAFF, AND WORKFORCE HOUSING; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING UOH		5,000 C	10,000 C

UOH900 - UNIVERSITY OF HAWAII, SYSTEMWIDE SUPPORT

32.		HAWAII UNDERSEA RESEARCH LABORATORY AND MAKAI PIER, OAHU			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT RELATED TO THE DEMOLITION OF THE HAWAII UNDERSEA RESEARCH LABORATORY BUILDING AND APPURTENANT REPAIRS TO MAKAI PIER.			
		TOTAL FUNDING UOH		500 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2025-2026	M O F	FISCAL YEAR 2026-2027	M O F
33.		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	50,000	C		C
34.		SYSTEM, UNIVERSITY OF HAWAII PROJECT ADJUSTMENT FUND, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE ESTABLISHMENT OF A CONTINGENCY FUND FOR PROJECT ADJUSTMENT PURPOSES SUBJECT TO THE PROVISIONS OF THE APPROPRIATIONS ACT.					
		TOTAL FUNDING	UOH		4C		4C

H. CULTURE AND RECREATION

UOH881 - AQUARIA

1.	WAIKIKI AQUARIUM IMPROVEMENTS, OAHU						
	PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REPLACEMENT OF THE CEILING IN EXHIBIT GALLERIES, RESURFACING OF THE GALLERY FLOORING, AND UPGRADING OF THE ELECTRICAL SYSTEM IN AQUARIUM.						
		TOTAL FUNDING	UOH	1,702	C		C

AGS881 - STATE FOUNDATION ON CULTURE AND THE ARTS

2.	PERFORMING ARTS CENTER, OAHU						
	LAND ACQUISITION, PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR A PERFORMING ARTS CENTER, OAHU, TMK 7-4-007-002.						
		TOTAL FUNDING	AGS	8,500	C		C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
LNR806 - PARKS ADMINISTRATION AND OPERATION					
3.		STATE PARKS INFRASTRUCTURE AND PARK IMPROVEMENTS, LUMP SUM, STATEWIDE			
		DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO STATE PARKS (WAILUA RIVER SP, PUA'A KA'A SW, WAILOA RIVER SRA, KEOLONAHIHI SHP, KEAIWA HEIAU SRA), STATEWIDE. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID REIMBURSEMENT AND/OR FINANCING.			
		TOTAL FUNDING	LNR	2,650 C	C
			LNR	500 N	N
4.		WAHIAWA FRESHWATER STATE RECREATION AREA PARK IMPROVEMENTS, OAHU			
		PLANS, DESIGN, CONSTRUCTION, EQUIPMENT, AND FURNISHINGS FOR PARK IMPROVEMENTS, EXPANSION, AND THE DEVELOPMENT OF FACILITIES AT WAHIAWA FRESHWATER STATE RECREATION AREA. THIS PROJECT IS DEEMED NECESSARY TO QUALIFY FOR FEDERAL AID FINANCING AND/OR REIMBURSEMENT.			
		TOTAL FUNDING	LNR	5,750 C	2,150 C
			LNR	250 N	250 N
LNR801 - OCEAN-BASED RECREATION					
5.		ALA WAI CANAL WALL REPAIR, OAHU			
		PLANS, DESIGN, AND CONSTRUCTION FOR ALA WAI SBH CANAL WALL REPAIR AND HAUL-OUT REMOVAL; EQUIPMENT AND APPURTENANCES.			
		TOTAL FUNDING	LNR	5,000 C	C
6.		KAWAIHAE NORTH SMALL BOAT HARBOR, HAWAII			
		DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO HARBOR DOCK, BREAK WALL, AND RELATED IMPROVEMENTS.			
		TOTAL FUNDING	LNR	9,450 C	C
7.		LAHAINA SMALL BOAT HARBOR MAINTENANCE DREDGING, MAUI			
		CONSTRUCTION FOR MAINTENANCE DREDGING OF HARBOR BASIN AND ENTRANCE CHANNEL.			
		TOTAL FUNDING	LNR	5,000 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
8.		LAHAINA SMALL BOAT HARBOR RECONSTRUCTION OF OUTER MARGINAL WHARF, MAUI			
		DESIGN AND CONSTRUCTION OF HARBOR OUTER MARGINAL WHARF DESTROYED BY AUGUST 2023 WILDFIRES.			
		TOTAL FUNDING	LNR	8,000	C
9.		POHOIKI SAFE SWIM AREA, HAWAII			
		PLANS AND DESIGN INCLUDING FEASIBILITY STUDY AND SITE SELECTION FOR THE CONSTRUCTION OF A SAFE SWIM AREA LOCATED IN POHOIKI.			
		TOTAL FUNDING	LNR	200	C
10.		REPLACEMENT OF FISH HOIST AND CONCRETE LANDING STRUCTURES, MILOLII LANDING, HAWAII			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REPLACEMENT OF FISH HOIST WITH NEW FISH HOIST ASSEMBLY AND CONCRETE FOOTING; REMOVAL OF EXISTING DAMAGED/DETERIORATING CONCRETE LANDING STRUCTURES, AND CONSTRUCTION OF NEW CONCRETE LANDING STRUCTURES INCLUDING NEW CLEATS AND BULL RAILS.			
		TOTAL FUNDING	LNR	1,000	C

I. PUBLIC SAFETY

LAW900 - GENERAL ADMINISTRATION

1.		PLANS, DESIGN, CONSTRUCTION, EQUIPMENT AND FURNISHING FOR DEPARTMENT OF LAW ENFORCEMENT FACILITY, OAHU			
		PLANS, DESIGN, CONSTRUCTION, EQUIPMENT AND FURNISHING FOR A DEPARTMENT OF LAW ENFORCEMENT FACILITY. GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES, TMKs 7-1-002:004 (por.) 009 (por.); 023(por.).			
		TOTAL FUNDING	LAW	3,000	C

PSD900 - GENERAL ADMINISTRATION

2.		DCR 10-YR DEPARTMENT MASTER PLAN, NEW FACILITIES, AND SUSTAINABLE MASTER PLANS, AND OTHER PLANNING ASSESSMENTS, STATEWIDE			
		PLANS TO UPDATE THE DEPARTMENT OF CORRECTIONS AND REHABILITATION'S 10-YEAR MASTER PLAN, NEW FACILITY, AND SUSTAINABILITY MASTER PLANS AND OTHER PLANNING ASSESSMENTS, STATEWIDE.			
		TOTAL FUNDING	AGS	250	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL M YEAR O 2025-2026 F	FISCAL M YEAR O 2026-2027 F
3.		DCR 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		5,000 C	C
4.		DCR FAC-WIDE SECURITY PERIMETER FENCING REPAIRS, UPGRADES, AND RELATED IMPROVEMENTS, LUMP SUM CIP, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT TO REPAIR, UPGRADE, AND CONDUCT NECESSARY GROUND IMPROVEMENTS TO DCR'S FACILITIES STATEWIDE, PERIMETER SECURITY FENCE SYSTEM REPAIRS, RETAINING WALLS, AND REPAIRS TO IMPACTED AREAS, WHILE ALSO PROVIDING THE NECESSARY SECURITY PERIMETER MONITORING SYSTEMS, LIGHTING, AND SECURITY CAMERA SYSTEM WHERE NEEDED. TOTAL FUNDING AGS		10,000 C	C
5.		DCR, DOJ ARCHITECTURAL BARRIER REMOVAL, ADA AND OTHER RELATED IMPROVEMENTS, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT TO CORRECT AND ADDRESS CURRENT ADA VIOLATIONS CITED BY THE U.S. DEPT OF JUSTICE (DOJ) UNDER A SETTLEMENT AGREEMENT WITH THE STATE OF HAWAII, AND TO ADDRESS ASSOCIATED ADA NON-DOJ CODE VIOLATIONS AT DCR FACILITIES, STATEWIDE. TOTAL FUNDING AGS		7,000 C	C
6.		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		28,500 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2025-2026	M O F	FISCAL YEAR 2026-2027	M O F
7.		MAUI COMMUNITY CORRECTIONAL CENTER RENOVATION, SECURITY UPGRADE, AND OTHER IMPROVEMENTS, TO INCLUDE THE MEDICAL AND MENTAL HEALTH AREAS, MAUI PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS, RENOVATIONS, REFURBISHMENTS, UPGRADES, INFRASTRUCTURE WORK, AND NEW CONSTRUCTION FOR THE MAUI COMMUNITY CORRECTIONAL CENTER; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.					
		TOTAL FUNDING	AGS	4,000	C		C
8.		NEW OAHU COMMUNITY CORRECTIONAL CENTER FACILITY, OAHU PLANS, LAND ACQUISITION, DESIGN, AND CONSTRUCTION FOR THE PROJECT MANAGEMENT SUPPORT AND FINANCIAL PARTICIPATION BY THE STATE OF HAWAII TO FUND AND CONSTRUCT THE NEW OAHU COMMUNITY CORRECTIONAL CENTER (OCCC) FACILITY, OAHU.					
		TOTAL FUNDING	AGS	15,000	C	15,000	C
9.		WOMEN'S COMMUNITY CORRECTIONAL CENTER, KITCHEN EXPANSION, AND RELATED INTERIM AND PERMANENT IMPROVEMENTS, OAHU PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE EXPANSION, MODERNIZATION, AND UPGRADE OF THE WOMEN'S COMMUNITY CORRECTIONAL CENTER (WCCC) KITCHEN SERVICES AND RELATED SUPPORT AND EDUCATIONAL SERVICES, FACILITY-WIDE.					
		TOTAL FUNDING	PSD	5,000	C		C

DEF110 - AMELIORATION OF PHYSICAL DISASTERS

10.		FORT RUGER REPLACEMENT ELEVATOR, OAHU CONSTRUCTION FOR A REPLACEMENT OF THE ELEVATOR AT FORT RUGER, BUILDING 306A.					
		TOTAL FUNDING	DEF	725	C		C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F
DEF116 - HAWAII ARMY AND AIR NATIONAL GUARD					
11.		UPGRADES AND IMPROVEMENTS TO HAWAII ARMY NATIONAL GUARD FACILITIES, STATEWIDE			
		DESIGN AND CONSTRUCTION FOR UPGRADES AND IMPROVEMENTS TO FACILITIES SUPPORTING UNIT STATIONING/RESTATIONING REQUIREMENTS AND/OR FACILITATE COMPLIANCE WITH FEDERAL, STATE, AND LOCAL SAFETY AND ENVIRONMENTAL REQUIREMENTS. IMPROVEMENTS TO INCLUDE BUT NOT BE 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	1,173 C	C
			DEF	3,223 P	P
DEF118 - HAWAII EMERGENCY MANAGEMENT AGENCY					
12.		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	1,500 C	1,500 C
			AGS	1,500 P	1,500 P
13.		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.			
		TOTAL FUNDING	AGS	5,000 C	5,000 C
K. GOVERNMENT-WIDE SUPPORT					
BED144 - STATEWIDE PLANNING AND COORDINATION					
1.		EAST KAPOLEI TOD INFRASTRUCTURE, OAHU			
		PLANS FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR THE EAST KAPOLEI TOD DISTRICT.			
		TOTAL FUNDING	BED	500 C	C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
2.		STATE TRANSIT-ORIENTED DEVELOPMENT (TOD) PLANNING, STATEWIDE PLANS, FEASIBILITY AND COST STUDIES, AND COORDINATION OF TOD PROJECTS, TOD PUBLIC INFRASTRUCTURE REQUIREMENTS, AND RELATED ENVIRONMENTAL REVIEW DOCUMENTS FOR TOD PROJECTS IN STATE TOD STRATEGIC PLAN, STATEWIDE.			
		TOTAL FUNDING	BED	2,000	C
3.		WAIKIKI RESILIENCE AND SEA LEVEL RISE ADAPTATION PROJECT, OAHU PLANS AND DESIGN FOR THE WAIKIKI RESILIENCE AND SEA LEVEL RISE ADAPTATION PROJECT.			
		TOTAL FUNDING	BED	5,000	C
AGS131 - ENTERPRISE TECHNOLOGY SERVICES					
4.		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.			
		TOTAL FUNDING	AGS	4,000	2,000 C
LNR101 - PUBLIC LANDS MANAGEMENT					
5.		CESSPOOL CLOSURES IN ACCORDANCE WITH EPA CONSENT ORDER, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR CLOSURE OF LARGE CAPACITY CESSPOOLS (LCC) IN ACCORDANCE WITH THE CONSENT AGREEMENT AND FINAL ORDER (CA/FO) WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA).			
		TOTAL FUNDING	LNR	1,500	B
6.		DEMOLITION OF EXISTING IMPROVEMENTS AT 121 BANYAN DRIVE, HAWAII PLANS AND DESIGN FOR DEMOLITION OF 121 BANYAN DRIVE, HILO, HAWAII.			
		TOTAL FUNDING	LNR	1,200	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
7.		EAST KAPOLEI TRANSIT ORIENTED DEVELOPMENT PROJECT, OAHU			
		PLANS AND DESIGN FOR THE DEVELOPMENT OF FOUR DLNR PARCELS ADJACENT TO AND NEARBY THE KEONEAE RAIL STATION.			
		TOTAL FUNDING	LNR	500 B	B
8.		HALAI STREET PROPERTY, AUWAI DRAINAGE, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION TO REMOVE EXISTING CRM DITCH AND INSTALL A 60-INCH RCP CULVERT.			
		TOTAL FUNDING	LNR	1,455 C	C
9.		LOWER KAPAHU RESERVOIR REMOVAL, KAUAI			
		PLANS AND DESIGN FOR BREACH OF LOWER KAPAHU RESERVOIR TO COMPLY WITH DAM SAFETY REGULATIONS.			
		TOTAL FUNDING	LNR	500 B	B
10.		SHANGRI LA BREAKWATER REMOVAL, OAHU			
		PLANS AND DESIGN FOR DEMOLITION OF STATE-OWNED STRUCTURE LOCATED IN THE OCEAN SEAWARD OF THE SHANGRI LA MUSEUM.			
		TOTAL FUNDING	LNR	700 B	B
11.		STADIUM IMPROVEMENTS, KAUAI			
		PLANS, DESIGN, AND CONSTRUCTION FOR TRACK AND FACILITY MAINTENANCE; REPAIR AND UPGRADES TO STADIUM; TRACK LIGHTING; SPECTATOR LIGHTING; EQUIPMENT ACQUISITION.			
		TOTAL FUNDING	LNR	700 C	C
AGS221 - PUBLIC WORKS - PLANNING, DESIGN, AND CONSTRUCTION					
12.		LUMP SUM CIP - PROJECT ADJUSTMENT FUND, STATEWIDE			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE ESTABLISHMENT OF A CONTINGENCY FUND FOR PROJECT ADJUSTMENT PURPOSES SUBJECT TO THE PROVISIONS OF THE APPROPRIATIONS ACT.			
		TOTAL FUNDING	AGS	4 C	4 C

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
13.		LUMP SUM MAINTENANCE OF EXISTING FACILITIES, PWD, STATEWIDE PLANS, LAND ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR IMPROVEMENTS AND MAINTENANCE OF PUBLIC FACILITIES AND SITES, STATEWIDE.			
		TOTAL FUNDING	AGS	20,000 C	C
14.		LUMP SUM STATE OFFICE BUILDING REMODELING, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR REMODELING AND UPGRADE OF STATE-OWNED OFFICES TO ACCOMMODATE STATE AGENCIES' OPERATIONAL REQUIREMENTS. PROJECT INCLUDES RENOVATION FOR REORGANIZATION, PROGRAM AND STAFFING CHANGES, AND CONSOLIDATION, AS WELL AS IMPROVEMENTS FOR OFFICE LAYOUTS, ENERGY CONSERVATION, LIGHTING, A/C, VENTILATION, PLUMBING, ELECTRICAL, AND DATA/COMMUNICATIONS SYSTEMS.			
		TOTAL FUNDING	AGS	2,000 C	C
15.		PLANNING FOR STATE CAPITOL BUILDING REHABILITATION AND RELATED IMPROVEMENTS, OAHU PLANS FOR THE TOTAL RENOVATION OF THE STATE CAPITOL BUILDING AND TEMPORARY ACCOMMODATION FOR OCCUPANTS AND OPERATIONS. INCLUDES IDENTIFICATION AND EVALUATION OF STATE AND PRIVATE SECTOR OPTIONS WHICH COULD BE RENOVATED OR REDEVELOPED TO TEMPORARILY RELOCATE OCCUPANTS AND FUNCTIONS FROM THE STATE CAPITOL BUILDING AND PLANNING FOR SUBSEQUENT RE-USE OF ANY STATE ASSETS THAT WERE UTILIZED.			
		TOTAL FUNDING	AGS	2,000 C	C

AGS901 - GENERAL ADMINISTRATIVE SERVICES

16.		ENTERPRISE FINANCIAL SYSTEM, STATEWIDE PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR THE STATE FINANCIAL SYSTEM.			
		TOTAL FUNDING	AGS	35,000 C	C

CAPITAL IMPROVEMENT PROJECTS					
ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
				M O F	M O F
SUB201 - CITY AND COUNTY OF HONOLULU					
17.		BOARD OF WATER SUPPLY - MONITORING WELLS AT VARIOUS LOCATIONS, OAHU			
		PLANNING, DESIGN, CONSTRUCTION, EQUIPMENT, AND APPURTENANCES FOR GROUNDWATER MONITORING WELLS TO MEASURE AND MONITOR THE LEVEL, QUALITY, QUANTITY, OR MOVEMENT OF SUBSURFACE WATER, FOR CONTAMINANTS WITH TOTAL PETROLEUM HYDROCARBONS OR AQUEOUS FILM FORMING FOAM, AND ALLOW FOR THE MONITORING OF OTHER CONTAMINANTS RELATED TO THE RED HILL FUEL CRISIS. PROVIDED THAT THE CITY AND COUNTY OF HONOLULU CONTRIBUTES 80% OF THE TOTAL PROJECT COST.			
		TOTAL FUNDING	CCH	2,000 C	C
			CCH	8,000 S	S
SUB301 - COUNTY OF HAWAII					
18.		KAWANANAKOA GYM RENOVATION, HAWAII			
		PLANS, DESIGN, AND CONSTRUCTION FOR RENOVATIONS TO THE GYM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; 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	3,500 C	C
			COH	3,500 S	S
SUB501 - COUNTY OF KAUAI					
19.		HANAPEPE STADIUM IMPROVEMENTS, KAUAI			
		PLANS, DESIGN, AND CONSTRUCTION FOR HANAPEPE STADIUM INCLUDING LOCKER ROOMS UPGRADES, LIGHT FIXTURES AND POLES, CARETAKER OFFICE BUILDING REPLACEMENT, AND ELECTRICAL ROOM UPGRADES; 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	3,500 C	C
			COK	3,500 S	S

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)	
				FISCAL YEAR 2025-2026	FISCAL YEAR 2026-2027
20.		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	1,500 C	C
			COK	1,500 S	S
21.		VIDINHA STADIUM IMPROVEMENTS, KAUAI			
		PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR ADA UPGRADES, LIGHTING, RENOVATE LOCKER ROOMS, RESTROOMS, OFFICE SPACES, AND FOOD BOOTHS, REPLACE FENCING, PAVING, AND PEDESTRIAN SAFETY; 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	8,000 C	C
			COK	8,000 S	S

PART VI. CAPITAL IMPROVEMENT PROGRAM PROVISIONS

SECTION 15. Any law to the contrary notwithstanding, the appropriations under Act 164, Session Laws of Hawaii 2023, section 7, as amended and renumbered by Act 230, Session Laws of Hawaii 2024, section 7, in the amounts indicated or balances thereof, unallotted, allotted, unencumbered, or encumbered and unrequired, are hereby lapsed:

<u>"Item No.</u>	<u>Amount (MOF)</u>
G-6	\$ 500,000 C
G-9.3	671,000 C
G-14.3	660,000 C
G-15.3	1,000,000 C
G-24	2,500,000 C
G-25.1	350,000 C
G-36	21,000 C
G-46	6,000,000 C
G-52	2,500,000 C
G-53.2	100,000 C
G-54.1	2,000,000 C
G-61.1	1,000,000 C
G-64	130,000 C
G-70.1	500,000 C
G-78.2	4,000,000 C
G-79.2	150,000 C

G-86.1	1,000,000 C
G-92.1	650,000 C
G-98	200,000 C
G-99.2	1,320,000 C
G-111.2	650,000 C
G-112	3,000,000 C
G-112.1	200,000 C
G-113	1,500,000 C
G-113.2	1,680,000 C
G-113.3	1,000,000 C
G-119	100,000 C"

SECTION 16. Part IV, section 7, of Act 164, Session Laws of Hawaii 2023, as amended by section 7 of Act 230, Session Laws of Hawaii 2024, is amended as follows:

1.	By amending item A-17 to read:			
"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"
2.	By amending item C-21.1 to read:			
"21.1	KAKAAKO ROAD IMPROVEMENTS, OAHU			
	PLANS, DESIGN, AND CONSTRUCTION FOR [RESURFACING] IMPROVEMENTS TO ROADS IN KAKAAKO[;] <u>INCLUDING DRAINAGE, SIDEWALKS & PATHS, UTILITY IMPROVEMENTS, LANDSCAPING, LIGHTING, AND RELATED AMENITIES.</u>			
	TOTAL FUNDING	TRN	C	5,000 C"
3.	By amending item D-11.1 to read:			
"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	[B] C	2,000 [B] C"

4. By amending item D-11.2 to read:
 “11.2 WEST MAUI AND UPCOUNTRY FIRE SUPPRESSION
 DIP TANKS (6), MAUI”⁴

 PLANS, LAND, DESIGN, CONSTRUCTION,
 AND EQUIPMENT FOR INSTALLATION OF
 [3:] ~~SIX~~ 40,000-GALLON DIP TANKS FOR FIRE
 SUPPRESSION IN WEST MAUI. IMPLEMENTS
 PORTION OF THE WEST MAUI COMMUNITY
 WILDFIRE ACTION PLAN²

TOTAL FUNDING	LNR	[Ø] C	360 [Ø] C”
5. By amending item H-10.1 to read:
 “10.1. ALA WAI SMALL BOAT HARBOR, OAHU

PLANS, DESIGN, AND CONSTRUCTION
OF IMPROVEMENTS INCLUDING, BUT
NOT LIMITED TO, FINGER PIERS, DOCKS,
 RESTROOM FACILITIES, ELECTRICAL
 INFRASTRUCTURE, SEWER AND GENERAL
 REPAIRS.

TOTAL FUNDING	LNR	C	3,000 C”
6. By amending item K-21 to read:
 “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 OF THE DOW’S WATER
 PLAN 2020 NO. PLH-35B CONSTRUCT KAPAIA
 CANE HAUL ROAD [~~19-1/2 INCH~~] 18-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”

SECTION 17. Provided that of the general obligation bond fund appropriation for school-based budgeting (EDN100), the sum of \$71,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 may be used for capital improvement projects and deferred maintenance projects with the following projects given priority; provided further that the department of education shall submit a summary report regarding the use of this appropriation for the previous twelve month period from December 1 to November 30 to the legislature no later than thirty days prior to the convening of the regular sessions of 2026 and 2027:

1. AINA HAINA ELEMENTARY SCHOOL, OAHU; PLANS, DESIGN, AND CONSTRUCTION FOR PAVING THE MAUKA LOT OUTSIDE OF THE BACK CATTLE GATE FOR PARKING, FENCE SURROUNDING PARKING LOT AND CAMPUS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
2. CASTLE HIGH SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR DEFERRED MAINTENANCE INCLUDING REROOFING PORTABLES 1-10 AND GUTTER REPLACEMENT CAMPUS-WIDE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
3. CASTLE HIGH SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR RONALD E. BRIGHT PERFORMING ARTS CENTER SEATING, LIGHTING REPLACEMENT, AND OTHER IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
4. HONOKAA ELEMENTARY SCHOOL AND HONOKAA HIGH AND INTERMEDIATE SCHOOL, HAWAII; DESIGN AND CONSTRUCTION FOR CAFETERIA REFRIGERATION SYSTEMS REPAIRS AND IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
5. JARRETT MIDDLE SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR PARKING LOT IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
6. KAEWAI ELEMENTARY SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR PARKING LOT IMPROVEMENTS AND EXPANSION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
7. KAIMUKI HIGH SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR DEFERRED MAINTENANCE INCLUDING AUDITORIUM REROOFING AND L BUILDING SEWER LINE RELOCATION; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
8. KAIMUKI MIDDLE SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR THE REPLACEMENT OF WATER PIPING; GROUND AND SITE IMPROVEMENTS;
9. KALIHI KAI ELEMENTARY SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR F BUILDING ROOF REPAIRS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
10. KE KULA KAIAPUNI O ANUENUE, OAHU; DESIGN AND CONSTRUCTION FOR A BUILDING FIRST AND SECOND FLOOR RRM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCE;
11. KEALAKEHE HIGH SCHOOL, HAWAII; DESIGN AND CONSTRUCTION FOR DEFERRED MAINTENANCE INCLUDING V BUILDING AC REPLACEMENT, EXTERIOR REPAINTING FOR A, BB, D, E, F, I, J, AND Q BUILDINGS, AND INTERIOR AND EXTERIOR PAINTING FOR SBBH BUILDING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
12. KING INTERMEDIATE SCHOOL, OAHU; DESIGN AND CONSTRUCTION TO ADDRESS DEFERRED MAINTENANCE INCLUDING D BUILDING ELECTRICAL UPGRADES, F BUILDING STRUCTURAL EVALUATION, CAMPUS WALKWAY AND SPALLING REPAIRS, K BUILDING WATER-PROOFING UPPER WALLS, C BUILDING WATER LINE REPLACEMENT, FIELD MAINTENANCE/RESODDING, AND A BUILDING EROSION CONTROL IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
13. MOANALUA MIDDLE SCHOOL, OAHU; PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR PLANNED CAMPUS-WIDE ELECTRICAL UPGRADES; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
14. PALOLO ELEMENTARY SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR CAMPUS REPAINTING EXTERIOR; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;

15. PRESIDENT ABRAHAM LINCOLN ELEMENTARY SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR INSTALLATION OF A FENCE TO SECURE THE WEST SIDE OF THE CAMPUS; EXTEND THE FENCE LINKING TO THE EXISTING FENCE; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
16. RADFORD HIGH SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR PARKING LOT IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
17. WAIAKEA INTERMEDIATE SCHOOL, HAWAII; GENERAL MAINTENANCE AND FACILITY IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
18. WAIKIKI ELEMENTARY SCHOOL, OAHU; DESIGN AND CONSTRUCTION TO ADDRESS BUILDING G GROUND SETTLEMENT ISSUES; GROUND AND SITE IMPROVEMENTS;
19. WAILUKU ELEMENTARY SCHOOL, MAUI; PLANS, DESIGN, AND CONSTRUCTION FOR PARKING LOT IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
20. WAIPAHU INTERMEDIATE SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR GENERAL REPAIRS FOR WATER MAIN; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; AND
21. WAIPAHU INTERMEDIATE SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR CAFETERIA HEAT ABATEMENT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.

SECTION 18. Provided that of the general obligation bond fund appropriation for school-based budgeting (EDN100), the sum of \$40,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 may be used for capital improvement projects and health and safety projects with the following projects given priority; provided further that the department of education shall submit a summary report regarding the use of this appropriation for the previous twelve month period from December 1 to November 30 to the legislature no later than thirty days prior to the convening of the regular sessions of 2026 and 2027:

1. KAHALUU ELEMENTARY SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR FIRE ALARM UPGRADES INCLUDING SYSTEM MONITORING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
2. KALAKAUA MIDDLE SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR FIRE ALARM UPGRADES INCLUDING SYSTEM MONITORING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
3. KANEOHE ELEMENTARY SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR REPLACEMENT OF FIRE ALARM SYSTEM INCLUDING SYSTEM MONITORING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
4. NANAKULI HIGH AND INTERMEDIATE SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR REPLACEMENT OF CAMPUS FIRE ALARM SYSTEM INCLUDING SYSTEM MONITORING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; AND
5. PUUHALE ELEMENTARY SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR FIRE ALARM UPGRADES INCLUDING SYSTEM MONITORING; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.

SECTION 19. Provided that of the general obligation bond fund appropriation for school-based budgeting (EDN100), the sum of \$18,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 may be used for capital improvement projects and support projects with the following projects given priority; provided further that the department of education shall submit a summary report regarding the use of this appropriation for the previous twelve

month period from December 1 to November 30 to the legislature no later than thirty days prior to the convening of the regular sessions of 2026 and 2027:

1. AIEA HIGH SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR VISITOR BLEACHERS, DRAINAGE, AND ACCESS IMPROVEMENTS AT THE ATHLETIC STADIUM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
2. HILO HIGH SCHOOL, HAWAII; PLANS, DESIGN, AND CONSTRUCTION FOR BLEACHERS FOR THE FOOTBALL FIELD/TRACK; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
3. KAILUA HIGH SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR TRACK AND FIELD IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
4. KILAUEA ELEMENTARY SCHOOL, KAUAI; DESIGN FOR A COVERED PLAY COURT;
5. KUHIO ELEMENTARY SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR A COVERED WALKWAY/RAMP AND ACCESSIBLE ROUTE IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
6. WAIMEA HIGH SCHOOL, KAUAI; DESIGN AND CONSTRUCTION FOR GYMNASIUM RELATED FACILITIES AND IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS, EQUIPMENT AND APPURTENANCES;
7. WAIPAHU HIGH SCHOOL SOFTBALL FIELD IMPROVEMENTS - PHASE 2, OAHU; DESIGN AND CONSTRUCTION FOR IMPROVEMENTS TO THE WAIPAHU HIGH SCHOOL SOFTBALL FIELD; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
8. WAIPAHU INTERMEDIATE SCHOOL, OAHU; PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR NEW COVERED ATHLETIC COURT; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; AND
9. WEBLING ELEMENTARY SCHOOL, OAHU; PLANS AND DESIGN FOR A NEW MAIN OFFICE OR EXPANSION TO THE EXISTING OFFICE.

SECTION 20. Provided that of the general obligation bond fund appropriation for school-based budgeting (EDN100), the sum of \$16,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 may be used for capital improvement projects and compliance projects with the following projects given priority; provided further that the department of education shall submit a summary report regarding the use of this appropriation for the previous twelve month period from December 1 to November 30 to the legislature no later than thirty days prior to the convening of the regular sessions of 2026 and 2027:

1. MOANALUA HIGH SCHOOL, OAHU; PLANS AND DESIGN OF GIRLS ATHLETIC LOCKER ROOM, WEIGHT ROOM, AND OTHER FACILITIES;
2. RADFORD HIGH SCHOOL, OAHU; DESIGN, CONSTRUCTION, AND EQUIPMENT FOR SOFTBALL IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES;
3. ROOSEVELT HIGH SCHOOL, OAHU; DESIGN AND CONSTRUCTION FOR THE GIRLS ATHLETIC LOCKER ROOM; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES; AND
4. WAIANAE HIGH SCHOOL, OAHU; PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT FOR SOFTBALL FIELD IMPROVEMENTS; GROUND AND SITE IMPROVEMENTS; EQUIPMENT AND APPURTENANCES.

SECTION 21. Provided that of the general obligation bond fund appropriation for school-based budgeting (EDN100), the sum of \$50,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 may be used for capital improvement project completion; provided further that the department of

education shall submit a summary report regarding the use of this appropriation for the previous twelve month period from December 1 to November 30 to the legislature no later than thirty days prior to the convening of the regular sessions of 2026 and 2027.

SECTION 22. Provided that of the general obligation bond funds to be deposited into the Hawaii housing finance and development corporation's (BED160) rental housing revolving fund for fiscal year 2025-2026, the sum of \$56,000,000 or so much thereof as may be necessary shall be utilized for the Hawaii public housing authority's Ka Lei Momi development Mayor Wright Homes project on Oahu; provided further that if construction does not commence by August 31, 2026, the deposited funds may be utilized for other affordable housing projects of the Hawaii housing finance and development corporation; and provided further that the construction commencement date may be extended with the approval of the Hawaii housing finance and development corporation's board of directors and the governor.

SECTION 23. Provided that of the general obligation bond funds to be deposited into the Hawaii housing finance and development corporation's (BED160) rental housing revolving fund for fiscal year 2025-2026, the sum of \$3,050,000 or so much thereof as may be necessary shall be utilized for the Hawaii public housing authority's Ka Lei Momi predevelopment Kaahumanu Homes project on Oahu.

SECTION 24. Provided that of the general obligation bond funds to be deposited into the Hawaii housing finance and development corporation's (BED160) rental housing revolving fund for fiscal year 2025-2026, the sum of \$4,000,000 or so much thereof as may be necessary shall be utilized for the Hawaii public housing authority's Ka Lei Momi predevelopment Kapaa Homes project on Kauai.

SECTION 25. Provided that of the general obligation bond funds to be deposited into the Hawaii housing finance and development corporation's (BED160) rental housing revolving fund for fiscal year 2025-2026, the sum of \$4,200,000 or so much thereof as may be necessary shall be utilized for the Hawaii public housing authority's Ka Lei Momi predevelopment Lanakila Homes project on Hawaii.

SECTION 26. Provided that of the general obligation bond funds to be deposited into the Hawaii housing finance and development corporation's (BED160) rental housing revolving fund for fiscal year 2025-2026, the sum of \$750,000 or so much thereof as may be necessary shall be utilized for the Hawaii public housing authority's Ka Lei Momi predevelopment Nanakuli Homes project on Oahu.

SECTION 27. Provided that the general fund and general obligation bond fund appropriations for Maui Health System, a KFH LLC (HTH214), for fiscal biennium 2025-2027 shall be disbursed by the Hawaii health systems corporation to the Maui Health System, a Kaiser Foundation Hospitals LLC, for its capital subsidies in the respective fiscal years; provided further that the Maui Health System has satisfied all of the standards and conditions of section 323F-58, Hawaii Revised Statutes.

SECTION 28. Provided that of the general obligation bond funds and revenue bond funds for UHM Student Housing Services Improvements (UOH100), the sums of \$30,750,000 out of general obligation bond funds, and \$30,750,000 out of revenue bond funds, or so much thereof as may be necessary for fiscal year 2025-2026, and the sums of \$28,500,000 out of general obligation bond funds and \$28,500,000 out of revenue bond funds, or so much thereof as may be necessary for fiscal year 2026-2027, shall be used for planning, design, construction, equipment, and furnishing of improvements for university of Hawaii at Manoa student housing services facilities and pedestrian pathways; provided further that students residing in the university of Hawaii student housing services program with a demonstrated financial need, as determined by the university of Hawaii, who qualify for the resident tuition fee pursuant to section 304A-402, Hawaii Revised Statutes, are assisted with a housing allowance, stipend, or similar financial aid to help offset a portion of an increase in room and board costs that are due to increased debt service from said revenue bonds; and provided further that any unexpended and unencumbered balance of the appropriation shall not lapse at the end of fiscal year 2026-2027 and shall lapse instead on June 30, 2030.

PART VII. ISSUANCE OF BONDS

SECTION 29. AIRPORT REVENUE BONDS. The department of transportation is authorized to issue airport revenue bonds for airport capital improvement program 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 costs to be paid from special funds, in such principal amount as shall be required to yield the amounts appropriated for such capital improvement program 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 such airport revenue bonds during the estimated period of construction of the capital improvement program project for which such airport revenue bonds are issued, to establish, maintain, or increase reserves for the airport revenue bonds and to pay the expenses of issuance of such bonds. The airport revenue bonds shall be issued pursuant to the provisions of part III of chapter 39, Hawaii Revised Statutes, as the same may be amended from time to time. The principal of and interest on airport revenue bonds, to the extent not paid from the proceeds of such 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 such 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, and as determined by the department. The expenses of the issuance of such airport revenue bonds shall, to the extent not paid from the proceeds of such bonds, 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, is authorized to 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.

SECTION 30. RENTAL MOTOR VEHICLE CUSTOMER FACILITY REVENUE BONDS. The department of transportation is authorized to issue rental motor vehicle customer facility revenue bonds for airport capital improvement program 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 rental motor vehicle customer facility charge special funds, as authorized by section 261-5.6, Hawaii Revised Statutes, in such principal amount as shall be required to yield the amounts appropriated for such capital improvement program 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 program project 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 the provisions of part III of chapter 39, Hawaii Revised Statutes, as the same may be amended from time to time. The principal of and interest on rental motor vehicle customer facility revenue bonds, to the extent not paid from the proceeds of such 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, and as determined by the department. The expenses of the issuance of such rental motor vehicle customer facility revenue bonds, to the extent not paid from the proceeds of such 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, is authorized to 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.

SECTION 31. HARBOR REVENUE BONDS. The department of transportation is authorized to issue harbor revenue bonds for harbor capital improvement program 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 such principal amount as shall be required to yield the amounts appropriated for such capital improvement program projects, and, if so determined by the department and approved by the governor, such additional amounts as may be deemed necessary by the department to pay interest on such revenue bonds during the estimated construction period of the capital improvement project for which such 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 such bonds. The aforementioned harbor revenue bonds shall be issued pursuant to the provisions of part III of chapter 39, Hawaii Revised Statutes, as the same may be amended from

time to time. The principal of and interest on harbor revenue bonds, to the extent not paid from the proceeds of such 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, pilotage 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 such harbor revenue bonds shall, to the extent not paid from the proceeds of such bonds, be paid from the harbor special fund.

The governor, in the governor's discretion, is authorized to 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.

SECTION 32. HIGHWAY REVENUE BONDS. The department of transportation is authorized to issue highway revenue bonds for highway capital improvement program 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 such principal amount as shall be required to yield the amounts appropriated for such capital improvement projects, and, if so determined by the department and approved by the governor, such additional principal amount as may be deemed necessary by the department to pay interest on such highway revenue bonds during the estimated period of construction of the capital improvement project for which such highway revenue bonds are issued, to establish, maintain, or increase reserves for such 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 such highway revenue bonds. The aforementioned highway revenue bonds shall be issued pursuant to the provisions of part III of chapter 39, Hawaii Revised Statutes, as the same may be amended from time to time. The principal of and interest on such highway revenue bonds, to the extent not paid from the proceeds of such 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, and federal moneys received by the State or any department thereof which are available to pay principal of or interest on indebtedness of the State, or such part of any thereof as the department may determine, and 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 such highway revenue bonds, to the extent not paid from the proceeds of such bonds, shall be paid from the state highway fund.

The governor, in the governor's discretion, is authorized to 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 of all uses of this authority for the previous twelve month period from December 1 to November 30 to the legislature no later than thirty days prior to the convening of regular sessions of 2026 and 2027.

PART VIII. SPECIAL PROVISIONS

SECTION 33. GOVERNOR'S DISCRETIONARY POWERS. Any law or provision to the contrary notwithstanding, the governor may replace general obligation bond funds appropriated for capital improvement projects with general obligation reimbursable bond funds, when the expenditure of such general obligation reimbursable bond funds is deemed appropriate for the project.

SECTION 34. All general obligation bond funds used for a public undertaking, improvement, or system designated by the letter (D) shall have the bond principal and interest reimbursed from the special fund in which the net revenue, or net user tax receipts, or combination of both, of such public undertaking, improvement, or system are deposited or credited. Bonds issued for irrigation and housing projects shall be reimbursed as provided by section 174-21 and chapter 201H, Hawaii Revised Statutes, respectively.

The governor is authorized to use, at the governor's discretion, the state highway fund, the harbor special fund, the boating special fund, the airport revenue fund, the special land and development fund, or other appropriate special funds to finance the respective public undertaking, improvement, or system described above and authorized in this Act, where the method of financing is designated to be general obligation bond fund with debt service cost to be paid from the funds.

SECTION 35. The governor may supplement funds for any cost element for a capital improvement project authorized under this Act by transferring sums as may be needed from the funds appropriated for other cost elements of the same project by this Act or 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 36. If the authorized appropriations specified for a capital improvement project listed in this Act are insufficient and where the source of funding is designated as airport passenger facility charge funds, the governor may make supplemental allotments from the airport revenue fund or airport revenue bond funds, or transfer unrequired balances from other unexpired projects in this Act or prior appropriation acts that authorized the use of airport passenger facility charge funds; provided further that the supplemental allotments shall not be used to increase the scope of the project; provided further that the supplemental allotments shall not impair the ability of the fund to meet the purposes for which it was established; and provided further that the governor, at the governor's discretion, is authorized to increase the passenger facility charge fund authorization ceiling for the program to accommodate the expenditure of those funds.

SECTION 37. In the event that the authorized appropriations specified for a capital improvement project for the department of transportation listed in this Act are insufficient and where the source of funding is designated as special funds, general obligation bond fund with debt service cost to be paid from special funds, revenue bond funds, or revolving funds, the governor may make supplemental allotments from the special fund or revolving fund responsible for cash or debt service payments for the projects, or transfer unrequired balances from other unexpired projects in this Act or prior appropriation acts

that authorized the use of special funds, general obligation bond fund with debt service costs to be paid from special funds, revenue bond funds, or revolving funds; provided that such supplemental allotments shall not be used to increase the scope of the project; and provided further that such supplemental allotments shall not impair the ability of the fund to meet the purposes for which it was established; and provided further that the governor shall submit a report of all uses of this authority for the previous twelve month period from December 1 to November 30 to the legislature no later than thirty days prior to the convening of the regular sessions of 2026 and 2027.

SECTION 38. After the objectives and purposes of appropriations made in this Act from the general obligation bond fund for capital improvement projects for the university of Hawaii have been met, unrequired balances shall be transferred to the university of Hawaii project adjustment fund appropriated in part II and described in part V of this Act, and shall be considered a supplementary appropriation thereto; provided that all other unrequired allotment balances, unrequired appropriation balances, and unrequired encumbrance balances shall lapse as of June 30, 2028, as provided in section 44 of this Act.

SECTION 39. If authorized appropriations specified for university of Hawaii capital improvement projects listed in this Act or in any other act currently authorized by the legislature are insufficient, and where the source of funding for the project is designated as the general obligation bond fund, the governor may make supplemental allotments from the university of Hawaii project adjustment fund appropriated in part II and described in part V of this Act to supplement any currently authorized capital investment project cost elements for the university of Hawaii; provided that such supplemental allotments from the project adjustment fund shall not be used to increase the scope of the project; and provided further that the governor shall submit a report of all uses of this authority for the previous twelve month period from December 1 to November 30 to the legislature no later than thirty days prior to the convening of the regular sessions of 2026 and 2027.

SECTION 40. After the objectives and purposes of appropriations made in this Act from the general obligation bond fund for capital improvement projects for the department of accounting and general services, including any project the department of accounting and general services has been designated as the expending agency for, have been met, unrequired balances shall be transferred to the department of accounting and general services project adjustment fund appropriated in part II and described in part V of this Act, and shall be considered a supplementary appropriation thereto; provided that all other unrequired allotment balances, unrequired appropriation balances, and unrequired encumbrance balances shall lapse as of June 30, 2028, as provided in section 44 of this Act.

SECTION 41. If authorized appropriations specified for department of accounting and general services capital improvement projects, including any project the department of accounting and general services has been designated as the expending agency for, listed in this Act or in any other act currently authorized by the legislature are insufficient, and where the source of funding for the project is designated as the general obligation bond fund, the governor may make supplemental allotments from the department of accounting and general

services project adjustment fund appropriated in part II and described in part V of this Act to supplement any currently authorized capital investment project cost elements for the department of accounting and general services; provided that such supplemental allotments from the project adjustment fund shall not be used to increase the scope of the project; and provided further that the governor shall submit a report of all uses of this authority for the previous twelve month period from December 1 to November 30 to the legislature no later than thirty days prior to the convening of the regular sessions of 2026 and 2027.

SECTION 42. After the objectives and purposes of appropriations made in this Act from the revenue bond fund for capital improvement projects for the department of transportation airports division have been met, unrequired balances shall be transferred to the airports project adjustment fund appropriated in part II and described in part V of this Act, and shall be considered a supplementary appropriation thereto; provided that all other unrequired allotment balances, unrequired appropriation balances, and unrequired encumbrance balances shall lapse as of June 30, 2028, as provided in section 44 of this Act.

SECTION 43. If authorized appropriations specified for department of transportation airports division capital improvement projects listed in this Act or in any other act currently authorized by the legislature are insufficient, and where the source of funding for the project is designated as the revenue bond fund, the governor may make supplemental allotments from the airports project adjustment fund appropriated in part II and described in part V of this Act to supplement any currently authorized capital investment cost elements for the department of transportation airports division; provided that such supplemental allotments from the project adjustment fund shall not be used to increase the scope of the project; and provided further that the governor shall submit a report of all uses of this authority for the previous twelve month period from December 1 to November 30 to the legislature no later than thirty days prior to the convening of the regular sessions of 2026 and 2027.

SECTION 44. Any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized under this Act shall not lapse at the end of the fiscal biennium for which the appropriation is made; provided that all appropriations made to be expended in fiscal biennium 2025-2027 that are unencumbered as of June 30, 2028, shall lapse as of that date; provided further that this lapsing date shall not apply to non-general fund appropriations for projects described in part V of this Act where such appropriations have been deemed necessary to qualify for federal aid financing and reimbursement and are unencumbered as of June 30, 2032, shall lapse as of that date.

SECTION 45. In releasing funds for capital improvement projects, the governor shall consider legislative intent and the objectives of the user agency and its programs; the scope and level of the user agency's intended service; and the means, efficiency, and economics by which the project will meet the objectives of the user agency and the State; provided further that agencies responsible for construction shall take into consideration legislative intent, the objectives of the user agency and its programs, and the scope and level of the user agency's intended service and construct the improvement to meet the objectives of the user agency in the most efficient and economical manner possible.

SECTION 46. With the approval of the governor, designated expending agencies for capital improvement projects authorized in this Act may delegate to other state or county agencies the implementation of projects when it is determined advantageous to do so by both the original expending agency and the agency to which expending authority is to be delegated.

SECTION 47. Where county capital improvement projects are partially or totally funded by state grants as authorized in this Act or any other act of the legislature, this fact should be appropriately acknowledged during construction and upon completion of these projects.

SECTION 48. Whenever the expending agency to which an appropriation is made is changed due to legislation enacted during any session of the legislature that affects the appropriations made by this Act, the governor shall transfer the necessary funds and positions to the proper expending agency as provided by law.

SECTION 49. If unanticipated federal funding cutbacks diminish or curtail essential, federally-funded state programs, the governor may utilize savings as determined to be available from other state programs for the purpose of maintaining such programs until the next legislative session; provided that the governor shall submit a report of all uses of this authority for the previous twelve month period from December 1 to November 30 to the legislature no later than thirty days prior to the convening of the regular sessions of 2026 and 2027.

SECTION 50. With the approval of the governor, agencies that use appropriations authorized in part II of this Act for audit services may delegate that responsibility and transfer funds to the internal post audit program (AGS104), when it is determined by such agencies that it is advantageous to do so.

SECTION 51. Agencies with appropriations authorized in part II of this Act for risk management costs shall transfer funds authorized for that purpose to the state risk management and insurance division (AGS203) for the administration and implementation of state risk management costs and expenses, except as otherwise provided by law.

SECTION 52. With the approval of the governor, the Hawaii health systems corporation in the department of health may transfer to the department of human services funds appropriated to the Hawaii health systems corporation for the care and treatment of patients, whenever the department of human services can utilize such funds to match federal funds that may be available to help finance the cost of outpatient, acute hospital, or long-term care of indigents or medical indigents in designated critical access hospitals.

SECTION 53. With the approval of the governor, the department of health may transfer to the department of human services funds appropriated to the department of health for the care and treatment of patients, whenever the department of human services can utilize such funds to match federal funds to finance the cost of outpatient, hospital, or skilled nursing home care of indigents or medical indigents.

SECTION 54. The department of human services may enter into agreements with the department of health to furnish outpatient, hospital, and skilled nursing home care of indigents or medical indigents and to pay the

department of health for such care; provided that with the approval of the director of finance, the department of health may deposit part of such receipts into the appropriations from which transfers were made as provided elsewhere in this Act.

PART IX. MISCELLANEOUS AND EFFECTIVE DATE

SECTION 55. 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 this Act and each and every other provision of this Act 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 56. 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 57. Material to be repealed is bracketed and stricken. New material in prior enacted laws is underscored.

SECTION 58. This Act shall take effect on July 1, 2025.

(Approved June 30, 2025.)

Notes

1. Item vetoed, replaced, and initialed “JG”.
2. So in original.
3. Bracketed material should not be underscored.
4. Prior to amendment, no quotation mark appeared here.

ACT 251

H.B. NO. 430

A Bill for an Act Relating to Internships.

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

SECTION 1. The legislature finds that internship and mentorship programs give students the chance to build communication skills, relationships, confidence, and gain valuable work experience that will build a stronger workforce. The legislature further finds that expanding state-funded internships to include private-sector positions will benefit the State by promoting economic growth, fostering public-private collaborations, and supporting job creation. State-funded private-sector internships will also create additional opportunities for interns to gain practical work experience and prepare for their future careers.

The legislature recognizes that article VII, section 4, of the Hawaii State Constitution requires the legislature to appropriate moneys “for a public purpose”. The courts have found that what constitutes a public purpose “is generally a question for the legislature to decide” and that the legislature should be given “wide discretion” in this matter (State ex. rel. *Amemiya v. Anderson*, 56 Haw. 566, 574 (1976)).

The legislature believes that permitting state-funded private sector internships is in the best interests of the State, and serves a public purpose of supporting health, safety, and welfare.

The legislature further recognizes that the department of labor and industrial relations's Hele Imua internship program connects public high school students and graduates with structured, work-based learning opportunities in high-demand career fields, including education, health, and building and construction. The program gives students the chance to experience public sector jobs. The Hele Imua internship program also helps create a pipeline to fill vacancies in state and county governments, gives interns the opportunity to gain on-the-job experience, prepares interns for possible careers in jobs that are in high demand, and helps to develop relationships between students and recent graduates with potential employers. The legislature believes that a similar program to the Hele Imua program that connects students and recent graduates with private sector employers who commit to cost-sharing in the program will help address the projected shortage of positions in the State's building and construction industry.

Accordingly, the purpose of this Act is to:

- (1) Authorize the department of labor and industrial relations to administer an on-the-job training work experience program for eligible interns that partners with private entities to increase opportunities for high school and college and university students to participate in summer internship programs and allow internships with private sector employers through a cost-sharing strategy;
- (2) Establish a state-funded internship program within the department of labor and industrial relations, in collaboration with department of human resources development, to place interns in state executive branch departments, agencies, or programs to provide participants with practical work experience and foster interest in public service careers; and
- (3) Appropriate funds to the department of education to support the internship programs pursuant to this Act.

SECTION 2. Chapter 394, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

"§394-A On-the-job training work experience program; private sector.

(a) The department of labor and industrial relations may enter into contracts with employers or registered apprenticeship program sponsors in the private sector to provide on-the-job training to eligible interns; provided that any participating apprenticeship program sponsor in the private sector shall only offer to eligible interns on-the-job training in public sector projects. The department may provide to the employers or sponsors up to \$20.00 per hour in reimbursements for wages only for the costs of training and supervising an intern. The employers or sponsors shall not be required to provide documentation of these costs.

(b) Eligible employers or sponsors shall demonstrate compliance with Hawaii compliance express or any successor program established to facilitate compliance with section 103D-310(c).

(c) Contracts under this section shall be limited to a period of twelve weeks for college or university students, with an extension of up to twelve additional weeks if approved by the director of labor and industrial relations, and six weeks for high school students, with an extension of up to eight weeks during the summer break. In determining the appropriate length of the contract, the director shall consider the:

- (1) Occupation's skill requirements;
- (2) Intern's existing academic and occupational skill levels; and
- (3) Intern's prior work experience.
- (d) The employer or sponsor shall comply with state and federal employment laws pursuant to chapter 387 and the Fair Labor Standards Act of 1938, as amended.

(e) The department of labor and industrial relations shall adopt interim rules, which shall be exempt from chapter 91, to develop and implement the program; provided that the interim rules shall remain in effect until the adoption of rules pursuant to chapter 91 to allow the department to:

- (1) Ensure that participating interns are eligible pursuant to subsection (f) and participating employers or sponsors are eligible pursuant to subsection (g);
- (2) Ensure that interns are referred by the department to employers or sponsors and not directly by the employers or sponsors;
- (3) Reimburse employers or sponsors up to \$20.00 per hour for wages only for the extraordinary costs of providing intern training and supervision;
- (4) Develop a training plan for participating interns of the program in collaboration with the intern and employer or sponsor;
- (5) Monitor each intern's progress in the program to ensure that training plan objectives are being met;
- (6) Consult with interns and onsite supervisors to address any problems affecting the training plan;
- (7) Terminate an internship, if necessary, due to problems at the work-site caused by either the intern or the employer or sponsor; and
- (8) Limit employer or sponsor participation to no more than five interns at one time, as tracked by the federal employer identification number of the employer or sponsor.

(f) The department of labor and industrial relations shall develop eligibility criteria for interns, including requirements that the intern:

- (1) Be sixteen years of age or older;
- (2) Be a Hawaii resident;
- (3) Be currently enrolled:
 - (A) In a public high school or has earned a high school diploma or its equivalent within one year of applying for the internship; or
 - (B) In an accredited college or university or has earned a college or university degree within one year of applying for the internship;
- (4) Have, or has graduated with, a cumulative grade point average of 2.5 or higher, on a scale of 4.0 or its equivalent; and
- (5) Is not an apprentice in a registered apprenticeship program or journey worker;

provided that the department of labor and industrial relations may conduct criminal history background checks as appropriate.

(g) The department of labor and industrial relations shall develop eligibility criteria for employers or sponsors, including requirements that the employer or sponsor:

- (1) Provide onsite work experience that complies with each intern's training plan and includes the daily supervision, training, and guidance necessary to enable each intern to develop work habits and job-specific skills that are essential for employment;

- (2) Provide interns with the same working conditions as other employees in similar occupations;
- (3) Consult the department to obtain assistance when an intern requires support services to effectively complete an assigned task;
- (4) Pay no less than \$20.00 per hour for a maximum of thirty hours per week for high school students; provided that the maximum hours may be increased to forty hours during the summer break;
- (5) Pay no less than \$20.00 per hour for a maximum of forty hours per week; provided that the maximum hours for college or university students who are enrolled in at least two college or university courses shall not exceed twenty hours;
- (6) Provide each intern with a mentor to give on-the-job guidance and to answer routine questions about the workplace;
- (7) Ensure that interns do not displace currently employed workers, reduce the hours of those currently employed, infringe on the opportunities for promotion of regular employees, or replace the work of employees who have experienced layoffs;
- (8) Ensure that interns' on-the-job training does not impair existing contracts for services or collective bargaining agreements;
- (9) Ensure that the worksite, supervisor, and participants are available for monitoring by the department;
- (10) Ensure that the worksite complies with all occupational safety and health standards established under state and federal law;
- (11) Maintain time sheets and attendance records for each intern and prepare intern evaluations and any other reports required by the department;
- (12) Notify the department on a timely basis if an intern:
 - (A) Is injured at the worksite;
 - (B) Is absent without good cause;
 - (C) Performs poorly on job assignments;
 - (D) Refuses to participate in work or work-related activities; or
 - (E) Is not making satisfactory progress in the program or on the job;
- (13) For private sponsors, contribute fifty per cent in cost sharing benefits, including wages and fringe benefits; and
- (14) Indemnify and hold harmless the State of Hawaii and its officers, agents, and employees from and against any and all claims arising out of or resulting from activities carried out or projects undertaken with funds provided under this section and procure sufficient insurance to provide this indemnification.

§394-B State internship and workforce development program. (a)

There is established within the department of labor and industrial relations the state internship and workforce development program. The department of labor and industrial relations shall collaborate with the department of human resources development to process all public program applications and place interns in temporary or permanent positions at state executive branch departments, agencies, or programs. The program shall:

- (1) Provide paid internship opportunities within various state departments and agencies;
- (2) Prioritize placement in departments with significant workforce shortages; and
- (3) Include comprehensive training, mentorship, and evaluation components.

- (b) Selection of internship participants shall be based upon:
 - (1) Academic achievement or relevant work experience;
 - (2) Interest in public service careers; and
 - (3) Alignment with departmental workforce needs.
- (c) As part of the program, internship participants shall:
 - (1) Attend and actively participate in all required work experience training sessions;
 - (2) Perform assigned duties and responsibilities in accordance with program guidelines; and
 - (3) Adhere to workplace policies and procedures.
- (d) As part of the program, coordinating agency work sites shall:
 - (1) Provide meaningful and adequate work experience to help interns meet the requirements for employment in the relevant position;
 - (2) Conduct regular performance evaluations of interns and provide feedback to the coordinating agency;
 - (3) Collaborate with the department of labor and industrial relations to create career pathways for interns; and
 - (4) Ensure that viable and vacant positions relative to the interns' field of study are available for them to participate in this program.
- (e) The department of labor and industrial relations shall:
 - (1) Ensure that the experience gained through the program qualifies participants to apply for vacant positions of a similar level and scope within the hosting department;
 - (2) Develop standardized guidelines to align internship duties with the qualifications required for full-time employment;
 - (3) Provide ongoing support to coordinating agencies to ensure compliance with program objectives; and
 - (4) Collaborate with coordinating agencies to create career pathways for interns.
- (f) As part of the program, participants shall receive opportunities for professional development and skills training.
- (g) Before the first day of each internship, the department of labor and industrial relations shall provide the department of human resources development with:
 - (1) The name of the intern;
 - (2) The state executive branch department, agency, or program to which the intern is assigned;
 - (3) The expected start and end dates of the internship; and
 - (4) Any other relevant information that the department of human resources development may require to assist the intern in pursuing future employment with the state executive branch.
- (h) For the purposes of this section:
 - “Coordinating agency” means the participating State of Hawaii department, agency, or office hosting and employing an intern program participant.
 - “Eligible participant” means an individual who meets established guidelines for participation in the program, including recent high school graduates, college students, and post-graduate students, and individuals seeking to transition into public service careers.
 - “Internship program” or “program” means the state internship and workforce development program established pursuant to this section.
 - “Participant” means an individual accepted into the internship program.

§394-C Work experience; private and public sector; annual report. The department of labor and industrial relations shall submit an annual report on

state-funded internship programs for both the private and public sectors to the legislature no later than twenty days prior to the convening of each regular session. At a minimum, each report shall include:

- (1) Outcomes and successes of the program;
- (2) The number of interns who enrolled in the program and exited the program during the previous fiscal year;
- (3) The names of the private or public sector organizations where intern placements were made;
- (4) Data on intern performance and retention rates;
- (5) Costs associated with the program; and
- (6) Any proposed legislation.”

SECTION 3. Section 302A-430, Hawaii Revised Statutes, is amended to read as follows:

“§302A-430 Coverage for workers’ compensation. ~~[Whenever a student participating in a school-approved work-based learning program sponsored by the department of education or the University of Hawaii undertakes to perform work for a private or public employer as part of the student’s work-based learning program, whether paid or unpaid, the]~~ The State shall be deemed [to be] the responsible employer for the purposes of workers’ compensation coverage, ~~[that shall be the student’s exclusive remedy to the same extent]~~ as provided for in chapter 386 ~~[as against the State and the private employer participating in the program].~~ when a student or recent graduate performs paid or unpaid work for a private or public employer as part of a school-approved, work-based learning internship program sponsored by the department of education or university of Hawaii or as part of the on-the-job training work experience program established in section 394-A.”

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,800,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the department of education for ninety full-time equivalent staff positions (90.0 FTE) to support the internship programs pursuant to this Act.

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

SECTION 5. 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 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect on July 1, 2025.

(Approved July 1, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 252

H.B. NO. 1007

A Bill for an Act Relating to the Hawaii Community Development Authority.

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

SECTION 1. The legislature finds that Act 184, Session Laws of Hawaii 2022 (Act 184), which established transit-oriented development infrastructure improvement districts, could be more efficient and effective. The transit-oriented development infrastructure improvement districts comprised the land within county-designated transit-oriented development zones or within a one-half mile radius of a proposed or existing transit station if the county has not designated transit-oriented development zones, as designated by the board. Act 184 also established the transit-oriented development infrastructure improvement district boards for each county, under the Hawaii community development authority for administrative purposes. To date, these boards have not been constituted, due in part to a lack of community volunteers willing to serve.

The legislature further finds that the best-proven models of successful, affordable, healthy, and vibrant communities in transit-oriented development areas require sufficient water, sewer, and power infrastructure; affordable housing; safe, comfortable, and convenient pedestrian and multi-modal transit connectivity; meaningful community amenities such as parks, recreational facilities, and event venues; and community programs that provide for community-based economic development, culture, arts, communication, safety, security, and cleanliness.

Too often, basic community infrastructure such as sidewalks, safe multi-modal connectivity, public spaces, community-based economic development, and amenities required for successful, livable communities never materialize without a lead agency taking ownership, prioritizing key community elements, and executing projects. In most cases, basic community infrastructure is not a priority for any department or agency. Sometimes this results in costly retrofits after people move in, discover gaps in their quality of life, and pay for missing infrastructure needed to enable families to reduce their cost of transportation and living. In other cases, basic community infrastructure can no longer be implemented because buildout in the area has already occurred, leaving residents stranded with higher costs of living and no recourse. This results in communities having a higher cost of living than necessary and developments that are often sufficient for transient investment units and vacation properties but not best-suited for local families and permanent residents.

The legislature also finds that ensuring the inclusion of complete community infrastructure in planning and implementation can replicate four successful strategies commonly used in successful cities to help significantly reduce the cost of housing and cost of living. Primarily, these include aggregating amenities such as parking and green space into public space, removing those costs from each new development. Secondly, constructing public infrastructure and properties that generate revenue can help to pay for adequate infrastructure and amenities implementation, as well as reduce the cost of maintenance, security, and similar costs for area residents. Thirdly, using financing mechanisms such as community financing districts can provide more capacity to ensure that complete community infrastructure and amenities are planned for and included. Fourthly, constructing multiple lower-story concrete or wood buildings on the same footprint of a tower or podium project can achieve the same number of units on a block, but through

a much cheaper per-unit cost because lower structures do not require costly vertical engineering and safety and related components. In numerous other cities, these types of equally dense but less expensive affordable housing developments are often built by both the private and public sectors.

The legislature further finds that the two highest costs contributing to the cost of living are housing and transportation. By broadening the State's focus to develop affordable communities with fully built community infrastructure and amenities, rather than just affordable housing, the cost of a single unit can often be reduced by as much as \$75,000, and the cost of transportation for families living there can be reduced by \$15,000 or more per year.

Units in many recent housing projects have become prohibitively expensive. On average, approximately \$50,000 is added to the cost of a unit per associated parking stall constructed, and as much as \$25,000 per unit is added for associated building amenities. Numerous cities and jurisdictions have begun constructing separate, aggregated parking stalls and building amenities, lowering the cost of each unit produced by as much as \$75,000.

The legislature further finds that building infrastructure, such as separate parking garages, allows residents in an area to lease space or use a parking stall as may be needed, rather than having the expense forced upon them through higher mortgage costs. This is especially important considering that Hawaii's latest generation is driving considerably less than previous generations. Since 2000, the percentage of eighteen- to twenty-nine-year-olds with a driver's license has decreased nearly forty per cent. Many individuals desire to live in walkable, bikeable communities without the costly average expense of \$10,000 per year for each additional vehicle along with the \$50,000 cost of owning a parking stall.

Additionally, relieving housing developers of the burden of building excessive amenities and gathering spaces in each building lowers the cost of living in those units. Aggregating public spaces for open plazas, gathering spaces, parks, and green spaces available to everyone also creates and fosters a better sense of community and opportunities for better mixed-use commercial, retail, and food options at a lower overall cost.

The legislature additionally finds that the most successful affordable communities incorporate mixed-use commercial and retail space into public projects, which not only puts daily needs within walking distance of residents, but also provides revenue-generating lease rent and other opportunities that can help pay for community infrastructure, amenities, security, cleanliness, and maintenance, and lower maintenance fees and the cost of living for residents in the area.

Accordingly, the purpose of this Act is to empower the Hawaii community development authority to implement these and other proven strategies to build infrastructure and projects for better, more affordable, more livable communities and provide residents with a higher quality of life. Secondly, this Act streamlines transit-oriented development infrastructure improvements by recasting provisions of chapter 206E, part X, Hawaii Revised Statutes, relating to transit-oriented development infrastructure improvements, as a program under the Hawaii community development authority. This will enable the Hawaii community development authority to develop community improvement projects in transit-oriented development areas outside its existing designated districts, provided that planning and implementation shall be assisted by a new board of members having expertise with successful strategies commonly employed elsewhere, rather than the existing multiple districts and boards for each county.

This Act also provides additional financing tools and flexibility to fill the gaps in Hawaii's community planning and implementation. This will provide better community improvements and deliver complete communities with lower

housing and transportation costs, safer streets, public spaces, parks, and community amenities that provide a better quality of life.

The legislature finds that the Hawaii community development authority may begin to employ these new strategies and use these new tools by assisting with the planning, development, and implementation of the proposed park-and-ride transit and community hub adjacent to the Skyline's Waiawa, Pearl Highlands station on Oahu.

SECTION 2. Chapter 206E, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§206E- Issuance of bonds for the development of infrastructure. (a) Notwithstanding section 206E-21 and 206E-225, the authority, pursuant to and in accordance with this subpart and section 46-80.1(a), may issue bonds for the purpose of financing the development of infrastructure for:

(1) Land owned by the authority or land within a community development district or area established under this chapter or the stadium development district established in section 206E-223; and

(2) Infrastructure projects under section 206E-246.

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

§206E- Condemnation of real property. The authority, upon making a finding that it is necessary to acquire any real property for its immediate or future use for the purposes of this part, may acquire the property by condemnation pursuant to chapter 101. The property shall not thereafter be taken for any other public use without the consent of the authority. No award of compensation shall be increased by reason of any increase in the value of real property caused by the designation of the transit-oriented development infrastructure improvement program areas, or the actual or proposed acquisition, use, or disposition of any other real property by the authority.”

SECTION 3. Section 206E-1, Hawaii Revised Statutes, is amended to read as follows:

“§206E-1 Findings and purpose. The legislature finds that many areas of the State are substantially undeveloped, blighted, or economically depressed, and are or are potentially in need of renewal, renovation, or improvement to alleviate such conditions as dilapidation, deterioration, age, and other such factors or conditions ~~[which] that~~ make ~~[such] the~~ areas an economic or social liability.

The legislature further finds that there exists within the State vast, unmet community development needs. These include, but are not limited to, a lack of suitable affordable housing; insufficient commercial and industrial facilities for rent; residential areas ~~[which] that~~ do not have facilities necessary for basic liveability, such as parks and open space; ~~[and] areas [which] that~~ are planned for extensive land allocation to one, rather than mixed uses~~[-]; a lack of infrastructure necessary to facilitate community development; and insufficient culturally appropriate agriculture, education, and natural-resource restoration and management.~~

It is further determined that the lack of planning and coordination in such areas has given rise to these community development needs and that existing laws and public and private mechanisms have either proven incapable or inadequate to facilitate timely redevelopment and renewal~~[-], or restoration and management, as the case may be.~~

The legislature finds that a new and comprehensive authority for community development must be created to join the strengths of private enterprise, public development, and regulation into a new form capable of long-range planning and implementation of improved community development. The purpose of this chapter is to establish such a mechanism in the Hawaii community development authority, which is a public entity [which] that shall determine community development programs and projects and cooperate with private enterprise and the various components of federal, state, and county governments in bringing plans and projects to fruition. ~~[For such areas designated as community development districts, the]~~ The legislature believes that the planning and implementation [program] expertise of the Hawaii community development authority will result in communities [which] that serve the highest needs and aspirations of Hawaii's people.

The legislature finds that the creation of the Hawaii community development authority, the establishment of community development districts~~[-and]~~ and program areas, the issuance of bonds pursuant to this chapter to finance public facilities, and the ability of the Hawaii community development authority to cooperate with or assist public and private sector entities to engage in projects that improve the State, serve the public interest and are matters of statewide concern.

The legislature also finds that there are many areas of the State, outside of the Hawaii community development authority's community development districts, where this comprehensive planning, and redevelopment agency should use its powers to facilitate timely redevelopment, renewal, community building, and economic development."

SECTION 4. Section 206E-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The authority shall consist of the director of finance or the director's designee; the director of transportation or the director's designee; the director of business, economic development, and tourism or the director's designee; the chairperson of the board of land and natural resources; the director of planning or planning and permitting of each county in which a community development district is located or the director's designee; a cultural specialist; an at-large member nominated by the president of the senate; an at-large member nominated by the speaker of the house of representatives; two representatives of the Heeia community development district, comprising one resident of that district or the Koolaupoko district, which consists of sections 1 through 9 of zone 4 of the first tax map key division, and one owner of a small business or one officer or director of a nonprofit organization in the Heeia community development district or Koolaupoko district; two representatives of the Kalaeloa community development district, comprising one resident of the Ewa zone (zone 9, sections 1 through 2) or the Waianae zone (zone 8, sections 1 through 9) of the first tax map key division, and one owner of a small business or one officer or director of a nonprofit organization in the Ewa or Waianae zone; two representatives of the Kakaako community development district, comprising one resident of the district and one owner of a small business or one officer or director of a nonprofit organization in the district; ~~[and]~~ two representatives of the Pulehunui community development district, consisting of one resident of the island of Maui, and one owner of a small business or one officer or director of a nonprofit organization on the island of Maui~~[-]; and, for the purposes of part X of this chapter only, two experts on transit-oriented development,~~

to be appointed one each by the president of the senate and the speaker of the house of representatives; and the following ex officio, nonvoting members: the chairpersons of the respective senate and house of representatives standing committees having jurisdiction over transportation, and the chairpersons of the respective senate and house of representatives standing committees having jurisdiction over housing.

All members except the director of finance[;]; director of transportation[;]; county directors of planning or planning and permitting[;]; director of business, economic development, and tourism[;]; chairperson of the board of land and natural resources[;]; the two experts on transit-oriented development appointed by the president of the senate and speaker of the house of representatives, respectively; the chairpersons of the respective senate and house of representatives standing committees having jurisdiction over transportation; the chairpersons of the respective senate and house of representatives standing committees having jurisdiction over housing; or, where relevant, their respective designees shall be appointed by the governor pursuant to section 26-34. The two at-large members nominated by the president of the senate and speaker of the house of representatives shall each be invited to serve and appointed by the governor from a list of three nominees submitted for each position by the nominating authority specified in this subsection.

The president of the senate and the speaker of the house of representatives shall each submit a list of six nominees for each district to the governor to fill the two district representative positions for each community development district. For each community development district, the governor shall appoint one member from a list of nominees submitted by the president of the senate and one member from a list of nominees submitted by the speaker of the house of representatives, and of the two appointees, one shall meet the district residency requirement and one shall meet the district small business owner or nonprofit organization officer or director requirement.

The president of the senate and the speaker of the house of representatives shall each appoint a member having expertise and experience in urban planning and community development to fill the two positions designated for experts on transit-oriented development.

The authority shall be organized and shall exercise jurisdiction as follows:

- (1) For matters affecting the Heeia community development district, the following members shall be considered in determining quorum and majority and shall be eligible to vote:
 - (A) The director of finance or the director's designee;
 - (B) The director of transportation or the director's designee;
 - (C) The director of business, economic development, and tourism or the director's designee;
 - (D) The director of planning and permitting for the county in which the Heeia community development district is located or the director's designee;
 - (E) The cultural specialist;
 - (F) The two at-large members; and
 - (G) The two representatives of the Heeia community development district;
- (2) For matters affecting the Kalaeloa community development district, the following members shall be considered in determining quorum and majority and shall be eligible to vote:
 - (A) The director of finance or the director's designee;
 - (B) The director of transportation or the director's designee;

- (C) The director of business, economic development, and tourism or the director's designee;
- (D) The director of planning and permitting for the county in which the Kalaeloa community development district is located or the director's designee;
- (E) The cultural specialist;
- (F) The two at-large members; and
- (G) The two representatives of the Kalaeloa community development district;
- (3) For matters affecting the Kakaako community development district, the following members shall be considered in determining quorum and majority and shall be eligible to vote:
 - (A) The director of finance or the director's designee;
 - (B) The director of transportation or the director's designee;
 - (C) The director of business, economic development, and tourism or the director's designee;
 - (D) The director of planning and permitting for the county in which the Kakaako community development district is located or the director's designee;
 - (E) The cultural specialist;
 - (F) The two at-large members; and
 - (G) The two representatives of the Kakaako community development district; ~~and~~
- (4) For matters affecting the Pulehunui community development district, the following members shall be considered in determining quorum and majority and shall be eligible to vote:
 - (A) The director of finance or the director's designee;
 - (B) The director of transportation or the director's designee;
 - (C) The director of business, economic development, and tourism or the director's designee;
 - (D) The director of planning for the county in which the Pulehunui community development district is located or the director's designee;
 - (E) The chairperson of the board of land and natural resources or the chairperson's designee;
 - (F) The cultural specialist;
 - (G) The two at-large members; and
 - (H) The two representatives of the Pulehunui community development district~~[-]; and~~
- (5) For matters affecting part X of this chapter only, the following members shall be considered in determining quorum and majority and shall be eligible to vote:
 - (A) The director of finance or the director's designee;
 - (B) The director of transportation or the director's designee;
 - (C) The director of business, economic development, and tourism or the director's designee;
 - (D) The chairperson of the board of land and natural resources or the chairperson's designee;
 - (E) The director of planning for the county in which the program area is located or the director's designee;

- (F) The cultural specialist;
- (G) The two at-large members; and
- (H) The two experts on transit-oriented development appointed by the president of the senate and the speaker of the house of representatives.

In the event of a vacancy, a member shall be appointed to fill the vacancy in the same manner as the original appointment within thirty days of the vacancy or within ten days of the senate's rejection of a previous appointment, as applicable.

The terms of the director of finance; director of transportation; county directors of planning and permitting; director of business, economic development, and tourism; and chairperson of the board of land and natural resources; or their respective designees shall run concurrently with each official's term of office. The terms of the appointed voting members shall be for four years, commencing on July 1 and expiring on June 30. The governor shall provide for staggered terms of the initially appointed voting members so that the initial terms of four members selected by lot shall be for two years, the initial terms of four members selected by lot shall be for three years, and the initial terms of the remaining three members shall be for four years. The terms on the authority of the chairpersons of the senate and house of representatives standing committees having jurisdiction over housing and the chairpersons of the senate and house of representatives standing committees having jurisdiction over transportation shall run concurrently with that respective legislator's term as the chairperson of that respective committee.

The governor may remove or suspend for cause any member after due notice and public hearing.

Notwithstanding section 92-15, a majority of all eligible voting members as specified in this subsection shall constitute a quorum to do business, and the concurrence of a majority of all eligible voting members as specified in this subsection shall be necessary to make any action of the authority valid. All members shall continue in office until their respective successors have been appointed and qualified. Except as herein provided, no member appointed under this subsection shall be an officer or employee of the State or its political subdivisions.

For purposes of this section, "small business" means a business that is independently owned and that is not dominant in its field of operation."

SECTION 5. Chapter 206E, part X, Hawaii Revised Statutes, is amended to read as follows:

**~~[[[PART X.]]] TRANSIT-ORIENTED DEVELOPMENT~~
~~INFRASTRUCTURE IMPROVEMENT [DISTRICT] PROGRAM~~**

~~[[[§206E-241]]] Findings and purpose.~~ The legislature finds that construction, installation, and improvement of certain infrastructure is necessary and desirable to facilitate renewal and redevelopment of areas designated by the State and the counties for transit-oriented development. Transit-oriented development is a powerful tool that can ultimately deliver a wide range of social, environmental, and economic benefits. Transit-oriented development promotes development patterns that support quality of life, preserves the natural environment, provides a range of housing choices for residents, and encourages walking, biking, and use of mass transit. The State plays an important role in overcoming barriers to transit-oriented development, including encouraging needed investments in improving regional infrastructure such as roads, sewers, water, power, communication, and

storm water management systems. This part is intended to move transit-oriented development planning efforts forward into infrastructure improvements that benefit the community. The legislature further finds that, currently, no single state agency has the authority to improve infrastructure along a transit corridor in the best interest of the State. This part will enable the delivery of infrastructure needed to support development on lands within designated transit-oriented development zones.

Accordingly, ~~[the purpose of this part is to establish]~~ there shall be established the transit-oriented development infrastructure improvement [districts] program, to be administered by the authority to foster community development by strategically investing in infrastructure improvements.

~~[[§206E-242]] Definitions.~~ As used in this part:

~~["Board" means the transit-oriented development infrastructure improvement district board.~~

~~"District" means the transit-oriented development infrastructure improvement district within each county designated transit-oriented development zone, or within a one-half mile radius of a proposed or existing transit station if the county has not designated transit-oriented development zones, as determined by the board.]~~

~~"Fund" means the transit-oriented development infrastructure improvement [district] program special fund established under section 206E-247.~~

~~"Program" means the transit-oriented development infrastructure improvement [district] program developed by the [board] authority pursuant to section 206E-246.~~

~~[[§206E-243]]—District established; boundaries.] Transit-oriented development infrastructure improvement program areas; established.~~ ~~[(a) The transit-oriented development infrastructure improvement district is hereby established under the authority.~~

~~(b)] (a) The [district] transit-oriented development infrastructure improvement program areas shall comprise the parcels of land and associated rights-of-way, either within county-designated transit-oriented development zones, or within a one-half mile radius of a proposed or existing transit station if the county has not designated transit-oriented development zones, as determined by the [board,] authority, which shall take into account proximity, walkability, adopted county plans, and other relevant factors[; provided that in a county with a population in excess of five hundred thousand, a transit-oriented development zone shall include a rail station or a planned rail station]. The [district shall] program areas may include all parcels of land of which any portion of the parcels are located within the county-designated transit-oriented development zones, or within a one-half mile radius around proposed or existing transit stations if the county has not designated transit-oriented development zones.~~

~~(b) The authority may establish and administer transit-oriented development infrastructure improvement program areas.~~

~~[[§206E-244]] Transit-oriented development infrastructure improvement district board; established; members; terms; vacancies.~~ ~~(a) There is established the transit-oriented development infrastructure improvement district board, which shall be placed under the authority within the department of business, economic development, and tourism for administrative purposes. The board shall carry out the duties and responsibilities as set forth in this part.~~

~~(b) The board shall consist of the following voting members:~~

~~(1) The director of finance or the director's designee;~~

- (2) The director of transportation or the director's designee;
- (3) The director of the office of planning and sustainable development or the director's designee;
- (4) The director of planning and permitting of the county in which each district is located or the director's designee; and
- (5) The following members, who shall be appointed by the governor pursuant to section 26-34:
 - (A) A cultural specialist;
 - (B) An at-large member, to be selected from a list of three nominees submitted by the president of the senate;
 - (C) An at-large member, to be selected from a list of three nominees submitted by the speaker of the house of representatives;
 - (D) A resident of the county where the district is located, to be selected from a list of three nominees submitted by the president of the senate; and
 - (E) A resident of the county where the district is located, to be selected from a list of three nominees submitted by the speaker of the house of representatives.

(c) ~~The terms of the appointed members shall be for four years, commencing on July 1 and expiring on June 30; provided that the governor shall provide for staggered terms of the initially appointed members so that the initial terms of one at-large member and one district member selected by lot shall be for three years, the initial terms of one at-large member and one district member selected by lot shall be for four years, and the term of the cultural specialist shall be for two years.~~

(d) ~~If a vacancy occurs, a member shall be appointed to fill the vacancy in the same manner as the original appointment within thirty days of the vacancy or within ten days of the senate's rejection of a previous appointment, as applicable.~~

(e) ~~The terms of the director of finance, director of transportation, director of the office of planning and sustainable development, and the county directors of planning and permitting, or their respective designees, shall run concurrently with each director's term of office.~~

(f) ~~Notwithstanding section 92-15, a majority of all eligible voting members as specified in this section shall constitute a quorum to do business, and the concurrence of a majority of all eligible voting members present shall be necessary to make any action of the board valid. All members shall continue in office until their respective successors have been appointed and received advice and consent of the senate. Except as provided herein, no member appointed under this section shall be an officer or employee of the State or its political subdivisions.~~

(g) ~~The members of the board shall serve without compensation but each shall be reimbursed for expenses, including travel expenses, incurred in the performance of their duties.~~

[§206E-245]—Transit-oriented development infrastructure improvement district board; powers; generally. ~~Except as otherwise limited by this part, with respect to the development, construction, and improvement of infrastructure within the districts, the board may:~~

- (1) ~~Establish and administer districts and programs;~~
- (2) ~~Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this part;~~

- (3) Prepare or cause to be prepared an infrastructure improvement plan for the district;
- (4) Acquire, reacquire, or contract to acquire or reacquire, by grant or purchase, real, personal, or mixed property, or any interest therein, and own, hold, clear, improve, rehabilitate, sell, assign, exchange, transfer, convey, lease, or otherwise dispose of or encumber the same;
- (5) Acquire or reacquire by condemnation real, personal, or mixed property, or any interest therein, for infrastructure improvement;
- (6) By itself or in partnership with qualified persons, acquire, reacquire, construct, reconstruct, rehabilitate, improve, alter, or repair or provide for the construction, reconstruction, improvement, alteration, or repair of any infrastructure and own, hold, sell, assign, transfer, convey, exchange, lease, or otherwise dispose of or encumber any infrastructure improvement;
- (7) Arrange or contract for the planning, replanning, opening, grading, or closing of streets, roads, roadways, alleys, or other places, or the furnishing of facilities, or for the acquisition of property or property rights, or for the furnishing of property or services in connection with an infrastructure improvement project;
- (8) Prepare or cause to be prepared plans, specifications, designs, and estimates of costs for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any infrastructure improvement project, and, from to time, modify the plans, specifications, designs, or estimates of any infrastructure improvement project;
- (9) Provide advisory, consultative, training, and educational services; technical assistance; and advice to any person, partnership, or corporation, either public or private, to carry out the purposes of this part, and engage the services of consultants on a contractual basis for rendering professional and technical assistance and advice;
- (10) Procure insurance against any loss in connection with its property and other assets and operations in amounts and from insurers as it deems desirable;
- (11) Contract for and accept gifts or grants in any form from any public agency or from any other source; and
- (12) Do any and all things necessary to carry out its purposes and exercise the powers given and granted in this part.

[§206E-246]] Transit-oriented development infrastructure improvement [district] program; assessment; rules. (a) The [board] authority shall develop a transit-oriented development infrastructure improvement [district] program to identify infrastructure improvements within each [district] program area. In determining the required infrastructure improvements to be undertaken, the [board] authority shall consider the strategic plan prepared and the prioritization of transit-oriented development projects established by the Hawaii inter-agency council for transit-oriented development, pursuant to section 226-63(c), and subsequent plans and studies prepared by, or approved by, an appropriate governmental agency to further implement the strategic plan and the transit-oriented development projects therein.

(b) [Whenever the board determines to undertake, or causes to be undertaken, any infrastructure improvement as part of the program,] The authority may assess all beneficiaries of the program a user fee for their fair share of the cost of providing [the] any infrastructure improvement the user may be [assessed against the real property in each district] specially benefiting from [the

infrastructure improvement]. The [board] authority shall determine the program areas [of each district] that will benefit from the infrastructure improvement to be undertaken, and if less than the entire [district] transit-oriented development zone benefits, the [board] authority may establish [assessment] user fee areas within the [district:] program area. The [board] authority may issue and sell bonds in amounts as may be authorized by the legislature to provide funds to finance the infrastructure improvements. ~~[The board may fix the assessments against real property specially benefited. All assessments made pursuant to this section shall be a statutory lien against each lot or parcel of land assessed from the date of the notice declaring the assessment until the assessment is paid, and the lien shall have priority over all other liens except the lien of property taxes. As between liens of assessments, the earlier lien shall be superior to the later lien.]~~

(c) Bonds issued to provide funds to finance transit-oriented development infrastructure improvements shall be secured [solely by the real properties benefited or improved, the assessments thereon,] in a manner to be determined through the bond issuance process, or the revenues derived from the program for which the bonds are issued, including reserve accounts and earnings thereon, insurance proceeds, and other revenues, or any combination thereof. The bonds may be additionally secured by the pledge or assignment of loans and other agreements or any note or other undertaking, obligation, or property held by the ~~[board:]~~ authority. Bonds issued pursuant to this section and the income therefrom shall be exempt from all state and county taxation, except transfer and estate taxes. The bonds shall be issued subject to rules adopted by the [board] authority pursuant to this section.

~~[(d) Notwithstanding any other law to the contrary, in assessing real property for transit-oriented development infrastructure improvement, the board shall assess the real property within an assessment area according to the special benefits conferred upon the real property by the infrastructure improvement. These methods may include assessment on a frontage basis or according to the area of real property within an assessment area or any other assessment method that assesses the real property according to the special benefit conferred, or any combination thereof. No assessment levied against real property specially benefited as provided by this part shall constitute a tax on real property within the meanings of any constitutional or statutory provisions. No assessment shall be levied against real property owned by the federal government, the State, or a county, or an agency thereof, without the prior written consent of the owner.]~~

~~(e)~~ (d) The ~~[board shall]~~ authority may adopt rules for the purposes of this part, pursuant to chapter 91, and to provide for the method of undertaking and financing transit-oriented development infrastructure improvement in [an assessment area or an entire district. The rules adopted pursuant to this section shall include but not be limited to:

- (1) The methods by which the board shall establish assessment areas;
- (2) The method of assessment of real properties specially benefited;
- (3) The costs to be borne by the board, the county in which districts are situated, and the property owners;
- (4) The procedures before the board relating to the creation of the assessment areas by the owners of real property therein, including provisions for petitions, bids, contracts, bonds, and notices;
- (5) Provisions relating to assessments;
- (6) Provisions relating to financing, including bonds, revolving funds, advances from available funds, special funds for payment of bonds, payment of principal and interest, and sale and use of the bonds;

- (7) ~~Provisions relating to funds and refunding of outstanding debts;~~
- (8) ~~Provisions relating to limitations on time to sue; and~~
- (9) ~~Other related provisions.] a program area or transit-oriented development zone.~~

~~[(f)] (e)~~ Notwithstanding any other provisions to the contrary, the ~~[board] authority~~ may, in its discretion, enter into any agreement with the county in which the ~~[districts] program areas~~ are located to implement all or part of the purposes of this section.

~~[(g)] (f)~~ All sums collected under this section shall be deposited into the transit-oriented development infrastructure improvement ~~[district] program~~ special fund established under section 206E-247 and shall be applied solely to:

- (1) The payment of the principal and interest on the bonds and the cost of administering, operating, and maintaining the program;
- (2) The establishment of reserves; and
- (3) Other purposes as may be authorized in the proceedings providing for the issuance of the bonds.

If any surplus remains in the fund after the payment of the bonds chargeable against the fund, it shall be credited to and become a part of the fund.

~~[(h)] (g)~~ The transit-oriented development infrastructure improvements ~~[to be financed through bonds issued by the board]~~ may be dedicated to the county in which the infrastructure improvements are to be located. The ~~[board] authority~~ shall ensure that the infrastructure improvements are designed and constructed to meet county requirements and shall enter into an agreement with the county for dedication of the public facilities.

~~[(i)] (h)~~ Notwithstanding any law to the contrary, whenever it becomes necessary to remove, relocate, replace, or reconstruct public utility facilities that are part of a program, the ~~[board] authority~~ shall establish by rule the allocation of cost between the ~~[board,] authority~~, the affected public utilities, and the ~~[properties] users~~ that may specially benefit from the improvement, if any. In determining the allocation of cost, the ~~[board] authority~~ shall consider the cost allocation policies for districts established by the county in which the removal, relocation, replacement, or reconstruction is to take place.

[[§206E-247]] Transit-oriented development infrastructure improvement [district] program special fund. (a) There ~~[is] shall be~~ established in the state treasury the transit-oriented development infrastructure improvement ~~[district] program~~ special fund, into which shall be deposited:

- (1) All revenues, income, and receipts from the transit-oriented development infrastructure improvement ~~[district] program~~;
- (2) Moneys directed, allocated, or disbursed to the ~~[district] program~~ from government agencies or private individuals or organizations, including grants, gifts, awards, ~~and donations[, and assessments of landowners]~~ for costs to administer and operate the ~~[district] program~~;
- (3) ~~[Assessments] User fees~~ collected under section 206E-246; and
- (4) Moneys appropriated to the fund by the legislature.
- (b) Moneys in the fund shall be used only for the purposes of this part.
- (c) Investment earnings credited to the assets of the fund shall become part of the fund.

[[§206E-248]] Memorandum of agreement. The [board] authority may execute memoranda of agreement with appropriate governmental agencies[-] for purposes of this part.

[[§206E-249]] Annual comprehensive report. The [board] authority shall submit an annual comprehensive report on the progress of [development within] the [district] program to the legislature no later than twenty days prior to the convening of each regular session.”

SECTION 6. The Hawaii community development authority may issue revenue bonds from time to time to finance the development of infrastructure within transit-oriented development infrastructure improvement program areas, lands within community development districts established under chapter 206E, Hawaii Revised Statutes, or the stadium development district established in section 206E-223, Hawaii Revised Statutes, and lands owned by the authority. The total principal amount of the revenue bonds authorized by this Act shall not exceed \$180,000,000; provided that neither revenue bonds issued to refund revenue bonds heretofore issued, to the extent that the refunding revenue bonds do not exceed the principal amount of the revenue bonds being refunded, nor revenue bonds of the Hawaii community development authority outstanding as of the effective date of this Act shall cause the amount authorized in this section to be decreased. The revenue bonds shall be issued pursuant to section 206E-246, Hawaii Revised Statutes. The principal and interest on the revenue bonds, to the extent not paid from the proceeds of the bonds, shall be paid solely from, and secured solely by the revenue of the Hawaii community development authority.

SECTION 7. There is appropriated out of the revenue bond proceeds and interest earned thereon authorized by section 6 of this Act the sum of \$180,000,000 or so much thereof as may be necessary for the fiscal year 2025-2026 to carry out the purposes of chapter 206E, Hawaii Revised Statutes; provided that any unexpended and unencumbered balance of the appropriation shall not lapse at the end of fiscal year 2025-2026, but shall lapse instead on June 30, 2030.

SECTION 8. The Hawaii community development authority shall notify the legislature upon the issuance of the revenue bonds authorized by section 6 of this Act, including a detailed list and description of all projects to be funded through the revenue bonds authorized by this Act.

SECTION 9. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 11. This Act shall take effect on July 1, 2025.

(Approved July 1, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to State Finances.

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

SECTION 1. Pursuant to section 201H-88, Hawaii Revised Statutes, the Hawaii housing finance and development corporation may utilize revenue bonds when obtaining a line of credit or other instrument of indebtedness, in an amount not to exceed \$300,000,000 during the fiscal biennium beginning July 1, 2025, and ending June 30, 2027, to meet the requirements of federal tax law for the bond volume cap recycling program under section 39B-2(f), Hawaii Revised Statutes.

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

(Approved July 1, 2025.)

A Bill for an Act Relating to Cancer.

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

SECTION 1. The legislature finds that the cancer research center of Hawaii, known as the university of Hawaii cancer center, is one of seventy-one National Cancer Institute-designated cancer centers in the United States. It is the only center in Hawaii and the Pacific region. The legislature also finds that the university of Hawaii cancer center reduces the burden of cancer through research, education, patient care, and community outreach, with an emphasis on the unique ethnic, cultural, and environmental characteristics of Hawaii and the Pacific region.

Cancer incidence and mortality rates have decreased in Hawaii over the last decade, but despite this overall reduction, the disparities between ethnic populations continue to be of concern. Native Hawaiians continue to have the highest cancer incidence and mortality rates among men and women, including higher incidences of breast and ovarian cancers. Similarly, Filipino women have the highest incidences of ovarian and thyroid cancer. The legislature recognizes the need to identify the root causes of these disparities. This includes determining the health risks associated with living in close proximity to certain environmental hazards and exposures, specifically the impact of county and private waste landfills in Nanakuli, Oahu, on the surrounding Native Hawaiian communities. The legislature finds that cancer research focusing on Native Hawaiians, Pacific Islanders, and Filipinos is a matter of statewide concern and is unique to Hawaii and the university of Hawaii cancer center and thus cannot be easily conducted anywhere else in the world.

The purpose of this Act is to appropriate funds to the university of Hawaii cancer center for a multiethnic cohort study focusing on the social determinants of health, lifestyles, environmental exposures, and resilience factors of Native Hawaiians, Pacific Islanders, and Filipinos, including an analysis of the health effects and risks of individuals living in close proximity to both landfills in Nanakuli, Oahu.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the university of Hawaii cancer center to conduct a multiethnic cohort study focusing on the social determinants of health, lifestyles, environmental exposures, and resilience factors of Native Hawaiians, Pacific Islanders, and Filipinos, including an analysis of the health effects and risks of individuals living in close proximity to landfills in Nanakuli, Oahu; provided that the analysis shall utilize water and soil sample data from the department of health and other agencies.

The sums appropriated shall be expended by the university of Hawaii for the purposes of this Act.

SECTION 3. The university of Hawaii cancer center shall seek other sources of funding, in addition to the funds appropriated by this Act, to complete the multiethnic cohort study identified in section 2 of this Act.

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved July 1, 2025.)

ACT 255

H.B. NO. 969

A Bill for an Act Relating to Waste or Disposal Facilities.

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

SECTION 1. The legislature finds that the search for a new landfill for the city and county of Honolulu cannot be prioritized over the protection of Oahu's freshwater aquifers. In 2021, approximately twenty thousand gallons of jet fuel leaked from the Red Hill bulk fuel storage facility and contaminated the Pearl Harbor-Hickam water system that serves ninety-three thousand military and civilian customers. The leak also affected the Honolulu board of water supply, and the city and county has shut down three wells that supply fourteen million gallons of water a day to urban Honolulu. The Honolulu board of water supply is in search of new wells that can supply urban Honolulu, which may not be ready until 2025. To protect and preserve freshwater, a new landfill cannot be built inland of underground injection control lines.

The legislature further finds that prime agricultural land should be protected, preserved, and reserved for agricultural and related uses. Therefore, a new landfill should not be located on those agricultural lands.

The legislature also finds that the city and county of Honolulu is required to relocate the Waimanalo Gulch sanitary landfill by 2028. The department of environmental services of the city and county of Honolulu proposed six potential sites upon which to relocate the landfill, and all sites were rejected by the landfill advisory committee because of concerns that locating a landfill above freshwater aquifers may damage the State's water sources. Section 183C-4(b), Hawaii Revised Statutes, prohibits waste or disposal facilities in a conservation district, except in emergency circumstances where it may be necessary to mitigate significant risks to public health and safety. Furthermore, section 342H-52(b), Hawaii Revised Statutes, prohibits the construction, modification, or expansion

of a waste or disposal facility within a one-half mile buffer zone between the edge of the waste or waste activity and the nearest residential, school, or hospital property line.

The purpose of this Act is to:

- (1) Prohibit landfill units on land in an agricultural district having soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A in a county with a population greater than five hundred thousand;
- (2) Beginning July 1, 2025, narrow the existing prohibition on the construction, modification, or expansion of waste or disposal facilities within a one-half mile buffer zone of residential, school, or hospital property lines to apply specifically to landfill units or components of landfill units; and
- (3) Beginning July 1, 2025, prohibit the construction, modification, or expansion of a landfill unit, or any component of a landfill unit, inland of an underground injection control line in a county with a population greater than five hundred thousand, with certain exemptions.

SECTION 2. Section 205-2, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Agricultural districts shall include:

- (1) Activities or uses as characterized by the cultivation of crops, crops for bioenergy, orchards, forage, and forestry;
- (2) Farming activities or uses related to animal husbandry and game and fish propagation;
- (3) Aquaculture, which means the production of aquatic plant and animal life within ponds and other bodies of water;
- (4) Wind-generated energy production for public, private, and commercial use;
- (5) Biofuel production, as described in section 205-4.5(a)(16), for public, private, and commercial use;
- (6) Solar energy facilities; provided that:
 - (A) This paragraph shall apply only to land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class B, C, D, or E; and
 - (B) Solar energy facilities placed within land with soil classified as overall productivity rating class B or C shall not occupy more than ten per cent of the acreage of the parcel, or twenty acres of land, whichever is lesser, unless a special use permit is granted pursuant to section 205-6;
- (7) Bona fide agricultural services and uses that support the agricultural activities of the fee or leasehold owner of the property and accessory to any of the above activities, regardless of whether conducted on the same premises as the agricultural activities to which they are accessory, including farm dwellings as defined in section 205-4.5(a)(4), employee housing, farm buildings, mills, storage facilities, processing facilities, photovoltaic, biogas, and other small-scale renewable energy systems producing energy solely for use in the agricultural activities of the fee or leasehold owner of the property, agricultural-energy facilities as defined in section 205-4.5(a)(17), vehicle and equipment storage areas, and plantation community subdivisions as defined in section 205-4.5(a)(12);

- (8) Wind machines and wind farms;
- (9) Small-scale meteorological, air quality, noise, and other scientific and environmental data collection and monitoring facilities occupying less than one-half acre of land; provided that these facilities shall not be used as or equipped for use as living quarters or dwellings;
- (10) Agricultural parks;
- (11) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; ~~and~~ provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;
- (12) Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county; provided that this paragraph shall apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to section 205-5; provided further that the agricultural tourism activities coexist with a bona fide agricultural activity. For the purposes of this paragraph, "bona fide agricultural activity" means a farming operation as defined in section 165-2;
- (13) Open area recreational facilities;
- (14) Geothermal resources exploration and geothermal resources development, as defined under section 182-1;
- (15) Agricultural-based commercial operations registered in Hawaii, including:
 - (A) A roadside stand that is not an enclosed structure, owned and operated by a producer for the display and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii;
 - (B) Retail activities in an enclosed structure owned and operated by a producer for the display and sale of agricultural products grown in Hawaii, value-added products that were produced using agricultural products grown in Hawaii, logo items related to the producer's agricultural operations, and other food items;
 - (C) A retail food establishment owned and operated by a producer and permitted under chapter 11-50, Hawaii administrative rules, that prepares and serves food at retail using products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii;
 - (D) A farmers' market, which is an outdoor market limited to producers selling agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii; and
 - (E) A food hub, which is a facility that may contain a commercial kitchen and provides for the storage, processing, distribution, and sale of agricultural products grown in Hawaii and value-added products that were produced using agricultural products grown in Hawaii.

The owner of an agricultural-based commercial operation shall certify, upon request of an officer or agent charged with enforcement of this chapter under section 205-12, that the agricultural products displayed or sold by the operation meet the requirements of this paragraph;

- (16) Hydroelectric facilities as described in section 205-4.5(a)(23); and
- (17) Composting and co-composting operations; provided that operations that process their own green waste and do not require permits from the department of health shall use the finished composting product only on the operation's own premises to minimize the potential spread of invasive species.

Agricultural districts shall not include golf courses and golf driving ranges, except as provided in section 205-4.5(d). No landfill unit, as defined in section 342H-52, shall be located on land within the agricultural district that has soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A in a county with a population greater than five hundred thousand. Agricultural districts include areas that are not used for, or that are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics."

SECTION 3. Section 205-4.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Uses not expressly permitted in subsection (a), including landfill units, as defined in section 342H-52, located on land within the agricultural district that has soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A in a county with a population greater than five hundred thousand, shall be prohibited, except the uses permitted as provided in sections 205-6 and 205-8, and construction of single-family dwellings on lots existing before June 4, 1976. Any other law to the contrary notwithstanding, no subdivision of land within the agricultural district with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B shall be approved by a county unless those A and B lands within the subdivision are made subject to the restriction on uses as prescribed in this section and to the condition that the uses shall be primarily in pursuit of an agricultural activity.

Any deed, lease, agreement of sale, mortgage, or other instrument of conveyance covering any land within the agricultural subdivision shall expressly contain the restriction on uses and the condition, as prescribed in this section, that these restrictions and conditions shall be encumbrances running with the land until ~~[such time that]~~ the land is reclassified to a land use district other than an agricultural district.

If the foregoing requirement of encumbrances running with the land jeopardizes the owner or lessee in obtaining mortgage financing from any of the mortgage lending agencies set forth in the following paragraph, and the requirement is the sole reason for failure to obtain mortgage financing, then the requirement of encumbrances shall, insofar as ~~[such]~~ the mortgage financing is jeopardized, be conditionally waived by the appropriate county enforcement officer; provided that the conditional waiver shall become effective only in the event that the property is subjected to foreclosure proceedings by the mortgage lender.

The mortgage lending agencies referred to in the preceding paragraph are the Federal Housing Administration, Federal National Mortgage Association, Department of Veterans Affairs, Small Business Administration, United States Department of Agriculture, Federal Land Bank of Berkeley, Federal Interme-

diate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any other federal, state, or private mortgage lending agency qualified to do business in Hawaii, and their respective successors and assigns.”

SECTION 4. Section 342H-52, Hawaii Revised Statutes, is amended to read as follows:

“§342H-52 Prohibitions; buffer zones. (a) No person, including any federal agency, the State, or any county, shall construct, operate, modify, expand, or close a municipal solid waste landfill unit, or any component of a municipal solid waste landfill unit, without first obtaining a permit from the director. All permits for municipal solid waste landfill units shall be subject to any terms and conditions that the director determines are necessary to protect human health or the environment.

(b) ~~[No]~~ Beginning July 1, 2025, no person, including the State or any county, shall construct, modify, or expand a ~~[waste or disposal facility including a municipal solid waste landfill unit, any component of a municipal solid waste landfill unit, a construction and demolition landfill unit, or any component of a construction and demolition]~~ landfill unit or component of a landfill unit without first establishing a buffer zone of no less than one-half mile around the ~~[waste or disposal facility]~~ landfill unit or component of a landfill unit. This subsection shall not apply to the continued operation of an existing ~~[waste or disposal facility]~~ landfill unit or component of a landfill unit that is properly permitted; provided that continued operation does not require physical expansion, vertical or horizontal, of the ~~[facility]~~ landfill unit or component of a landfill unit requiring additional permitting review and a permit modification.

~~[For the purposes of this subsection:~~

~~“Buffer zone” means the distance between the edge of waste or waste activity and the nearest residential, school, or hospital property line.~~

~~“Waste or disposal facility” excludes individual, state-certified, non-industrial redemption centers.]~~

(c) Beginning July 1, 2025, no person, including the State or any county, shall construct, modify, or expand a landfill unit or any component of a landfill unit inland of an underground injection control line in a county with a population greater than five hundred thousand. This subsection shall not apply to the continued operation of an existing landfill unit or any component of a landfill unit that is properly permitted; provided that continued operation does not require physical expansion, vertical or horizontal, of the landfill unit or component of a landfill unit requiring additional permitting review and a permit modification.

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

~~“Buffer zone” means the distance between the edge of the landfill unit or component of the landfill unit and the nearest residential, school, or hospital property line.~~

~~“Landfill unit” means a municipal solid waste landfill unit or a construction and demolition landfill unit.~~

~~“Underground injection control line” means the line determined by the department under rules adopted or regulations promulgated pursuant to section 340E-2.”~~

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, 2025.

(Approved July 1, 2025.)

A Bill for an Act Relating to Travel 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 article to be appropriately designated and to read as follows:

**“ARTICLE
TRAVEL INSURANCE**

§431: -101 Short title. This article shall be known and may be cited as the Hawaii Travel Insurance Act.

§431: -102 Scope and purpose. (a) The purpose of this article is to promote public welfare by creating a comprehensive legal framework to regulate the sale of travel insurance in the State.

(b) The requirements of this article shall apply to:

- (1) Travel insurance that covers any resident of the State and is sold, solicited, negotiated, or offered in the State; and
- (2) Policies and certificates that are delivered or issued for delivery in the State.

This article shall not apply to cancellation fee waivers or travel assistance services, except as expressly provided in this article.

(c) All other applicable provisions of the State’s insurance laws shall continue to apply to travel insurance, except that the specific provisions of this article shall supersede any general provisions of law that would otherwise apply to travel insurance.

§431: -103 Definitions. As used in this article:

“Aggregator site” means a website that provides access to information regarding insurance products from more than one travel insurer, including product and travel insurer information, for use in comparison shopping.

“Blanket travel insurance” means a travel insurance policy issued to any eligible group providing coverage for specific classes of persons defined in the policy, with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group.

“Cancellation fee waiver” means a contractual agreement between a supplier of travel services and the supplier’s customer to waive some or all of the nonrefundable cancellation fee provisions of the supplier’s underlying travel contract regardless of the reason for the cancellation or form of reimbursement. A cancellation fee waiver is not insurance.

“Designated responsible producer” means the person responsible for compliance with the travel insurance laws and regulations applicable to the limited lines travel insurance producer and its registrants.

“Eligible group” means two or more persons who are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship. “Eligible group” includes but is not limited to:

- (1) Any entity engaged in the business of providing travel or travel services, including but not limited to tour operators, lodging providers, vacation property owners, hotels and resorts, travel clubs, travel

agencies, property managers, cultural exchange programs, and common carriers, or the operator, owner, or lessor of a means of transportation of passengers, including but not limited to airlines, cruise lines, railroads, steamship companies, and public bus carriers, wherein all members or customers of the group have common exposure to risk attendant to any particular travel or type of travel or travelers;

- (2) Any college, school, or other institution of learning covering students, teachers, employees, or volunteers;
- (3) Any employer covering any group of employees, volunteers, contractors, boards of directors, dependents, or guests;
- (4) Any sports team, camp, or sponsor thereof covering participants, members, campers, employees, officials, supervisors, or volunteers;
- (5) Any religious, charitable, recreational, educational, or civic organization, or branch thereof covering any group of members, participants, or volunteers;
- (6) Any financial institution or financial institution vendor or parent holding company, trustee, or agent of, or designated by, one or more financial institutions or financial institution vendors, including account holders, credit card holders, debtors, guarantors, or purchasers;
- (7) Any incorporated or unincorporated association, including labor unions, having a common interest, constitution, and bylaws, and that is organized and maintained in good faith for purposes other than obtaining insurance for members or participants of the association covering its members;
- (8) Any trust or the trustees of a fund established, created, or maintained for the benefit of and covering members, employees, or customers, subject to the commissioner's permitting the use of a trust and the State's premium tax provisions in section 431: -105 of one or more associations meeting the requirements of paragraph (7);
- (9) Any entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers;
- (10) Any volunteer fire department, ambulance, rescue, police, court, or any first aid, civil defense, or other such volunteer group;
- (11) Preschools, daycare institutions for children or adults, and senior citizen clubs; or
- (12) Any other group for which the commissioner has determined that:
 - (A) The members are engaged in a common enterprise or have an economic, educational, or social affinity or relationship; and
 - (B) Issuance of the policy would not be contrary to the public interest.

"Fulfillment materials" means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance details.

"Group travel insurance" means travel insurance issued to any eligible group.

"Limited lines travel insurance producer" means a:

- (1) Licensed managing general agent with property and casualty lines of authority or third-party administrator;
- (2) Licensed insurance producer with property and casualty lines of authority, including a limited lines producer licensed under section 431:9A-107.5(a)(1); or

(3) Travel administrator.

“Offer and disseminate” means the act of providing general information, including a description of the coverage and price, processing an application, and collecting premiums for travel insurance.

“Primary certificate holder” means a person who elects and purchases travel insurance under a group policy.

“Primary policyholder” means a person who elects and purchases individual travel insurance.

“Travel administrator” means a person who directly or indirectly underwrites; collects charges, collateral, or premiums from; or adjusts or settles claims on, residents of the State, in connection with travel insurance. “Travel administrator” does not include:

- (1) A person working for a travel administrator to the extent that the person’s activities are subject to the supervision and control of the travel administrator;
- (2) An insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the producer’s license;
- (3) A travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with this article;
- (4) An individual adjusting or settling claims in the normal course of that individual’s practice or employment as an attorney and who does not collect charges or premiums in connection with insurance coverage; or
- (5) A business entity that is affiliated with a licensed travel insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated travel insurer.

“Travel assistance services” means non-insurance services:

- (1) For which the consumer is not indemnified based on a fortuitous event; and
- (2) The provision of which does not result in the transfer or shifting of risk that would constitute the business of insurance.

“Travel assistance services” includes but is not limited to security advisories, destination information, vaccination and immunization information services, travel reservation services, entertainment, activity and event planning, translation assistance, emergency messaging, international legal and medical referrals, medical case monitoring, coordination of transportation arrangements, emergency cash transfer assistance, medical prescription replacement assistance, passport and travel document replacement assistance, lost luggage assistance, concierge services, and any other service that is furnished in connection with planned travel.

“Travel assistance services” is not insurance and not related to insurance.

“Travel insurance” has the same meaning as in section 431:9A-107.5(a)(1).

“Travel protection plan” means a plan that provides travel insurance, travel assistance services, or cancellation fee waivers, or any combination of the foregoing.

“Travel retailer” means a business entity that:

- (1) Makes, arranges, or offers planned travel; and
- (2) May offer and disseminate travel insurance as a service to the business entity’s customers on behalf of and under the direction of a limited lines travel insurance producer.

§431: -104 Licensing and registration. (a) In accordance with sections 431:9A-103 and 431:9A-107.5, the commissioner may issue a limited lines travel insurance producer license to an individual or a business entity that has filed with the commissioner an application for a limited lines travel insurance producer license in a form and manner prescribed by the commissioner. Each limited lines travel insurance producer shall be licensed to sell, solicit, or negotiate travel insurance through a licensed travel insurer. No person shall act as a limited lines travel insurance producer or travel retailer unless properly licensed or registered, respectively.

(b) No travel retailer shall offer and disseminate travel insurance under a limited lines travel insurance producer business entity license unless:

- (1) The limited lines travel insurance producer or travel retailer provides to purchasers of travel insurance:
 - (A) A description of the material terms or the actual material terms of the insurance coverage;
 - (B) A description of the process for filing a claim;
 - (C) A description of the review or cancellation process for the travel insurance policy; and
 - (D) The identity and contact information of the travel insurer and limited lines travel insurance producer;
- (2) At the time of licensure, the limited lines travel insurance producer establishes and maintains a register, on a form prescribed by the commissioner, of each travel retailer offering travel insurance on behalf of the limited lines travel insurance producer. The register shall be maintained and updated by the limited lines travel insurance producer and shall include the name, address, and contact information of the travel retailer and an officer or a person who directs or controls the travel retailer's operations, and the travel retailer's federal tax identification number. Upon request, the limited lines travel insurance producer shall submit the register to the insurance division of the department of commerce and consumer affairs. The limited lines travel insurance producer shall certify that the travel retailer registered complies with title 18 United States Code section 1033;
- (3) The limited lines travel insurance producer has designated one of its employees who is a licensed individual producer as the designated responsible producer;
- (4) The designated responsible producer, president, secretary, treasurer, or other officer or person who directs or controls the limited lines travel insurance producer's insurance operations complies with any fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer;
- (5) The limited lines travel insurance producer has paid all applicable licensing fees; and
- (6) The limited lines travel insurance producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training that is subject, at the discretion of the commissioner, to review and approval; provided that the training material shall contain adequate instructions on the types of travel insurance offered, ethical sales practices, and required disclosures to prospective customers.

(c) Any travel retailer offering or disseminating travel insurance shall make available to prospective purchasers any brochures or other written materials that have been approved by the travel insurer. The materials shall include information that:

- (1) Provides the identity and contact information of the travel insurer and limited lines travel insurance producer;
- (2) Explains that the purchase of travel insurance is not required to purchase any other product or service from the travel retailer; and
- (3) Explains that an unlicensed travel retailer may provide only general information about the travel insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the travel insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.

(d) No travel retailer employee or authorized representative who is not licensed as an insurance producer shall:

- (1) Evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;
- (2) Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or
- (3) Hold the person's self out as a licensed insurer, licensed producer, or insurance expert.

(e) Notwithstanding any other provision of law to the contrary, each travel retailer, and the travel retailer's employees and authorized representatives, whose insurance-related activities are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer meeting the conditions stated in this article may, upon registration by the limited lines travel insurance producer as described in subsection (b)(2), receive related compensation.

(f) Each limited lines travel insurance producer shall be responsible for the acts of each applicable travel retailer and use reasonable means to ensure compliance by the travel retailer with this article.

(g) Any person licensed in property and casualty lines of authority as an insurance producer may sell, solicit, and negotiate travel insurance; provided that no property and casualty insurance producer shall be required to become appointed by a travel insurer to sell, solicit, or negotiate travel insurance.

(h) Any limited lines travel insurance producer or travel retailer conducting business pursuant to this article shall be subject to any applicable provisions of this chapter relating to the revocation, suspension, or nonrenewal of licenses and the imposition of criminal or civil penalties.

§431: -105 Tax on premiums. (a) Each travel insurer shall pay the tax on premiums provided for in section 431:7-202 on all travel insurance premiums paid by:

- (1) An individual primary policyholder who is a resident of the State;
- (2) A primary certificate holder who is a resident of the State and elects coverage under a group travel insurance policy; or
- (3) A blanket travel insurance policyholder, subject to any apportionment rules that may apply to the travel insurer across multiple taxing jurisdictions or that permit the travel insurer to allocate premiums on an apportioned basis in a reasonable and equitable manner in those jurisdictions that:

- (A) Is a resident of the State;
 - (B) Has its principal place of business in the State; or
 - (C) For an affiliate or subsidiary that has purchased blanket travel insurance in the State for eligible blanket group members, has the affiliate's or subsidiary's principal place of business in the State.
- (b) Each travel insurer shall:
- (1) Document the state of residence or principal place of business of the primary policyholder or primary certificate holder; and
 - (2) Report as premiums only the amounts allocable to travel insurance and not any amounts received for travel assistance services or cancellation fee waivers.

§431: -106 Travel protection plans. Travel protection plans may be offered for one price for the combined features that the travel protection plan offers in the State if:

- (1) The travel protection plan clearly discloses to the consumer, at or before the time of purchase, that the travel protection plan includes travel insurance, travel assistance services, and cancellation fee waivers, as applicable, and provides information and an opportunity, at or before the time of purchase, for the consumer to obtain additional information regarding the features and pricing of the travel insurance, travel assistance services, and cancellation fee waivers; and
- (2) The fulfillment materials:
 - (A) Describe and delineate the travel insurance, travel assistance services, and cancellation fee waivers in the travel protection plan; and
 - (B) Include any applicable travel insurance disclosures and contact information for persons providing travel assistance services and cancellation fee waivers.

§431: -107 Sales practices. (a) Except as otherwise provided in this section, any person offering travel insurance to a resident of the State shall be subject to article 13.

(b) Offering or selling a travel insurance policy that could never result in payment of any claims for any insured under the policy shall be deemed to be an unfair trade practice under article 13.

(c) For each travel insurance or travel protection plan to which this section applies:

- (1) All documents provided to the relevant consumer before the purchase of travel insurance, including but not limited to sales materials, advertising materials, and marketing materials, shall be consistent with the travel policy itself, including but not limited to forms, endorsements, policies, rate filings, and certificates of insurance;
- (2) For travel insurance policies or certificates that contain preexisting condition exclusions, information and an opportunity to learn more about the preexisting condition exclusions shall be provided to the consumer at any time before the time of purchase and in the coverage's fulfillment materials;
- (3) As soon as practicable following the purchase of a travel protection plan, the fulfillment materials and the information described in section 431: -104(b)(1) shall be provided to the primary policyholder or primary certificate holder; provided that if the insured

has neither started a covered trip nor filed a claim under the travel insurance coverage, the relevant policyholder or certificate holder may cancel the policy or certificate for a full refund of the travel protection plan price at any time after the date of purchase of a travel protection plan and before either:

- (A) Fifteen days following the date of sending the travel protection plan's fulfillment materials by postal mail; or
 - (B) Ten days following the date of handing fulfillment materials to the policyholder or certificate holder or sending by electronic means the travel protection plan's fulfillment materials; and
- (4) The policy documentation and fulfillment materials shall disclose whether the travel insurance is primary or secondary to other applicable coverage;

provided that if travel insurance is marketed directly to a consumer through a travel insurer's website or by others through an aggregator site, it shall not be deemed to be an unfair trade practice or other violation of law if an accurate summary or short description of coverage is provided on the web page as long as that consumer has access to the full provisions of the policy through electronic means.

(d) No person shall offer, solicit, or negotiate travel insurance or travel protection plans on an individual or group basis by using a negative or opt-out option that would require the consumer to take an affirmative action to deselect coverage when the consumer purchases a trip, including unchecking a box on an electronic form.

(e) Marketing blanket travel insurance coverage as being free of charge shall be deemed to be an unfair trade practice.

(f) If a consumer's destination jurisdiction requires insurance coverage, requiring the consumer to choose between the following options as a condition of purchasing a trip or travel package shall not be deemed to be an unfair trade practice:

- (1) Purchasing the coverage required by the destination jurisdiction through the travel retailer or limited lines travel insurance producer supplying the trip or travel package; or
- (2) Agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements before departure.

§431: -108 Travel administrators. (a) Notwithstanding any other provision of this chapter to the contrary, no person shall act or represent the person's self as a travel administrator for travel insurance in the State unless that person:

- (1) Is a licensed property and casualty insurance producer in the State for activities permitted under the applicable producer license;
 - (2) Holds a valid property and casualty managing general agent license; or
 - (3) Holds a valid third-party administrator license in the State.
- (b) Each travel insurer shall:
- (1) Be responsible for the acts of any travel administrator administering travel insurance underwritten by the travel insurer; and
 - (2) Ensure that the travel administrator maintains all books and records relevant to the travel insurer, to be made available by the travel administrator to the commissioner upon request.

(c) A travel administrator and its employees shall be exempt from section 431:9-201 for travel insurance it administers.

§431: -109 Policy. (a) Notwithstanding any other provision of this chapter to the contrary, travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance.

(b) Travel insurance may be in the form of an individual, group, or blanket policy.

(c) Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels; provided that the standards shall meet any of the State's underwriting standards for inland marine.

§431: -110 Rulemaking. The commissioner may adopt rules pursuant to chapter 91 to effectuate this article."

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. This Act shall take effect upon its approval.

(Approved July 1, 2025.)

ACT 257

H.B. NO. 1422

A Bill for an Act Relating to Motor Carriers.

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

SECTION 1. The legislature finds that the State's beach parks, scenic viewpoints, hiking trailheads, cultural sites, wildlife habitats, and other natural resources are popular destinations for visitors to the State. However, these sites are often located alongside congested state highways or county roads with limited parking.

The legislature further finds that there are community-based organizations that collaborate with the State, counties, visitor industry, and impacted neighborhoods to address traffic congestion in these areas, such as the shuttle system currently in use in Haena, Kauai, which reduces the number of vehicles on the narrow Kuhio highway. This shuttle system generates revenues to fund shuttle operations, as well as improvements at the Haena state park, parking attendant salaries, and the costs of maintaining and expanding loi and cultural sites within Haena state park.

The purpose of this Act is to exempt community-based organizations that provide transportation services from the State's motor carrier law, under certain circumstances.

SECTION 2. Section 271-5, Hawaii Revised Statutes, is amended to read as follows:

"§271-5 Exemptions, generally. Notwithstanding any other provisions of this chapter, its contents shall not apply to:

- (1) Persons transporting their own property where the transportation is in furtherance of a primary business purpose or enterprise of that person, except where the transportation is undertaken by a motor carrier to evade the regulatory purposes of this chapter;

- (2) Persons operating motor vehicles when engaged in the transportation of school children and teachers to and from school, and to and from school functions; provided that these persons may engage in providing transportation at special rates for groups of persons belonging to an eleemosynary or benevolent organization or association domiciled in [this] the State where the organization or association sponsors or is conducting a nonregular excursion; provided further that whenever the persons engage in the transportation of persons other than those exempted in this paragraph, that portion of their operation shall not be exempt from this chapter. Nothing in this paragraph shall be construed to authorize any person to engage in the transportation of persons, other than the transportation of persons exempted by the terms of this paragraph, without a permit or certificate issued by the commission authorizing such transportation;
- (3) Persons operating taxicabs or other motor vehicles utilized in performing a bona fide taxicab service. "Taxicab" includes:
 - (A) Any motor vehicle used in the movement of passengers on the public highways under the following circumstances, namely the passenger hires the vehicle on call or at a fixed stand, with or without baggage for transportation, and controls the vehicle to the passenger's destination;
 - (B) Any motor vehicle for hire having seating accommodations for eight or fewer passengers used in the movement of passengers on the public highways that may, as part of a continuous trip, pick up or discharge passengers from various unrelated locations; provided that they shall be regulated by the counties in accordance with section 46-16.5(c); ~~[and]~~ provided further that this subparagraph shall not apply to any exclusive rights granted by the department of transportation for taxicab services at facilities under the department's control; and
 - (C) Any motor vehicle having seating accommodations for eight or fewer passengers used in the movement of passengers on the public highways between a terminal, i.e., a fixed stand, in the Honolulu district, as defined in section 4-1 and a terminal in a geographical district outside the limits of the Honolulu district, and vice versa, without picking up passengers other than at the terminals or fixed stands; provided that the passengers may be picked up by telephone call from their homes in the rural area or may be unloaded at any point between the fixed stands or may be delivered to their homes in the rural area;
- (4) Persons operating motor vehicles in the transportation of persons pursuant to a franchise from the legislature and whose operations are presently regulated under chapter 269;
- (5) Nonprofit agricultural cooperative associations to the extent that they engage in the transportation of their own property or the property of their members;
- (6) Persons operating motor vehicles specially constructed for the towing of disabled or wrecked vehicles but not otherwise used in the transportation of property for compensation or hire;
- (7) Persons operating motor vehicles in the transportation of mail, newspapers, periodicals, magazines, messages, documents, letters, or blueprints;

- (8) Persons operating funeral cars or ambulances;
- (9) Persons operating motor vehicles in the transportation of garbage or refuse;
- (10) Persons operating the type of passenger carrying motor vehicles known as "sampan buses" within the radius of twenty miles from the city of Hilo, Hawaii;
- (11) Persons transporting unprocessed pineapple to a cannery, seed corn to a processing facility, or returning any containers used in ~~[such]~~ the transportation to the fields;
- (12) Sugar plantations transporting sugarcane, raw sugar, molasses, sugar by-products, and farming supplies for neighboring farmers pursuant to contracts administered by the United States Department of Agriculture;
- (13) Persons engaged in the ranching or meat or feed business who transport cattle to slaughterhouses for hire where such transportation is their sole transportation for hire and where their earnings from the transportation constitute less than fifty per cent of their gross income from their business and the transportation for hire;
- (14) Persons transporting unprocessed raw milk to processing plants and returning any containers used in ~~[such]~~ the transportation to dairy farms for reloading;
- (15) Persons transporting animal feeds to animal husbandry farmers and farming supplies directly to animal husbandry farmers and returning any containers used in ~~[such]~~ the transportation to these sources of ~~[such]~~ the feeds and supplies for reloading;
- (16) Persons engaged in transporting ~~[not]~~ no more than fifteen passengers between their places of abode, or termini near such places, and their places of employment in a single daily round trip where the driver is also on the driver's way to or from the driver's place of employment;
- (17) Persons transporting passengers without charge in motor vehicles owned or operated by ~~[such]~~ the person, where ~~[such]~~ the transportation is provided in conjunction with and in furtherance of a related primary business purpose or enterprise of that person, and ~~[such]~~ the transportation is provided only directly to and from the place of business of ~~[such]~~ the person, except that this exemption shall not apply to persons making any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation as a travel agent or broker or a person engaged in tour or sightseeing activities, nor shall this exemption apply where the transportation is undertaken by a person to evade the regulatory purposes of this chapter; ~~and~~
- (18) Persons conducting the type of county-regulated passenger carrying operation known as "jitney services". For the purposes of this paragraph, "jitney services" means public transportation services utilizing motor vehicles that have seating accommodations for six to twenty-five passengers, operate along specific routes during defined service hours, and levy a flat fare schedule[-]; and
- (19) Community-based organizations engaged in community-based economic development providing transportation services; provided that:

- (A) The transportation services are operated within the parameters of a state- or county-approved plan that is contracted or regulated under the authority of that state or county government agency. The state or county government agency shall require, or may exceed, the minimum requirements for commercial and business insurance required under section 271-17;
 - (B) The community-based organization owns the transportation service-related assets, and these assets cannot be sold for personal gain for the duration of the exemption from this chapter;
 - (C) Community stakeholders have a role in the operation of the community-based organization; and
 - (D) The state or county government agency shall notify the commission of the agency's determination that the community-based organization qualifies for this exemption.
- For the purposes of this paragraph:
"Community-based economic development" has the same meaning as defined in section 210D-2.
"Community-based organization" has the same meaning as defined in section 210D-2.
"Community stakeholders" means individuals, groups, or other organizations within the geographically defined area served by, and that have a direct interest in the activities and outcomes of, the community-based organization and community-based economic development."

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, 2025.)

ACT 258

S.B. NO. 897

A Bill for an Act Relating to Energy.

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

PART I

SECTION 1. Chapter 269, Hawaii Revised Statutes, is amended by adding two new sections to part I to be appropriately designated and to read as follows:

"§269-A Electric cooperative cost recovery for wildfire mitigation, repair, and restoration costs. (a) An electric cooperative may recover commission-approved wildfire mitigation, repair, and restoration costs through an automatic rate adjustment clause or other tariff recovery mechanism to be established by the commission.

(b) For purposes of this section, "electric cooperative" means a public utility that satisfies the requirements under section 269-31(c).

§269-B Determination of limitation on liability. (a) The commission shall initiate a proceeding for the adoption of rules pursuant to chapter 91 to

establish the maximum amount each electric utility may pay to resolve claims arising from any covered catastrophic wildfires, as defined in section 663- , for set periods of time established by rules in accordance with this section. The commission shall have sole discretion to establish the maximum payable amounts and applicable periods of time. The rules adopted by the commission under this section shall have the force and effect of law.

(b) The commission shall adopt rules as soon as is practicable. The rules shall authorize the maximum payable amount each electric utility may pay to resolve qualifying damages arising from any covered catastrophic wildfires, as those terms are defined in section 663- , that occur within a set period of time, or per event, as determined by the commission, without harming ratepayers or materially impacting each electric utility's ability to provide adequate and safe service consistent with the public interest. In adopting rules to establish the maximum payable amount, the commission shall consider, at a minimum:

- (1) Whether the maximum payable amount shall be delineated by the qualifying damages arising from covered catastrophic wildfires that occur:
 - (A) Within a set period of time that is determined by the commission; or
 - (B) Per event;
- (2) Different approaches to establishing the maximum payable amount, such as a flat dollar limit for the set period of time, or per event; one based upon a percentage of the electric utility's market capitalization or rate base; or hybrid approaches, including examining frameworks adopted or considered in other wildfire-prone states and their effectiveness;
- (3) Impacts on the electric utility's credit ratings, borrowing costs, and customer's electricity rates, and how the establishment of the maximum payable amount will help to achieve intended outcomes of improving the utility's credit rating and lowering costs passed on to customers;
- (4) Impacts of the maximum payable amount upon the insurance market in the State;
- (5) Impacts of the maximum payable amount on the indemnity, contribution, and subrogation rights of any person or entity;
- (6) Impacts on the liability exposure of other hypothetical future co-defendants with respect to claims arising from a catastrophic wildfire;
- (7) Impacts on potential future plaintiffs who could be negatively impacted by the establishment of the maximum payable amount;
- (8) The affordability of electric utility service and the potential impacts on customer's electricity rates by the establishment of the maximum payable amount;
- (9) Requirements to maintain or improve the quality of service to the electric utility's customers;
- (10) Requirements to improve the management of the electric utility doing business in the State;
- (11) Requirements to meet state policy goals for clean energy and climate;
- (12) Requirements to implement wildfire mitigation plans and improve safety;
- (13) Requirements to improve interconnection costs and timeliness; and
- (14) The restriction or reduction of compensation packages and bonuses to officers and employees of the electric utility.

- (c) The rules adopted pursuant to this section shall also include:
- (1) Conditions to ensure that the establishment of the maximum payable amount is consistent with the public interest;
- (2) Annual reporting requirements for compliance with any conditions established; and
- (3) Procedures for corrective actions if the electric utility is not in compliance.

Rules required to be adopted under this section shall be adopted in a single rulemaking proceeding. Upon request by the commission, the electric utility or any state or county agency shall provide any information that is relevant to the rulemaking proceedings under this section.

(d) Notwithstanding any other law to the contrary, the rules adopted under this section shall be presented to, and subject to the approval of, the governor. If the governor approves the rules, the governor shall sign the rules, and the rules shall be adopted as provided in section 91-3. If the governor does not approve the rules, the governor may return the rules to the commission with the governor's reasons for disapproval. The governor shall have twenty-one days to consider the rules after the rules are presented to the governor, and if the rules are neither signed nor returned by the governor within that time, the rules shall be adopted as if the governor had signed them.

If the rules are returned to the commission, the commission may start anew the rule-making process set forth in subsection (b).

(e) On or before the last day of the preceding set period of time established by the commission with respect to each electric utility, the commission shall adopt rules pursuant to subsection (b) and (c) for the next subsequent proposed period of time.

(f) Notwithstanding any other law to the contrary, the supreme court shall have original jurisdiction over any petition to obtain a judicial determination as to the validity of the rules adopted under this section. The petition shall be filed with the clerk of the supreme court within thirty days of the filing of the rules with the lieutenant governor pursuant to section 91-4(b). After an action is filed pursuant to this paragraph, the supreme court shall give priority to the action over all other civil or administrative appeals or matters and shall render a final judgment and opinion as expeditiously as possible. No action challenging the validity of the rules may be brought except as provided in this subsection.

In all collateral proceedings, including any civil action to recover damages for a covered catastrophic wildfire, the maximum payable amounts established by the rules shall be conclusive and not subject to judicial review. Nothing in this section or rules adopted under this section shall be construed to create any property interest or entitlement of any kind in the electric utility, and no claim by any party, whether sounding in law or equity, or under article I, section 20, of the Hawaii State Constitution, may be brought against the commission, its commissioners, officials, and employees, or the State relating to rulemaking under this section.

(g) For purposes of this section:

"Electric utility" includes an electric cooperative, as defined in section 269-A(b).

“Wildfire mitigation plan” means the plan that each electric utility shall file with the commission, and which shall be periodically updated at a frequency determined by the commission, that sets forth the utility’s practices to protect public safety and reduce risk to customers from wildfires and to promote the resilience of the electric system to wildfire damage, pursuant to requirements established by the commission.”

SECTION 2. Chapter 663, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§663- Limitation on aggregate liability; electric utilities. (a) The aggregate liability of an electric utility, including its affiliates, collectively, for qualifying damages arising from a covered catastrophic wildfire shall not exceed the least of the maximum payable amount authorized by the rules, adopted pursuant to section 269-B, for either the set period of time in which the covered catastrophic wildfire began or per event, as determined by the commission, or for the remainder of the maximum payable amount to the extent that the electric utility has already paid qualifying damages for the same time period or event.

(b) An electric utility that seeks to assert the limitation on aggregate liability set forth in subsection (a) shall:

- (1) Have a wildfire mitigation plan, as defined in section 269-B, that is approved by the commission and shall have sought and received a determination from the commission that the plan is being implemented on the timeline approved by the commission; and
- (2) Be in full compliance with any conditions and reporting requirements established by rule pursuant to subsection 269-B(c).

(c) All civil actions arising out of a catastrophic wildfire shall be brought in the circuit in which the catastrophic wildfire occurred. The court shall adopt procedures to equitably apply the limit set forth in subsection (a) to all filed civil claims, and notwithstanding any law to the contrary, joint and several liability shall not apply to qualifying damages, even as to any amount of qualifying damages in excess of the aggregate liability of an electric utility; provided that in any action to recover from a person or an entity in connection with a covered catastrophic wildfire, the person or entity may claim, in defense, apportionment of fault to any other person, entity, electric utility, or electric cooperative, even as to those who are not a party to the action. The exceptions to the abolition of joint and several liability set forth in section 663-10.9 shall not apply to any suit, claim, arbitration, or other civil action arising out of a covered catastrophic wildfire. All settlements or judgments for claims for qualifying damages shall be subject to approval by the court. The court shall not approve any settlement or judgment that would cause the aggregate liability of electric utilities to exceed the aggregate liability limit prescribed by the commission if the utility is entitled to invoke the limitation under subsection (a). No liability allocable to the electric utility that is not payable because of the aggregate liability limit shall be shifted, in any manner, to any other alleged tortfeasor or obligor.

(d) A court may consolidate cases arising from a covered catastrophic wildfire. Any circuit court that is not the consolidating court shall transfer any civil case to facilitate the consolidation.

(e) No later than twenty days prior to the convening of each regular session, the commission shall study and submit a report to the legislature that includes:

- (1) An assessment of whether the factors considered pursuant to section 269-B(b) adequately balance the solvency interests of electric utilities with the compensation owed in the previous year to catastrophic wildfire victims, or whether additional factors should be considered; and
- (2) Any other findings and recommendations, including any necessary proposed legislation.
- (f) For the purposes of this section:

“Catastrophic wildfire” means a wildfire occurring in the State on or after the effective date of this Act that substantially damages or destroys more than five hundred commercial structures or residential structures designed for habitation or, for an electric cooperative, a wildfire that substantially damages or destroys more than fifty commercial structures or residential structures designed for habitation.

“Covered catastrophic wildfire” means a catastrophic wildfire that may have been caused, or whose severity may have been increased, by an electric utility’s facilities or actions.

“Electric utility” means a public utility that exists for the furnishing of electrical power, including an electric cooperative.

“Electric cooperative” is an electric utility that has the same meaning as in section 269-31(c).

“Public utility” has the same meaning as in section 269-1.

“Qualifying damages” means economic damages arising out of the loss of or damage to real or personal property from a covered catastrophic wildfire. “Qualifying damages” does not include claims for physical bodily harm or emotional harm.”

PART II

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

“CHAPTER SECURITIZATION

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

“Ancillary agreement” means a bond insurance policy, letter of credit, reserve account, surety bond, swap arrangement, hedging arrangement, liquidity or credit support arrangement, or other similar agreement or arrangement entered into in connection with the issuance of bonds that is designed to promote the credit quality and marketability of the bonds or to mitigate the risk of an increase in interest rates.

“Assignee” means a legally recognized entity to which an electric utility assigns, sells, or transfers, other than as security, all or a portion of the electric utility’s interest in or right to infrastructure resilience property. “Assignee” includes a corporation, limited liability company, general partnership or limited partnership, public authority, trust, financing entity, or any other legal entity to which an assignee assigns, sells, or transfers, other than as security, its interest in or right to infrastructure resilience property.

“Bond” means any bond, note, certificate of participation or beneficial interest, or other evidence of indebtedness or ownership that is issued by the financing entity under a financing order, the proceeds of which are used directly or indirectly to recover, finance, or refinance financing costs of any infrastruc-

ture resilience costs, and that are directly or indirectly secured by or payable from infrastructure resilience property.

“Commission” means the public utilities commission.

“Consumer” means any individual, governmental body, trust, business entity, or nonprofit organization that consumes electricity that has been transmitted or distributed by means of electric transmission or distribution facilities, whether those electric transmission or distribution facilities are owned by the consumer, the electric utility, or any other party.

“Electric utility” means a public utility that exists for the furnishing of electrical power.

“Executive officer” means any person who performs policy making functions and is employed by an electric utility subject to the approval of the board of directors, and includes the president, secretary, treasurer, and any vice president in charge of a principal business unit, division, or function of the electric utility.

“Financing costs” means the costs to issue, service, repay, or refinance bonds, whether incurred or paid upon issuance of the bonds or over the life of the bonds, if they are approved for recovery by the commission in a financing order. “Financing costs” may include any of the following:

- (1) Principal, interest, and redemption premiums that are payable on bonds;
- (2) A payment required under an ancillary agreement;
- (3) An amount required to fund or replenish reserve accounts or other accounts established under an indenture, ancillary agreement, or other financing document related to the bonds;
- (4) Taxes, franchise fees, or license fees imposed on a financing entity as a result of the issuance of the financing order; the assignment, sale, or transfer of any infrastructure resilience property; or the sale of the bonds, or imposed on the infrastructure resilience charges, or otherwise resulting from the collection of the infrastructure resilience charge, in any such case whether paid, payable, or accrued;
- (5) Costs related to issuing and servicing bonds or the application for a financing order, including without limitation servicing fees and expenses, trustee fees and expenses, legal fees and expenses, accounting fees, administrative fees, underwriting and placement fees, financial advisory fees, original issue discount, capitalized interest, rating agency fees, and any other related costs that are approved for recovery in the financing order;
- (6) Costs related to the engagement of services of a financial advisor by the commission; and
- (7) Other costs as specifically authorized by a financing order.

“Financing entity” means an electric utility or an entity to which an electric utility or an affiliate of an electric utility sells, assigns, or pledges all or a portion of the electric utility’s interest in infrastructure resilience property, including an affiliate of the electric utility or any unaffiliated entity, in each case as approved by the commission in a financing order.

Subject to section -6(c), an entity to which an electric utility sells, assigns, or pledges all or a portion of the electric utility’s interest in infrastructure resilience property may include any governmental entity that is able to issue bonds that are exempt from federal tax pursuant to section 103 of the Internal Revenue Code of 1986, as amended, including the State or a political subdivision thereof or any department, agency, or instrumentality of the State or po-

litical subdivision; provided that the bonds issued shall not constitute a general obligation of the State or any political subdivision thereof or any department, agency, or instrumentality of the State or political subdivision and shall not constitute a pledge of the full faith and credit of the entity or of the State or any political subdivision thereof, but shall be payable solely from the funds provided under this chapter.

“Financing order” means an order of the commission under this chapter that has become final and no longer subject to appeal as provided by law and that authorizes the issuance of bonds and the imposition, adjustment from time to time, and collection of infrastructure resilience charges, and that shall include a procedure to require the expeditious approval by the commission of periodic adjustments to infrastructure resilience charges and to any associated fixed recovery tax amounts included in that financing order to ensure recovery of all infrastructure resilience costs and the costs associated with the proposed recovery, financing, or refinancing thereof, including the costs of servicing and retiring the bonds contemplated by the financing order.

“Financing party” means any holder of the bonds; any party to or beneficiary of an ancillary agreement; and any trustee, collateral agent, or other person acting for the benefit of any of the foregoing.

“Fixed recovery tax amounts” means those nonbypassable rates and other charges, including but not limited to distribution, connection, disconnection, and termination rates and charges, that are needed to recover federal and state taxes associated with infrastructure resilience charges authorized by the commission in a financing order, but are not approved as financing costs financed from proceeds of bonds.

“Infrastructure resilience charges” means the nonbypassable charges, including but not limited to distribution, connection, disconnection, and termination rates and charges, that are authorized in a financing order authorized under this chapter to be imposed on and collected from all existing and future consumers of an electric utility or any successor to recover principal, interest, and other financing costs relating to the bonds issued by its financing entity.

“Infrastructure resilience costs” means an electric utility’s costs to implement its wildfire risk mitigation plan and other investments in infrastructure improvements, modernization, and replacement needed to reduce wildfire risks and increase reliability and resilience to natural disasters and weather-related events, as approved by the commission.

“Infrastructure resilience property” means the property right created pursuant to this chapter, including but not limited to the right, title, and interest of an electric utility, financing entity, or its assignee:

- (1) In and to the infrastructure resilience charge established pursuant to a financing order, including the right to impose, bill, collect, and receive the infrastructure resilience charges under the financing order and all rights to obtain adjustments to the infrastructure resilience charge in accordance with section 3 and the financing order; and
- (2) To be paid the amount that is determined in a financing order to be the amount that the electric utility or its assignee is lawfully entitled to receive pursuant to this chapter and the proceeds thereof, and in and to all revenues, collections, claims, payments, moneys, or proceeds of, or arising from, the infrastructure resilience charge that is the subject of a financing order.

“Infrastructure resilience property” does not include a right to be paid fixed recovery tax amounts. “Infrastructure resilience property” shall constitute a current property right, notwithstanding the fact that the value of the property right will depend on consumers using electricity or, in those instances where consumers are customers of the electric utility, the electric utility performing certain services.

“Investor-owned electric utility” means an electric utility that is owned by shareholders and overseen by a board of directors elected by shareholders.

“Public utility” has the same meaning as in section 269-1.

“True-up adjustment” means a formulaic adjustment to the infrastructure resilience charges as they appear on consumer bills that is necessary to correct for any overcollection or undercollection of the infrastructure resilience charges authorized by a financing order and to otherwise ensure the timely and complete payment and recovery of infrastructure resilience costs over the authorized repayment term.

“Wildfire risk mitigation plan” means a plan, which may include a natural hazard mitigation report, in which an electric utility addresses how the electric utility will mitigate the risk to its equipment in the event of a wildfire.

§ -2 Applications to issue bonds and authorize infrastructure resilience charges. (a) An electric utility may apply to the commission for one or more financing orders to issue bonds to recover any infrastructure resilience costs, each of which authorizes the following:

- (1) The imposition, charging, and collection of an infrastructure resilience charge, to become effective upon the issuance of the bonds, and an adjustment of any such infrastructure resilience charge in accordance with a true-up adjustment mechanism under this chapter in amounts sufficient to pay the principal and interest on the bonds and all other associated financing costs on a timely basis;
- (2) The creation of infrastructure resilience property under the financing order; and
- (3) The imposition, charging, and collection of fixed recovery tax amounts to recover any portion of the electric utility’s federal and state taxes associated with those infrastructure resilience charges and not financed from the proceeds of bonds.

(b) The commission may issue a financing order that authorizes the issuance of bonds under subsection (a) only if:

- (1) The electric utility, in good faith, has sought the maximum federal funding to offset the costs of infrastructure;
 - (2) After the effective date of this Act, the first \$500,000,000 in infrastructure resilience capital investments, in the aggregate, must be made under this Act; and
 - (3) Any assets that are to be financed under securitization should not already be included in the electric utility’s rate base.
- (c) The application shall include all of the following:
- (1) The infrastructure resilience costs to be financed through the issuance of bonds;
 - (2) The principal amount of the bonds proposed to be issued and the selection of a financing entity;
 - (3) An estimate of the date on which each series of bonds is expected to be issued;

- (4) The scheduled final payment date, which shall not exceed thirty years, and a legal final maturity date, which may be longer, subject to rating agency and market considerations, during which term the infrastructure resilience charge associated with the issuance of each series of bonds is expected to be imposed and collected;
- (5) An estimate of the financing costs associated with the issuance of each series of bonds;
- (6) An estimate of the amount of the infrastructure resilience charge revenues necessary to pay principal and interest on the bonds and all other associated financing costs as set forth in the application and calculation for that estimate;
- (7) A proposed design of the infrastructure resilience charge and a proposed methodology for allocating the infrastructure resilience charge among customer classes within the electric utility's service territory;
- (8) A description of the financing entity selected by the electric utility;
- (9) A description of a proposed true-up adjustment mechanism for the adjustment of the infrastructure resilience charge to correct for any overcollection or undercollection of the infrastructure resilience charge, and to otherwise ensure the timely payment of principal and interest on the bonds and all other associated financing costs; and
- (10) Any other information required by the commission.

(d) An electric utility may file an application for a financing order, or as a joint applicant with one or more affiliate electric utilities, to issue bonds to recover infrastructure resilience costs. The application shall include a description of:

- (1) How the infrastructure resilience charges will be allocated among the applicant electric utilities in a manner that is equitable and that need not correspond to the incurrence of infrastructure resilience costs by each electric utility; and
- (2) Whether and how the consumers of any of the applicant electric utilities will be responsible for the payment of infrastructure resilience charges allocated to consumers of affiliate electric utilities.

In the alternative, an electric utility may apply for a financing order to issue bonds to recover infrastructure resilience costs, including infrastructure resilience costs incurred, or to be incurred, by the applicant and one or more of its affiliate electric utilities. In connection with the issuance of a financing order pursuant to this subsection, the commission shall issue a concurrent order to the affiliate electric utility or electric utilities directing the affiliate electric utility or electric utilities to impose rates on its or their consumers designed to generate revenue sufficient to pay credits over the life of the bonds to the applicant electric utility in the amount as the commission determines is equitable, just, and reasonable. The application shall describe the allocation method and adjustment mechanism for the affiliate electric utility credit payments proposed to be subject to the concurrent commission order.

(e) The commission shall issue an approval or denial of any application for a financing order filed pursuant to this section within ninety days of the last filing in the applicable docket.

(f) In exercising its duties under this section, the commission shall consider:

- (1) Whether the issuance of the bonds, and the imposition and collection of infrastructure resilience charges, are consistent with the public interest;

- (2) Whether the structuring, marketing, and pricing of the bonds are expected to result in the lowest infrastructure resilience charges consistent with market conditions at the time at which the bonds are priced and the terms of the financing order;
- (3) Whether the terms and conditions of any bonds to be issued are just and reasonable;
- (4) With respect to an application by an investor-owned electric utility, whether the recovery of infrastructure resilience costs through the designation of the infrastructure resilience charges and any associated fixed recovery tax amounts, and the issuance of bonds in connection with the infrastructure resilience charges, would result in net savings or mitigate rate impacts to consumers, as compared to rate recovery without securitization; and
- (5) Any other factors that the commission deems reasonable and in the public interest.

If the commission makes the determination specified in this section, the commission shall establish, as part of the financing order, a procedure for the electric utility to submit applications from time to time to request the issuance of additional financing orders designating infrastructure resilience charges and any associated fixed recovery tax amounts as recoverable.

An electric utility may include in its application for a financing order a request for authorization to sell, transfer, assign, or pledge infrastructure resilience property to a governmental entity if the electric utility expects bonds issued by a governmental entity to result in a more cost-efficient means, taking into account all financing costs related to the bonds, than using another financing entity to issue bonds to finance the same infrastructure resilience costs, taking into account the costs of issuing the other financing entity's bonds.

(g) Infrastructure resilience charges and any associated fixed recovery tax amounts shall be imposed only on existing and future consumers in the utility service territory of the electric utility that is subject to such financing order. Consumers within the utility service territory of the electric utility that are subject to the financing order shall continue to pay infrastructure resilience charges and any associated fixed recovery tax amounts until the bonds and associated financing costs are paid in full by the financing entity.

§ -3 Infrastructure resilience financing order. (a) A financing order shall remain in effect until the bonds issued under the financing order and all financing costs related to the bonds have been paid in full or defeased by their terms. The aggregate of the financing orders shall be for no greater than \$500,000,000 of the infrastructure resilience costs for a corporate family of the electric utility.

A financing order shall remain in effect and unabated notwithstanding the bankruptcy, reorganization, or insolvency of the electric utility or the commencement of any judicial or nonjudicial proceeding on the financing order.

(b) Notwithstanding any other law to the contrary, with respect to infrastructure resilience property that has been made the basis for the issuance of bonds and with respect to any associated fixed recovery tax amounts, the financing order, the infrastructure resilience charges, and any associated fixed recovery tax amounts shall be irrevocable. The State and its agencies, including the commission, pledge and agree with bondholders, the owners and assignees of the infrastructure resilience property, and other financing parties that the State and

its agencies shall not take any action listed in this subsection. This subsection shall not preclude an action if the action would not adversely affect the interests of the electric utility, of assignees of the infrastructure resilience property, and of bondholders. The prohibited actions shall be the following:

- (1) Alter the provisions of this chapter, which authorize the commission to create an irrevocable contract right or choose in action by the issuance of a financing order, to create infrastructure resilience property and make the infrastructure resilience charges imposed by a financing order irrevocable, binding, nonbypassable charges for all existing and future consumers;
- (2) Take or permit any action that impairs or would impair the value of infrastructure resilience property or the security for the bonds or revise the infrastructure resilience costs for which recovery is authorized;
- (3) In any way impair the rights and remedies of the bondholders, assignees, and other financing parties; and
- (4) Except for changes made pursuant to the true-up adjustment authorized under subsection (d), reduce, alter, or impair infrastructure resilience charges that are to be imposed, billed, charged, collected, and remitted for the benefit of the bondholders, any assignee, and any other financing parties until any and all principal, interest, premium, financing costs, and other fees, expenses, or charges incurred, and any contracts to be performed, in connection with the related bonds have been paid and performed in full.

The financing entity may include this pledge in the bonds.

(c) Under a financing order, the electric utility shall retain sole discretion to select the financing entity and to cause bonds to be issued, including the right to defer or postpone the issuance, assignment, sale, or transfer of infrastructure resilience property.

(d) The commission may create, pursuant to an application from an electric utility, a nonbypassable charge referred to as an infrastructure resilience charge, which shall be applied to recover principal, interest, and other financing costs relating to the bonds. The infrastructure resilience charge shall be a dedicated, discrete tariff rider.

The commission, in any financing order, shall establish a procedure for periodic true-up adjustments to infrastructure resilience charges, which shall be made at least annually and may be made more frequently. Within thirty days after receiving an electric utility's filing of a true-up adjustment, the commission's review of the filing shall be limited to mathematical or clerical errors as determined in accordance with any true-up adjustment formulas set forth in the applicable financing order.

The commission shall either approve the filing or inform the electric utility of any mathematical or clerical errors in its calculation. If the commission informs the electric utility of mathematical or clerical errors in its calculation, the electric utility shall correct its error and refile its true-up adjustment. The timeframes previously described in this subsection shall apply to a refiled true-up adjustment.

(e) The commission may include in the financing order a requirement that, if the electric utility fails to transfer the wildfire recovery charges it has collected, the commission will order that those funds shall be withheld and paid directly to the applicable financing entity. Any order shall remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceedings with respect to the electric utility.

(f) Neither financing orders nor bonds issued under this chapter shall constitute a general obligation of the State or any of its political subdivisions, nor shall they constitute a pledge of the full faith and credit of the State or any of its political subdivisions, but shall be payable solely from the infrastructure resilience property provided under this chapter.

All bonds shall contain on the face thereof a statement to the following effect: “Neither the full faith and credit nor the taxing power of the State of Hawaii is pledged to the payment of the principal of, or interest and premium on, this bond.”

The issuance of bonds under this chapter shall not directly, indirectly, or contingently obligate the State or any of its political subdivisions to levy or pledge any form of taxation or make any appropriation for their payment.

(g) Infrastructure resilience charges are infrastructure resilience property when, and to the extent that, a financing order authorizing the infrastructure resilience charges has become effective in accordance with this chapter, and the infrastructure resilience property shall thereafter continuously exist as property for all purposes, and all of the rights and privileges relating to that property shall continuously exist for the period and to the extent provided in the financing order, but in any event until the bonds, including all principal; premiums, if any; interest with respect to the bonds; and all other financing costs are paid in full. A financing order may provide that the creation of infrastructure resilience property shall be simultaneous with the sale of the infrastructure resilience property to an assignee as provided in the application of the pledge of the infrastructure resilience property to secure the bonds.

(h) Any successor to a financing entity shall be bound by the requirements of this chapter and shall perform and satisfy all obligations of and have the same rights under a financing order as, and to the same extent as, the financing entity.

(i) No electric utility approved for a financing order shall increase compensation for its executive officers unless the utility’s wildfire risk mitigation plan compliance reports have been approved by the commission for five consecutive years; provided that the commission may consider an alternative symmetric performance incentive mechanism, if the commission deems appropriate. For the purposes of this subsection, “wildfire risk mitigation plan” has the same meaning as in section -1.

(j) As used in this section, “corporate family” means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly a controlling interest.

(k) The commission, in its discretion, may engage the services of a financial adviser for the purposes of assisting the commission in its consideration of an application for a financing order and a subsequent issuance of bonds pursuant to a financing order.

§ -4 Bonds; issuance; infrastructure resilience property interests. (a) The electric utility may sell and assign all or portions of its interest in infrastructure resilience property to one or more financing entities that make that infrastructure resilience property the basis for issuance of bonds, to the extent approved in a financing order. The electric utility or financing entity may pledge infrastructure resilience property as collateral, directly or indirectly, for bonds to the extent approved in the pertinent financing orders providing for a security interest in the infrastructure resilience property, in the manner set forth in this section. In addition, infrastructure resilience property may be sold or assigned by either of the following:

- (1) The financing entity or a trustee for the holders of bonds or the holders of an ancillary agreement in connection with the exercise of remedies upon a default under the terms of the bonds; or
- (2) Any person acquiring the infrastructure resilience property after a sale or assignment pursuant to this chapter.
- (b) To the extent that any interest in infrastructure resilience property is sold, assigned, or is pledged as collateral pursuant to subsection (a), the commission shall require the electric utility to contract with the financing entity or its assignees that the electric utility will:
 - (1) Continue to operate its system to provide service to consumers within its service territory;
 - (2) Collect amounts in respect of the infrastructure resilience charges for the benefit and account of the financing entity or its assignees; and
 - (3) Account for and remit these amounts to or for the account of the financing entity or its assignees.

Contracting with the financing entity or its assignees in accordance with that authorization shall not impair or negate the characterization of the sale, assignment, or pledge as an absolute transfer, a true sale, or a security interest, as applicable. To the extent that billing, collection, and other related services with respect to the provision of the electric utility's services are provided to a consumer by any person or entity other than the electric utility in whose service territory the consumer is located, that person or entity shall collect the infrastructure resilience charges and any associated fixed recovery tax amounts from the consumer for the benefit and account of the electric utility, financing entity, or assignees with the associated revenues remitted solely for the person's benefit as a condition to the provision of electric utility service to that consumer.

Each financing order shall impose terms and conditions, consistent with the purposes and objectives of this chapter, on any person or entity responsible for billing, collection, and other related services, including but not limited to collection of the infrastructure resilience charges and any associated fixed recovery tax amounts, that are the subject of the financing order.

(c) The financing entity may issue bonds upon approval by the commission in a financing order. Bonds shall be nonrecourse to the credit or any assets of the electric utility, other than the infrastructure resilience property as specified in that financing order.

(d) Infrastructure resilience property that is specified in a financing order shall constitute an existing, present property right, notwithstanding the fact that the imposition and collection of infrastructure resilience charges depend on the electric utility's continuing to provide services or continuing to perform its servicing functions relating to the collection of infrastructure resilience charges or on the level of future service consumption, such as consumption of an electric utility service. Infrastructure resilience property shall exist whether or not the infrastructure resilience charges have been billed, have accrued, or have been collected, and notwithstanding the fact that the value for a security interest in the infrastructure resilience property, or amount of the infrastructure resilience property, is dependent on the future provision of service to consumers. All infrastructure resilience property specified in a financing order shall continue to exist until the bonds issued pursuant to a financing order and all associated financing costs are paid in full.

(e) Infrastructure resilience property; infrastructure resilience charges; and the interests of an assignee, bondholder, or financing entity, or any pledgee in infrastructure resilience property and infrastructure resilience charges shall not be subject to setoff, counterclaim, surcharge, recoupment, or defense by the

electric utility or any other person or in connection with the bankruptcy, reorganization, or other insolvency proceeding of the electric utility, any affiliate of the electric utility, or any other entity.

(f) Notwithstanding any law to the contrary, any requirement under this chapter or a financing order that the commission acts upon shall be binding upon the commission, as it may be constituted from time to time, and any successor agency exercising functions similar to the commission, and the commission shall have no authority to rescind, alter, or amend that requirement in a financing order.

§ -5 Infrastructure resilience charge. (a) The infrastructure resilience charge created pursuant to a financing order approved pursuant to section -2 shall be a nonbypassable charge of a financing entity that shall be applied to the repayment of bonds and related financing costs as described in this chapter. The infrastructure resilience charge and any associated fixed recovery tax amounts may be a usage-based charge, a flat user charge, or a charge based upon customer revenues as determined by the commission for each consumer class in any financing order.

(b) As long as any bonds are outstanding and any financing costs have not been paid in full, any infrastructure resilience charge and any associated fixed recovery tax amounts authorized under a financing order shall be nonbypassable. Subject to any exceptions provided in a financing order, an infrastructure resilience charge and any associated fixed recovery tax amounts shall be paid by all existing and future consumers within the utility service territory.

(c) The infrastructure resilience charge shall be collected by an electric utility or its successors, in accordance with section -8(a), in full through a charge that is separate and apart from the electric utility's rates. The infrastructure resilience charge shall be collected by the public utilities or their successors as collection agents for the applicable financing entity, and such amounts shall be held in trust until transferred to the applicable financing entity.

(d) An electric utility may exercise the same rights and remedies under its tariff and applicable law and regulation based on a consumer's nonpayment of the infrastructure resilience charge as it could for a consumer's failure to pay any other charge payable to that electric utility.

§ -6 Security interests in infrastructure resilience property; financing statements. (a) A security interest in infrastructure resilience property is valid and enforceable against the pledgor and third parties, subject to the rights of any third parties holding security interests in the infrastructure resilience property perfected in the manner described in this section, and attaches when all of the following have occurred:

- (1) The commission has issued a financing order authorizing the infrastructure resilience charge to be included in the infrastructure resilience property;
- (2) Value has been given by the pledgees of the infrastructure resilience property; and
- (3) The pledgor has signed a security agreement covering the infrastructure resilience property.

(b) A valid and enforceable security interest in infrastructure resilience property is perfected when it has attached and when a financing statement has been filed with the bureau of conveyances naming the pledgor of the infrastructure resilience property as "debtor" and identifying the infrastructure resilience property.

Any description of the infrastructure resilience property shall be sufficient if it refers to the financing order creating the infrastructure resilience property. A copy of the financing statement shall be filed with the commission by the electric utility that is the pledgor or transferor of the infrastructure resilience property. The commission may require the electric utility to make other filings with respect to the security interest in accordance with procedures that the commission may establish; provided that the filings shall not affect the perfection of the security interest.

(c) A perfected security interest in infrastructure resilience property shall be a continuously perfected security interest in all infrastructure resilience property revenues and proceeds arising with respect thereto, whether or not the revenues or proceeds have accrued. Conflicting security interests shall rank according to priority in time of perfection. Infrastructure resilience property shall constitute property for all purposes, including for contracts securing bonds, whether or not the infrastructure resilience property revenues and proceeds have accrued.

(d) Subject to the terms of the security agreement covering the infrastructure resilience property and the rights of any third parties holding security interests in the infrastructure resilience property, perfected in the manner described in this section, the validity and relative priority of a security interest created under this section shall not be defeated or adversely affected by the commingling of revenues arising with respect to the infrastructure resilience property with other funds of the electric utility that is the pledgor or transferor of the infrastructure resilience property, or by any security interest in a deposit account of that electric utility perfected under article 9 of chapter 490, into which the revenues are deposited.

Subject to the terms of the security agreement, upon compliance with the requirements of section 490:9-312(b)(1), the pledgees of the infrastructure resilience property shall have a perfected security interest in all cash and deposit accounts of the electric utility in which infrastructure resilience property revenues have been commingled with other funds.

(e) If default occurs under the security agreement covering the infrastructure resilience property, the pledgees of the infrastructure resilience property, subject to the terms of the security agreement, and upon receiving approval from the commission for a foreclosure request, shall be entitled to foreclose or otherwise enforce their security interest in the infrastructure resilience property, subject to the rights of any third parties holding prior security interests in the infrastructure resilience property perfected in the manner provided in this section.

In addition, the commission may require in the financing order creating the infrastructure resilience property that in the event of default by the electric utility in payment of infrastructure resilience property revenues, the commission and any successor thereto, upon the application by the pledgees or assignees, including assignees under section 4 of the infrastructure resilience property, and without limiting any other remedies available to the pledgees or assignees by reason of the default, shall order the sequestration and payment to the pledgees or assignees of infrastructure resilience property revenues. Any financing order shall remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceedings with respect to the debtor, pledgor, or transferor of the infrastructure resilience property. Any surplus in excess of amounts necessary to pay principal; premiums, if any; interest, costs, and arrearages on the bonds; and associated financing costs arising under the security agreement, shall be remitted to the debtor, pledgor, or transferor, for the purpose of remitting such amounts to customers via the electric utility.

(f) Sections 490:9-204 and 490:9-205 shall apply to a pledge of infrastructure resilience property by the electric utility, an affiliate of the electric utility, or a financing entity.

§ -7 Transfers of infrastructure resilience property. (a) A transfer or assignment of infrastructure resilience property by the electric utility to an assignee or to a financing entity, or by an assignee of the electric utility or a financing entity to another financing entity, which the parties in the governing documentation have expressly stated to be a sale or other absolute transfer, in a transaction approved in a financing order, shall be treated as an absolute transfer of all of the transferor's right, title, and interest, as in a true sale, and not as a pledge or other financing, of the infrastructure resilience property, other than for federal and state income and franchise tax purposes.

(b) The characterization of the sale, assignment, or transfer as an absolute transfer and true sale and the corresponding characterization of the property interest of the assignee shall not be affected or impaired by, among other things, the occurrence of any of the following:

- (1) Commingling of infrastructure resilience charge revenues with other amounts;
 - (2) The retention by the seller of either of the following:
 - (A) A partial or residual interest, including an equity interest, in the financing entity or the infrastructure resilience property, whether direct or indirect, subordinate or otherwise; or
 - (B) The right to recover costs associated with taxes, franchise fees, or license fees imposed on the collection of infrastructure resilience charge;
 - (3) Any recourse that an assignee may have against the seller;
 - (4) Any indemnification rights, obligations, or repurchase rights made or provided by the seller;
 - (5) The obligation of the seller to collect infrastructure resilience charges on behalf of an assignee;
 - (6) The treatment of the sale, assignment, or transfer for tax, financial reporting, or other purpose; or
 - (7) Any true-up adjustment of the infrastructure resilience charge as provided in the financing order.
- (c) A transfer of infrastructure resilience property shall be deemed perfected against third parties when:
- (1) The commission issues the financing order authorizing the infrastructure resilience charge included in the infrastructure resilience property; and
 - (2) An assignment of the infrastructure resilience property in writing has been executed and delivered to the assignee.
- (d) As between bona fide assignees of the same right for value without notice, the assignee first filing a financing statement with the bureau of conveyances in accordance with part 5 of article 9 of chapter 490, naming the assignor of the infrastructure resilience property as debtor and identifying the infrastructure resilience property, shall have priority. Any description of the infrastructure resilience property shall be sufficient if it refers to the financing order creating the infrastructure resilience property. A copy of the financing statement shall be filed by the assignee with the commission, and the commission may require the assignor or the assignee to make other filings with respect to the transfer in accordance with procedures the commission may establish; provided that these filings shall not affect the perfection of the transfer.

§ -8 Financing entity successor requirements; default of financing entity. (a) Any successor to an electric utility subject to a financing order, whether pursuant to any bankruptcy, reorganization, or other insolvency proceeding, or pursuant to any merger, sale, or transfer, by operation of law, or otherwise, shall be bound by the requirements of this chapter. The successor of the electric utility shall perform and satisfy all obligations of the electric utility under the financing order in the same manner and to the same extent as the electric utility, including the obligation to collect and pay the infrastructure resilience charge to any financing party as required by a financing order or any assignee. Any successor to the electric utility shall be entitled to receive any fixed recovery tax amounts otherwise payable to the electric utility.

(b) The commission may require in a financing order that, if a default by the electric utility in remittance of the infrastructure resilience charge collected arising with respect to infrastructure resilience property occurs, the commission, without limiting any other remedies available to any financing party by reason of the default, shall order the sequestration and payment to the beneficiaries of the infrastructure resilience charge collected arising with respect to the infrastructure resilience property. Any order shall remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceedings with respect to the electric utility.

§ -9 Report to legislature. No later than twenty days prior to the convening of each regular session, the commission shall submit a report to the legislature that includes:

- (1) An update on its activities under this chapter, including how the securitization authorized under this chapter is being utilized; and
- (2) Any other findings and recommendations, including any necessary proposed legislation.

§ -10 Severability. If any provision of this chapter is held to be invalid or is superseded, replaced, repealed, or expires for any reason:

- (1) That occurrence shall not affect any action allowed under this chapter that is taken prior to that occurrence by the commission, a financing entity, a bondholder, or any financing party, and any such action shall remain in full force and effect; and
- (2) The validity and enforceability of the rest of this chapter shall remain unaffected.”

SECTION 4. Section 269-17, Hawaii Revised Statutes, is amended to read as follows:

“§269-17 Issuance of securities. A public utility corporation may, on securing the prior approval of the public utilities commission, and not otherwise, except as provided in section -4, issue stocks and stock certificates, bonds, notes, and other evidences of indebtedness, payable at periods of more than twelve months after the date thereof, for the following purposes and no other, namely: for the acquisition of property or for the construction, completion, extension, or improvement of or addition to its facilities or service, or for the discharge or lawful refunding of its obligations or for the reimbursement of moneys actually expended from income or from any other moneys in its treasury not secured by or obtained from the issue of its stocks or stock certificates, or bonds, notes, or other evidences of indebtedness, for any of the [aforesaid] purposes stated in this section except maintenance of service, replacements, and substitu-

tions not constituting capital expenditure in cases where the corporation has kept its accounts for ~~[such]~~ those expenditures in ~~[such]~~ a manner ~~[as to enable]~~ that enables the commission to ascertain the amount of moneys so expended and the purposes for which the expenditures were made, and the sources of the funds in its treasury applied to the expenditures. As used ~~[herein,]~~ in this section, “property” and “facilities”~~[.]~~ mean property and facilities used in all operations of a public utility corporation regardless of whether ~~[or not]~~ included in its public utility operations or rate base. A public utility corporation may not issue securities to acquire property or to construct, complete, extend or improve or add to its facilities or service if the commission determines that the proposed purpose will have a material adverse effect on its public utility operations.

All stock and every stock certificate, and every bond, note, or other evidence of indebtedness of a public utility corporation not payable within twelve months, issued without an order of the commission authorizing the same, then in effect, shall be void.”

PART III

SECTION 5. (a) The public utilities commission shall conduct a study to examine the establishment and implementation of a wildfire recovery fund to:

- (1) Provide efficient compensation for damage resulting from a future wildfire that was allegedly caused or exacerbated by an electric utility; and
 - (2) Help protect the financial integrity of Hawaii’s regulated utilities.
- (b) The public utilities commission shall review, examine, and consider the following:
- (1) How a fund would impact utility credit ratings and costs to customers, including comparing how funds in other states have performed;
 - (2) Whether the establishment of a fund is recommended;
 - (3) If a fund is recommended, a determination of the size of the wildfire recovery fund, which may include commissioning of an actuarial study;
 - (4) If a fund is recommended, a determination of the best approach to capitalizing the fund and whether moneys used to capitalize the fund should come from ratepayers or shareholders, or both;
 - (5) If a fund is recommended, a determination of the proper governance of the public corporation that would oversee the wildfire recovery fund;
 - (6) If a fund is recommended, a consideration of the benefits of an administrative process to provide efficient and low-cost recovery for claimants, and the proper mechanism for providing such an administrative process; and
 - (7) A consideration of who can participate in the fund and if parties other than an electric utility should be considered for participation.
- (c) The public utilities commission 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.

PART IV

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2025-2026 for consultant contracts.

The sum appropriated shall be expended by the public utilities commission for the purposes of this Act.

SECTION 7. There is appropriated out of the public utilities commission special fund established under section 269-33, Hawaii Revised Statutes, the sum of \$900,000 or so much thereof as may be necessary for fiscal year 2025-2026 for consultant contracts for utility dockets.

The sum appropriated shall be expended by the division of consumer advocacy for the purposes of this section.

SECTION 8. There is appropriated out of the public utilities commission special fund established under section 269-33, Hawaii Revised Statutes, the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2025-2026 for consultant contracts for utility dockets.

The sum appropriated shall be expended by the public utilities commission for the purposes of this section.

SECTION 9. There is appropriated out of the public utilities commission special fund established under section 269-33, Hawaii Revised Statutes, the sum of \$900,000 or so much thereof as may be necessary for fiscal year 2025-2026 for other current expenses related to the Maui wildfires.

The sum appropriated shall be expended by the public utilities commission for the purposes of this section.

PART V

SECTION 10. 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 11. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 12. This Act shall take effect on July 1, 2025.

(Approved July 1, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Discrimination.

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

SECTION 1. The legislature finds that the vigilance of individual citizens can keep communities safe through the reporting of witnessed criminal conduct to law enforcement. However, the legislature also finds that in certain circumstances, individuals have misused the ability to summon law enforcement officers against persons of protected classes without reason to suspect a crime is being committed.

The purpose of this Act is to give any person injured by discriminatory reporting to a law enforcement officer recourse through civil action.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
DISCRIMINATORY REPORTING TO A LAW ENFORCEMENT
OFFICER**

§ -1 Discriminatory reporting; law enforcement officer; civil remedy.

(a) Any person who knowingly causes a law enforcement officer to come to a location to contact a person on the basis of the person’s actual or perceived race, color, ancestry, ethnicity, national origin, place of birth, sex, age, religion, disability, sexual orientation, or gender identity or expression with the specific intent to:

- (1) Infringe upon the person’s rights under the Hawaii State Constitution or United States Constitution;
- (2) Discriminate against the person;
- (3) Cause the person to feel harassed, humiliated, or embarrassed;
- (4) Cause the person to be expelled from a place that the person is lawfully located;
- (5) Damage the person’s reputation or standing within the community;
- or
- (6) Damage the person’s financial, economic, consumer, or business prospects or interests,

shall be liable in a civil action or proceeding.

(b) Any person injured by a violation of subsection (a) may bring a civil action in a court of competent jurisdiction in the State for injunctive relief; payment for damages, which may include punitive damages; or other appropriate relief. If, in the action, the court finds that the defendant is violating or has violated subsection (a), the court shall enjoin the defendant from a continuance thereof. It shall not be necessary that actual damages to the plaintiff be alleged or proved in order to obtain the injunction.

(c) If the judgment is for the plaintiff, the plaintiff shall be awarded damages of no less than \$1,000 plus attorneys’ fees and costs.

§ -2 Guidance. The department of law enforcement, in consultation with the Hawaii civil rights commission, shall provide guidance to the public on the civil liability and remedies available for discriminatory reporting to a law enforcement officer pursuant to this chapter.”

SECTION 3. Section 368-1, Hawaii Revised Statutes, is amended to read as follows:

“§368-1 Purpose and intent. The legislature finds and declares that the practice of discrimination because of race, color, religion, age, sex, including gender identity or expression, sexual orientation, marital status, national origin, place of birth, ancestry, or disability in employment, housing, public accommodations, or access to services receiving state financial assistance is against public policy. It is the purpose of this chapter to provide a mechanism that provides for a uniform procedure for the enforcement of the State’s discrimination laws. It is the legislature’s intent to preserve all existing rights and remedies under such laws.”

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on September 1, 2025.

(Approved July 1, 2025.)

ACT 260

S.B. NO. 951

A Bill for an Act Relating to Child Protection.

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

SECTION 1. Section 350-1.1, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The initial oral report shall be followed as soon as possible by a report in writing to the department; provided that:

- (1) If a police department or the department of law enforcement is the initiating agency, a written report shall be filed with the department for cases that the police or the department of law enforcement takes further action on or for active cases in the department under this chapter;
- (2) All written reports shall contain the name and address of the child and the child’s parents or other persons responsible for the child’s care, if known~~[-]; the military status of the child’s parents or other persons responsible for the child’s care, if known;~~ the child’s age~~[-];~~ the nature and extent of the child’s injuries~~[-];~~ and any other information that the reporter believes might be helpful or relevant to the investigation of the child abuse or neglect; and
- (3) This subsection shall not be construed to serve as a cause of action against the department, the police, or the department of law enforcement.”

SECTION 2. Section 350-2, Hawaii Revised Statutes, is amended to read as follows:

“**§350-2 Action on reporting.** (a) Upon receiving a report concerning child abuse or neglect, the department shall proceed pursuant to chapter 587A and the department’s rules.

(b) The department shall inform the appropriate police department of all reports received by the department regarding a case of child abuse or neglect, including reports received under section 350-1.1; provided that the name of the person who reported the case of child abuse or neglect shall be released to the police department pursuant only to court order or the person’s consent.

(c) Upon receiving a report, if there is sufficient information to determine that the report involves a family where one of the parents, guardians, or alleged perpetrators is a member of an identifiable branch of the United States military, the department shall inform the appropriate authority for that branch of the military.

~~[(e)]~~ (d) The department shall inform the appropriate police department or office of the prosecuting attorney of the relevant information concerning a case of child abuse or neglect when the information is required by the police department or the office of the prosecuting attorney for the investigation or prosecution of that case; provided that the name of the person who reported the case of child abuse or neglect shall be released to the police department or the office of the prosecuting attorney pursuant only to court order or the person’s consent.

~~[(d)]~~ (e) The department shall maintain a central registry of reported child abuse or neglect cases in accordance with section 350-2.5.

~~[(e)]~~ (f) For a confirmed case of child abuse or neglect that occurred at a licensed or registered child care facility as defined in section 346-151, the department ~~[is authorized to]~~ may disclose that the report of child abuse or neglect was confirmed to any parent or guardian of a child who was enrolled at the licensed or registered child care facility as defined in section 346-151.

~~[(f)]~~ (g) For a confirmed case of child abuse or neglect that occurred at a child care facility as defined in section 346-151 that is operating in accordance with an exclusion or exemption pursuant to section 346-152 and upon receipt of consent, the department ~~[is authorized to]~~ may disclose the report of child abuse or neglect was confirmed to any parent or guardian of a child who was enrolled at the child care facility.

~~[(g)]~~ (h) For a confirmed case of child abuse or neglect that results in a child's death or near fatality, the department ~~[is authorized to]~~ may disclose to the public:

- (1) The cause of and circumstances regarding the fatality or near fatality;
- (2) The age and gender of the child;
- (3) Information describing any previous reports and results of child abuse or neglect investigations that are pertinent to the child abuse or neglect that led to the fatality or near fatality; and
- (4) The action taken by the department on behalf of the child that is pertinent to the child abuse or neglect that led to the fatality or near fatality.

~~[(h)]~~ (i) The department shall adopt rules as may be necessary in carrying out this section."

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 section 2 shall take effect on July 1, 2025.

(Approved July 1, 2025.)

ACT 261

S.B. NO. 292

A Bill for an Act Relating to Sexual Exploitation.

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

SECTION 1. The legislature finds that sex trafficking is a form of modern-day slavery. According to a 2018 report published by Arizona State University and the Hawaii state commission on the status of women, one out of every eleven adult male residents of the State are online sex shoppers. The report also estimated that there were 74,362 potential sex buyers in the State. Moreover, Imua Alliance, a victim service provider for survivors of sex trafficking and sexual violence, estimates that one hundred fifty establishments participate in the commercial sex trade in the State, increasing the high risk for sex

trafficking. During the coronavirus disease 2019 pandemic, a service provider for sex trafficking victims in the State reported seeing a three hundred per cent increase in demand for services.

The legislature additionally finds that Pacific Islanders, specifically Native Hawaiians, are disproportionately overrepresented in the State's sex trafficking survivor population. In a survey conducted by the Hawaii state commission on the status of women and Arizona State University, sixty-four per cent of sex trafficking victims identified as having at least partial Native Hawaiian ancestry. According to the report, "overutilization of Native Hawaiians to meet sex buyer demand may be directly linked to structural economic coercion and vulnerabilities connected to land dispossession, exposure to sexual violence, hypersexualization, incarceration, cultural dislocation, intergenerational trauma, mental and emotional distress, racism, poverty, and ongoing inequities".

The legislature further finds that victims of sex trafficking should not be criminalized for their own exploitation. Immunizing sex trafficking survivors from being faced with the prospect of prosecution advances the delivery of social services and trauma-informed care for those in need. It would also help to end the social stigma that retraumatizes survivors of sexual exploitation, while empowering victims to obtain financial security for the harm that they have endured and pursue legal persons and commercial entities that profit from exploitation.

Accordingly, the purpose of this Act is to establish safe harbor protections for survivors of sexual exploitation who seek medical or law enforcement assistance.

SECTION 2. Section 712-1200, Hawaii Revised Statutes, is amended to read as follows:

"§712-1200 Prostitution. (1) A person commits the offense of prostitution if the person engages in, or agrees or offers to engage in, sexual conduct with another person in return for a fee or anything of value.

(2) As used in this section:

"Minor" means a person who is less than eighteen years of age.

"Seeks medical or law enforcement assistance" includes but is not limited to making, or assisting someone who is making, a report to the 911 system, a poison control center, a medical provider, a reproductive health provider, or any law enforcement agency or providing care to someone who is awaiting the arrival of medical or law enforcement personnel.

"Sexual conduct" means "sexual penetration", "deviate sexual intercourse", or "sexual contact", as those terms are defined in section 707-700, or "sodomasochistic abuse" as defined in section 707-752.

(3) Prostitution [is] shall be a petty misdemeanor; provided that if the person who commits the offense under subsection (1) is a minor, prostitution [is] shall be a violation.

(4) A person convicted of committing the offense of prostitution as a petty misdemeanor shall be sentenced as follows:

(a) For the first offense, when the court has not deferred further proceedings pursuant to chapter 853, a fine of no less than \$500 but no more than \$1,000 and the person may be sentenced to a term of imprisonment of no more than thirty days or probation; provided that in the event the convicted person defaults in payment of the fine, and the default was not contumacious, the court may make an order converting the unpaid portion of the fine to community service as authorized by section 706-605(1);

- (b) For any subsequent offense, a fine of no less than \$500 but no more than \$1,000 and a term of imprisonment of thirty days or probation, without possibility of deferral of further proceedings pursuant to chapter 853 and without possibility of suspension of sentence; and
- (c) For the purpose of this subsection, if the court has deferred further proceedings pursuant to chapter 853, and notwithstanding any provision of chapter 853 to the contrary, the defendant shall not be eligible to apply for expungement pursuant to section 831-3.2 until three years following discharge. A plea previously entered by a defendant under section 853-1 for a violation of this section shall be considered a prior offense.

(5) This section shall not apply to any member of a police department, a sheriff, or a law enforcement officer acting in the course and scope of duties; provided that the member of a police department, sheriff, or law enforcement officer is engaging in undercover operations; provided further that under no circumstances shall sexual contact initiated by a member of a police department, sheriff, or law enforcement officer; sexual penetration; or sadomasochistic abuse be considered to fall within the course and scope of duties.

(6) A minor may be taken into custody by any police officer without order of the judge when there are reasonable grounds to believe that the minor has violated subsection (1). The minor shall be released, referred, or transported pursuant to section 571-31(b). The minor shall be subject to the jurisdiction of the family court pursuant to section 571-11(1), including for the purposes of custody, detention, diversion, and access to services and resources.

(7) Notwithstanding this section or any other law to the contrary, a person who in good faith seeks medical or law enforcement assistance for themselves or another person, or is the subject of another person's good faith act seeking medical or law enforcement assistance, shall not:

- (a) Be arrested, charged, prosecuted, or convicted;
- (b) Have their property be subject to civil forfeiture; or
- (c) Otherwise be penalized.

pursuant to this section if the probable cause or evidence for the arrest, charge, prosecution, conviction, seizure, or penalty was gained as a result of seeking medical or law enforcement assistance; provided that this subsection shall not apply to any other criminal offense."

SECTION 3. Section 712-1206, Hawaii Revised Statutes, is amended to read as follows:

“[H§712-1206] Loitering for the purpose of engaging in or advancing prostitution. (1) For the purposes of this section[, ~~“public~~]:

“Public place” means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility or the doorways and entrance ways to any building [which] that fronts on any of the aforesaid places, or a motor vehicle in or on any such place.

“Seeks medical or law enforcement assistance” includes but is not limited to making, or assisting someone who is making, a report to the 911 system, a poison control center, a medical provider, a reproductive health provider, or any law enforcement agency or providing care to someone who is awaiting the arrival of medical or law enforcement personnel.

(2) Any person who remains or wanders about in a public place and repeatedly ~~[beckons]~~:

(a) Beckons to ~~[or repeatedly]~~, stops, or ~~[repeatedly]~~ attempts to stop~~;~~ or ~~[repeatedly attempts to]~~ engage passers-by in conversation~~;~~ ~~or repeatedly stops]~~;

(b) Stops or attempts to stop motor vehicles~~;~~; or ~~[repeatedly interferes]~~

(c) Interferes with the free passage of other persons,

for the purpose of committing the crime of prostitution as that term is defined in section 712-1200~~;~~ shall be guilty of a violation.

(3) Any person who remains or wanders about in a public place and repeatedly ~~[beckons]~~:

(a) Beckons to, ~~[or repeatedly]~~ stops, or ~~[repeatedly]~~ attempts to engage passers-by in conversation~~;~~ ~~or repeatedly stops]~~;

(b) Stops or attempts to stop motor vehicles~~;~~; or ~~[repeatedly interferes]~~

(c) Interferes with the free passage of other persons,

for the purpose of committing the crime of advancing prostitution as that term is defined in section 712-1201(1) ~~[is]~~ shall be guilty of a petty misdemeanor.

(4) Notwithstanding this section or any other law to the contrary, a person who in good faith seeks medical or law enforcement assistance for themselves or another person, or is the subject of another person's good faith act seeking medical or law enforcement assistance, shall not:

(a) Be arrested, charged, prosecuted, or convicted;

(b) Have their property be subject to civil forfeiture; or

(c) Otherwise be penalized,

pursuant to this section if the probable cause or evidence for the arrest, charge, prosecution, conviction, seizure, or penalty was gained as a result of seeking medical or law enforcement assistance; provided that this subsection shall not apply to any other criminal offense."

SECTION 4. Section 712-1207, Hawaii Revised Statutes, is amended to read as follows:

"§712-1207 Street prostitution and commercial sexual exploitation; designated areas. (1) It shall be unlawful for any person within the boundaries of Waikiki and while on any public property to:

(a) Offer or agree to engage in sexual conduct with another person in return for a fee or anything of value; or

(b) Provide, agree to provide, or offer to provide a fee or anything of value to another person to engage in sexual conduct.

(2) It shall be unlawful for any person within the boundaries of other areas in ~~[this]~~ the State designated by county ordinance pursuant to subsection (3), and while on any public property to:

(a) Offer or agree to engage in sexual conduct with another person in return for a fee or anything of value; or

(b) Provide, agree to provide, or offer to provide a fee or anything of value to another person to engage in sexual conduct.

(3) Upon a recommendation of the chief of police of a county, that county may enact an ordinance that:

(a) Designates areas, each no larger than three square miles, as zones of significant prostitution-related activity that is detrimental to the health, safety, or welfare of the general public; or

(b) Alters the boundaries of any existing area under paragraph (a); provided that not more than four areas may be designated within the State.

(4) Notwithstanding any law to the contrary, any person violating this section shall be guilty of a petty misdemeanor and shall be sentenced to a mandatory term of thirty days imprisonment. The term of imprisonment shall be imposed immediately, regardless of whether the defendant appeals the conviction, except as provided in subsection (5).

(5) As an option to the mandatory term of thirty days imprisonment, if the court finds the option is warranted based upon the defendant's record, the court may place the defendant on probation for a period not to exceed six months, subject to the mandatory condition that the defendant observe geographic restrictions that prohibit the defendant from entering or remaining on public property, in Waikiki and other areas in the State designated by county ordinance during the hours from 6 p.m. to 6 a.m. Upon any violation of the geographic restrictions by the defendant, the court, after a hearing, shall revoke the defendant's probation and immediately impose the mandatory thirty-day term of imprisonment. Nothing contained in this subsection shall be construed as prohibiting the imposition of stricter geographic restrictions under section 706-624(2)(h).

(6) Any person charged under this section may be admitted to bail, pursuant to section 804-4, subject to the mandatory condition that the person observe geographic restrictions that prohibit the defendant from entering or remaining on public property, in Waikiki and other areas in the State designated by county ordinance during the hours from 6 p.m. to 6 a.m. Notwithstanding any other provision of law to the contrary, any person who violates these bail restrictions shall have the person's bail revoked after a hearing and shall be imprisoned ~~[forthwith]~~. Nothing contained in this subsection shall be construed as prohibiting the imposition of stricter geographic restrictions under section 804-7.1.

(7) Notwithstanding any other law to the contrary, a police officer, without warrant, may arrest any person when the officer has probable cause to believe that the person has committed a violation of subsection (5) or (6), and the person shall be detained, without bail, until the hearing under the appropriate subsection can be held, which ~~[hearing]~~ shall be held as soon as reasonably practicable.

(8) For purposes of this section:

"Area" means any zone within a county that is defined with specific boundaries and designated as a zone of significant prostitution by this section or a county ordinance.

"Public property" includes any street, highway, road, sidewalk, alley, lane, bridge, parking lot, park, or other property owned or under the jurisdiction of any governmental entity or otherwise open to the public.

"Seeks medical or law enforcement assistance" includes but is not limited to making, or assisting someone who is making, a report to the 911 system, a poison control center, a medical provider, a reproductive health provider, or any law enforcement agency or providing care to someone who is awaiting the arrival of medical or law enforcement personnel.

"Sexual conduct" has the same meaning as in section 712-1200(2).

"Waikiki" means that area of Oahu bounded by the Ala Wai canal, the ocean, and Kapahulu avenue.

(9) This section shall apply to all counties; provided that if a county enacts an ordinance to regulate street prostitution and commercial sexual exploitation, other than an ordinance designating an area as a zone of significant prostitution-related activity, the county ordinance shall supersede this section and no person shall be convicted under this section in that county.

(10) Notwithstanding this section or any other law to the contrary, a person, except for a person who provides, agrees to provide, or offers to provide a fee or anything of value to another person to engage in sexual conduct, who in good faith seeks medical or law enforcement assistance for themselves or another person, or is the subject of another person's good faith act seeking medical or law enforcement assistance, shall not:

- (a) Be arrested, charged, prosecuted, or convicted;
- (b) Have their property be subject to civil forfeiture; or
- (c) Otherwise be penalized.

pursuant to this section, if the probable cause or evidence for the arrest, charge, prosecution, conviction, seizure, or penalty was gained as a result of seeking medical or law enforcement assistance; provided that this subsection shall not apply to any other criminal offense."

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, 2025.)

ACT 262

S.B. NO. 383

A Bill for an Act Relating to Small Purchases.

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

SECTION 1. The legislature finds that escalating costs of goods over the years, particularly during the COVID-19 pandemic, have created numerous difficulties regarding small purchase procurement. The legislature further finds that the frequency of earthquakes on Hawaii island, an indicator of a future potentially devastating volcanic eruption that could impact residential and commercial areas, as well as the devastation from the tragic 2023 Maui wildfires, emphasize the inescapable need to address issues with small purchase procurements to facilitate more efficient disaster recovery efforts.

Accordingly, the purpose of this Act is to:

- (1) Increase the minimum amount for purchases constituting small purchase procurements that are subject to an electronic system, from \$25,000 to \$50,000; and
- (2) Require the state procurement office to submit a report to the legislature on the efficacy of the increased minimum small purchase procurement amounts.

SECTION 2. Section 103D-305, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Procurements of [~~\$25,000~~] \$50,000 to less than \$250,000 shall be made in accordance with small purchase procedures; provided that [~~such~~] these small purchase procurements shall be conducted through an electronic system [~~shall be required~~]."

SECTION 3. No later than twenty days prior to the convening of the regular session of 2026, the state procurement office shall submit to the legislature a report of its findings and recommendations, including any proposed leg-

isolation, on the efficacy of the amendment to section 103D-305, Hawaii Revised Statutes, made by section 2 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. 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, 2025.)

ACT 263

S.B. NO. 224

A Bill for an Act Relating to Identification.

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

SECTION 1. Section 353H-32, Hawaii Revised Statutes, is amended by amending subsections (a) through (c) to read as follows:

“(a) The department, in collaboration with the department of transportation and the examiner of drivers of each county, shall inform inmates that departmental assistance is available to obtain civil identification cards, in accordance with part XVI of chapter 286, and upon request shall assist inmates ~~[who have one year or less prior to the inmate’s parole or release date remaining on their prison sentence]~~ in obtaining a civil identification card~~[-]~~ as soon as practicable but at least one year before the inmate’s parole or release date; provided that the department shall assist inmates in obtaining a civil identification card even if the department fails to meet the deadline pursuant to this subsection.

(b) The department, in collaboration with appropriate federal, state, and county agencies, shall also inform inmates of the availability of departmental assistance to obtain the inmate’s birth certificate, social security card, and any other relevant identification documents necessary for the inmate to transition into the workforce, access social services, secure or verify applicable medicaid eligibility, and secure housing, and upon request shall assist the inmates ~~[who have one year or less prior to the inmate’s parole or release date.]~~ in obtaining the identification documents as soon as practicable but at least one year before the inmate’s parole or release date; provided that the department shall assist inmates in obtaining the identification documents even if the department fails to meet the deadline pursuant to this subsection.

(c) For an inmate released to work furlough, extended furlough, or community placement programs, the department ~~[of corrections and rehabilitation]~~ shall initiate the process of assisting the inmate pursuant to subsections (a) and (b) ~~[at least ninety days prior to the inmate being released]~~ by providing the forms necessary for the inmate to obtain civil identification cards and other identification documents to the inmate~~[-]~~ as soon as practicable but at least ninety days before the inmate’s release date; provided that the department shall provide the forms necessary for the inmate to obtain civil identification cards and other identification documents even if the department fails to meet the deadline pursuant to this subsection.”

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, 2025.)

ACT 264

S.B. NO. 960

A Bill for an Act Relating to the Supplemental Nutrition Assistance Program.

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

SECTION 1. The legislature finds that many low-income households struggle to purchase food due to Hawaii's high cost of living and food prices. The supplemental nutrition assistance program (SNAP), formerly known as the food stamp program, is crucial to providing necessary food assistance to some of Hawaii's most economically disadvantaged residents.

The legislature further finds that SNAP is the most effective anti-hunger initiative in the country. In Hawaii, SNAP supports over one hundred thirty thousand individuals, bringing more than \$630,000,000 into the State's economy each year. These benefits help economically vulnerable households meet their basic nutritional needs without sacrificing their financial security.

The legislature additionally finds that a study co-authored by the university of Hawaii economic research organization and Hawaii Public Health Institute found that eliminating the net income limit criteria for SNAP beneficiaries would provide an additional \$45,000,000 in benefits to struggling families across the State and expand eligibility for thirteen thousand to fourteen thousand more households, with each household receiving an average of \$3,200 annually in food assistance. In September 2024, Governor Josh Green subsequently announced that the State would remove the net income limit criteria to strengthen Hawaii's social welfare system for working-class families.

The legislature also finds that SNAP access and participation rates are hampered by understaffing at the department of human services. Improvements to SNAP in the State, including elimination of the net income limit, will only be effective if they are able to be fully implemented, which will require additional staffing for the department of human services. Moreover, since SNAP benefits are federally reimbursable, increasing staff to increase the State's SNAP program's participation rate could generate hundreds of millions of dollars in federal revenue to combat food insecurity in local communities.

Accordingly, the purpose of this Act is to appropriate funds to the department of human services to enhance access to and participation in the supplemental nutrition assistance program.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,100,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to strengthen access to the supplemental nutrition assistance program by:

- (1) Authorizing differential pay increases for positions related to the facilitation of the supplemental nutrition assistance program;
- (2) Establishing new positions to improve access to the supplemental nutrition assistance program, particularly for economically disadvantaged communities; and
- (3) Undertaking any other programs or initiatives the department of human services deems effective in improving supplemental nutrition assistance program participation rates.

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

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved July 1, 2025.)

ACT 265

S.B. NO. 119

A Bill for an Act Relating to Nursing.

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

SECTION 1. The legislature finds that Hawaii faces a growing nursing workforce shortage, with the current demand for nurses exceeding supply by approximately one thousand positions. Experts have recommended expanding the capacity of university nursing programs to help reduce nursing workforce shortages.

The legislature further finds that the county of Maui is the largest county in the State without a college or university bachelor of science in nursing degree program. The university of Hawaii Maui college's nursing program offers two degrees: a certificate of achievement and an associate in science in nursing. Students who earn an associate in science in nursing must then transfer to the bachelor of science in nursing pathway at the university of Hawaii at Manoa to further their education.

The legislature believes that offering a bachelor of science in nursing program at the university of Hawaii Maui college can help to increase the supply of nurse graduates, reduce the nursing workforce shortage, and allow Maui nursing students to remain on Maui during their entire course of study.

The legislature declares that the establishment of a bachelor of science in nursing program in the county of Maui is a matter of statewide concern pursuant to article X, section 6, of the Hawaii State Constitution.

The purpose of this Act is to appropriate moneys for the establishment of a bachelor of science in nursing degree program at the university of Hawaii Maui college.

SECTION 2. 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 2025-2026 and the sum of \$350,000 or so much thereof as may be necessary for fiscal year 2026-2027 to:

- (1) Establish a bachelor of science in nursing degree program at the university of Hawaii Maui college;
- (2) Fund additional personnel associated with the establishment of the program; and
- (3) Purchase related supplies and equipment.

The sums 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, 2025.

(Approved July 1, 2025.)

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 has committed to achieving a one hundred per cent renewable portfolio standard by December 31, 2045. The transition away from imported fossil fuels toward locally available renewable energy sources is critical for ensuring the State's energy independence, economic sustainability, and environmental resilience.

The legislature further finds that customer-sited distributed energy resources, such as rooftop solar and energy storage systems, are technologies essential to reaching the State's renewable energy goals. As of September 2024, Hawaiian Electric's service territories achieved a renewable portfolio standard of 36.7 per cent, with nearly half of that progress attributable to customer-sited rooftop solar systems. Kauai Island Utility Cooperative achieved an even higher renewable portfolio standard of 57.9 per cent, with 23.2 per cent attributable to rooftop solar installations.

Hawaii leads the nation in the integration of solar-plus-storage systems, with ninety-six per cent of all residential rooftop solar installation in the State now including energy storage. These distributed energy resources lower customer and grid electricity costs, provide energy resilience during outages, and support grid reliability by balancing supply and demand. Notably, programs like Hawaiian Electric's battery bonus program have demonstrated the potential of distributed energy resources to address critical capacity needs, enrolling forty megawatts of storage on Oahu and six megawatts on Maui to respond to energy adequacy and reliability emergencies.

The legislature acknowledges that Hawaii's electric grid is confronting significant challenges, including aging fossil-fuel-dependent infrastructure, heightened risks from climate-related extreme weather events, and persistent utility management issues. These challenges have been underscored by recent grid reliability emergencies on Oahu and Hawaii island, as well as the devastating 2023 Maui wildfires. Recognizing the urgent need for decisive action, it is crucial for the legislature to act promptly to secure a robust and resilient energy future.

The legislature also finds that to ensure grid stability and system resilience, Hawaii must invest in distributed energy resource grid service programs, microgrids, and community-based or shared renewable energy programs. These solutions empower customers to take decisive action to meet their energy needs with low-cost, clean, and reliable energy while supporting broader grid stability and community resilience. Microgrids and shared renewable energy systems enable localized energy generation and resilience, ensuring continuity of power during emergencies or outages.

To meet these challenges, Hawaii should encourage the deployment of distributed energy resources, emphasizing systems that integrate solar and energy storage to maximize benefits for the grid and customers alike. Accelerated distributed energy resources adoption will provide critical support for grid stability, reduce reliance on imported fossil fuels, and ensure resilience in the face of emergencies and infrastructure failures.

Fair compensation mechanisms are also essential to incentivize the widespread adoption of distributed energy resources and maximize their value to

customers and the grid. These mechanisms must include sufficiently valued crediting for exported energy as a minimum customer protection and capacity and performance payments for the provision of grid services by distributed energy resources and virtual power plants. Such compensation ensures equitable returns on customer investments while enhancing grid reliability and resilience.

The purpose of this Act is to:

- (1) Require the public utilities commission to establish an installation goal for new customer-sited distributed energy resources in the State;
- (2) Require the public utilities commission to establish tariffs to achieve the installation goal and for grid services programs, microgrids, and community-based renewable energy;
- (3) Ensure that sufficient compensation is provided to distributed energy resources exports as part of grid service programs and require the public utilities commission to establish grid service compensation values;
- (4) Clarify when a person who constructs, maintains, or operates a new microgrid is not considered a public utility; and
- (5) Authorize wheeling of renewable energy and require the public utilities commission to establish policies and procedures to implement wheeling and microgrid service tariffs.

SECTION 2. Chapter 269, Hawaii Revised Statutes, is amended by adding four new sections to be appropriately designated and to read as follows:

“§269-A Distributed energy resources installation goal; tariffs; requirements. (a) The public utilities commission shall establish a goal for new customer-sited distributed energy resources, to be installed in the State by December 31, 2030.

(b) The public utilities commission shall establish tariffs for grid services programs, microgrids, and community-based renewable energy with fair compensation to achieve the goal established pursuant to subsection (a).

(c) Any tariffs or tariff amendments filed pursuant to this section shall:

- (1) Include a rider for new and existing energy storage devices;
- (2) Include provisions that allow aggregators to:
 - (A) Participate in grid service programs;
 - (B) Automatically enroll and manage their customers’ participation;
 - (C) Receive dispatch signals and other communications from the electric utility;
 - (D) Deliver performance measurement and verification data to the electric utility; and
 - (E) Receive grid service program payments directly from the electric utility; and
- (3) Provide for measurement and verification of energy storage device performance directly at the device without the requirement for the installation of an additional meter, and other measurement standards for non-energy-storage and electric vehicle technologies for approval by the commission.

§269-B Compensation for solar and energy storage exports. (a) Notwithstanding any law to the contrary, energy exported to the electric grid past a participating customer-generator’s point of common coupling from photovoltaic solar systems paired with energy storage as part of a grid service program shall be credited at a rate of electricity to be established by the public utilities

commission for the relevant time period. The rate shall be sufficient to encourage deployment of customer-sited distributed energy resources to meet the goal established pursuant to section 269-A.

(b) The public utilities commission shall establish grid service compensation values that compensate system owners for the resiliency, capacity, and ancillary service value provided by their system. The compensation values shall be sufficient to encourage participation in grid service programs.

(c) This section shall not apply to a member-owned cooperative electric utility.

§269-C Microgrids; public utility; exception. Notwithstanding any other law to the contrary, a person that constructs, maintains, or operates a new microgrid shall not be considered a public utility under section 269-1 solely as a result of furnishing service through that new microgrid to participating consumers. This section shall not apply to a member-owned cooperative electric utility.

§269-D Wheeling; renewable energy; rules. (a) Notwithstanding any provision of this chapter to the contrary, the authorization for wheeling under this chapter shall be restricted to wheeling of renewable electricity.

(b) No later than January 1, 2027, the public utilities commission shall establish, by rule or order, policies and procedures to implement wheeling and microgrid service tariffs that include appropriate charges for wheeling participants and any consumer protection measures the commission deems necessary; provided that any wheeling project eligible under the rule or order shall have a capacity of not less than one hundred kilowatts alternating current and not more than two megawatts alternating current.

(c) This section shall not apply to a member-owned cooperative electric utility.”

SECTION 3. Section 269-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: ““Wheeling” means the transmission of renewable electric power from a storage or energy generation system through the utility meter for consumption by a separate utility account holder.”

2. By amending the definition of “public utility” to read: ““Public utility”:

(1) Includes every person who may own, control, operate, or manage as owner, lessee, trustee, receiver, or otherwise, whether under a franchise, charter, license, articles of association, or otherwise, any plant or equipment, or any part thereof, directly or indirectly for public use for the transportation of passengers or freight; for the conveyance or transmission of telecommunications messages; for the furnishing of facilities for the transmission of intelligence by electricity within the State or between points within the State by land, water, or air; for the production, conveyance, transmission, delivery, or furnishing of light, power, heat, cold, water, gas, or oil; for the storage or warehousing of goods; or for the disposal of sewage; provided that the term shall include:

- (A) An owner or operator of a private sewer company or sewer facility; and
- (B) A telecommunications carrier or telecommunications common carrier; and

- (2) Shall not include:
- (A) An owner or operator of an aerial transportation enterprise;
 - (B) An owner or operator of a taxicab as defined in this section;
 - (C) Common carriers that transport only freight on the public highways, unless operating within localities, along routes, or between points that the public utilities commission finds to be inadequately serviced without regulation under this chapter;
 - (D) Persons engaged in the business of warehousing or storage unless the commission finds that regulation is necessary in the public interest;
 - (E) A carrier by water to the extent that the carrier enters into private contracts for towage, salvage, hauling, or carriage between points within the State; provided that the towing, salvage, hauling, or carriage is not pursuant to either an established schedule or an undertaking to perform carriage services on behalf of the public generally;
 - (F) A carrier by water, substantially engaged in interstate or foreign commerce, that transports passengers on luxury cruises between points within the State or on luxury round-trip cruises returning to the point of departure;
 - (G) Any user, owner, or operator of the Hawaii electric system as defined under section 269-141;
 - (H) A telecommunications provider only to the extent determined by the public utilities commission pursuant to section 269-16.9;
 - (I) Any person who controls, operates, or manages plants or facilities developed pursuant to chapter 167 for conveying, distributing, and transmitting water for irrigation and other purposes for public use and purpose;
 - (J) Any person who owns, controls, operates, or manages plants or facilities for the reclamation of wastewater; provided that:
 - (i) The services of the facility are provided pursuant to a service contract between the person and a state or county agency and at least ten per cent of the wastewater processed is used directly by the state or county agency that entered into the service contract;
 - (ii) The primary function of the facility is the processing of secondary treated wastewater that has been produced by a municipal wastewater treatment facility owned by a state or county agency;
 - (iii) The facility does not make sales of water to residential customers;
 - (iv) The facility may distribute and sell recycled or reclaimed water to entities not covered by a state or county service contract; provided that, in the absence of regulatory oversight and direct competition, the distribution and sale of recycled or reclaimed water shall be voluntary and its pricing fair and reasonable. For purposes of this subparagraph, "recycled water" and "reclaimed water" means treated wastewater that by design is intended or used for a beneficial purpose; and
 - (v) The facility is not engaged, either directly or indirectly, in the processing of food wastes;

- (K) Any person who owns, controls, operates, or manages any seawater air conditioning district cooling project; provided that at least fifty per cent of the energy required for the seawater air conditioning district cooling system is provided by a renewable energy resource, such as cold, deep seawater;
- (L) Any person who owns, controls, operates, or manages plants or facilities primarily used to charge or discharge a vehicle battery that provides power for vehicle propulsion;
- (M) Any person who:
 - (i) Owns, controls, operates, or manages a renewable energy system that is located on a customer's property; and
 - (ii) Provides, sells, or transmits the power generated from that renewable energy system to an electric utility or to the customer on whose property the renewable energy system is located; provided that, for purposes of this subparagraph, a customer's property shall include all contiguous property owned or leased by the customer without regard to interruptions in contiguity caused by easements, public thoroughfares, transportation rights-of-way, and utility rights-of-way; and
- (N) Any person who owns, controls, operates, or manages a renewable energy system that is located on ~~[such]~~ the person's property and provides, sells, or transmits the power generated from that renewable energy system to an electric utility or to lessees or tenants on the person's property where the renewable energy system is located; provided that:
 - (i) An interconnection, as defined in section 269-141, is maintained with an electric public utility to preserve the lessees' or tenants' ability to be served by an electric utility;
 - (ii) ~~[Such]~~ The person does not use an electric public utility's transmission or distribution lines to provide, sell, or transmit electricity to lessees or tenants;
 - (iii) At the time that the lease agreement is signed, the rate charged to the lessee or tenant for the power generated by the renewable energy system shall be no greater than the effective rate charged per kilowatt hour from the applicable electric utility schedule filed with the public utilities commission;
 - (iv) The rate schedule or formula shall be established for the duration of the lease, and the lease agreement entered into by the lessee or tenant shall reflect ~~[such]~~ the rate schedule or formula;
 - (v) The lease agreement shall not abrogate any terms or conditions of applicable tariffs for termination of services for nonpayment of electric utility services or rules regarding health, safety, and welfare; and
 - (vi) The lease agreement shall disclose: (1) the rate schedule or formula for the duration of the lease agreement; (2) that, at the time that the lease agreement is signed, the rate charged to the lessee or tenant for the power generated by the renewable energy system shall be no greater

than the effective rate charged per kilowatt hour from the applicable electric utility schedule filed with the public utilities commission; (3) that the lease agreement shall not abrogate any terms or conditions of applicable tariffs for termination of services for nonpayment of electric utility services or rules regarding health, safety, and welfare; and (4) whether the lease is contingent upon the purchase of electricity from the renewable energy system; provided further that any disputes concerning the requirements of this provision shall be resolved pursuant to the provisions of the lease agreement or chapter 521, if applicable[; and

- (vii) ~~Nothing in this section shall be construed to permit wheeling].~~

If the application of this chapter is ordered by the commission in any case provided in paragraph (2)(C), (D), (H), and (I), the business of any public utility that presents evidence of bona fide operation on the date of the commencement of the proceedings resulting in the order shall be presumed to be necessary to the public convenience and necessity, but any certificate issued under this proviso shall nevertheless be subject to terms and conditions as the public utilities commission may prescribe, as provided in sections 269-16.9 and 269-20.”

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.¹

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

(Approved July 2, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 267

H.B. NO. 795

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 finds that the necessary factors have been met for two successive fiscal years and that the legislature is constitutionally required to dispose of excess tax revenues, as authorized under article VII, section 6, of the Hawaii State Constitution.

Accordingly, the purpose of this Act is to implement article VII, section 6, of the Hawaii State Constitution by appropriating general revenues to make a deposit of \$1,000,000 into the emergency and budget reserve fund established under section 328L-3, Hawaii Revised Statutes.

SECTION 2. 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 \$1,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 for deposit into the emergency and budget reserve fund established under section 328L-3, Hawaii Revised Statutes.

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved July 2, 2025.)

ACT 268

H.B. NO. 422

A Bill for an Act Relating to School Impact Fees.

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

SECTION 1. The legislature finds that school impact fees add to the cost of residential housing development, potentially adding thousands of dollars to each new unit of housing constructed in affected districts. These costs are passed on to renters and buyers, leading to higher rental and for-sale prices. In some cases, high impact fees can result in a project becoming financially untenable and the units are never built. This contributes to a scarce housing market, driving up the market price of housing.

The legislature further finds that auditor report no. 19-13 is the most comprehensive analysis of school impact fees to date. The report's summary of findings are as follows:

- (1) The department of education's designation of school impact districts lacks well-defined policies and procedures and the district boundaries designated to date raise concerns as to whether constitutional "nexus" requirements have been adequately addressed;
- (2) The department of education's calculation of fees has been inconsistent and at times based on questionable assumptions, and updates to formula factors as well as other requirements of the school impact fee law have not been met;
- (3) Gaps, that is delays, between designation of school impact districts and collection of fees have resulted in loss of fee revenue; and
- (4) The department of education cannot adequately account for fair share and school impact fee cash and land contributions.

In its report, the auditor also found that in twelve years following the enactment of the school impact fee law, the department of education collected only \$5,342,886 in school impact fees. The auditor further found that this collection

would not have been enough to build a single elementary school. For example, the auditor found that Hookele elementary school cost \$55,000,000 to build and further found that the department estimated it would cost approximately \$80,000,000 to build a single new elementary school. The auditor found that none of the school impact fees collected had been used for the construction of new schools and \$17,600,340 of collected fees remain unused in a special fund.

The legislature also finds that as of January 1, 2025, \$21,118,831.74 remains unused in a special fund.

The legislature further finds that school impact fees are a burden on aspiring homeowners and renters and the collection of these fees does not provide a clear benefit to the community.

The purpose of this Act is to reduce the cost of housing by:

- (1) Eliminating the construction cost component of the school impact fee;
- (2) Exempting additional projects from school impact fees, including certain affordable, government, and Hawaiian home lands developments and single-room dwellings;
- (3) Requiring the school facilities authority to adopt rules governing the collection of impact fees;
- (4) Increasing the minimum number of units in a development to trigger land dedication provisions of the land component impact fee; and
- (5) Requiring the school facilities authority to report to the legislature on the benefits and impacts of this Act before its repeal.

SECTION 2. Section 302A-1601, Hawaii Revised Statutes, is amended to read as follows:

“§302A-1601 Findings. New residential developments within identified school impact districts create additional demand for public school facilities. As such, once school impact districts are identified, new residential developments shall be required to contribute toward the construction of new or expansion of existing public school facilities through[:

- (1) ~~The]~~ the land requirement, either through an in lieu fee or actual acreage (unless land is not required in the school impact district), based on each new residential development's proportionate share of the need to provide additional public school sites[; and
- (2) ~~The construction requirement either through an in lieu fee or actual construction based on each new residential development's proportionate share of the need to construct additional school facilities].~~

A study commissioned by the State has identified the land dedication requirement that is consistent with proportionate fair-share principles [~~and the net capital cost of school facilities, excluding land costs, that is consistent with proportionate fair-share principles].~~

The State determines that new residential developments within designated school impact districts shall provide land for schools or pay a fee in lieu of land proportionate to the impacts of the new residential development on existing school facilities. [~~The State also determines that new residential developments within designated school impact districts shall also pay school construction cost component impact fees proportionate to their impacts.]~~

In determining the amounts of land component impact fees [~~and construction cost component impact fees],~~ the intent of the school impact fee calculations is that new residential developments should not be charged for a higher level of service than is being charged to existing developments.

This subpart establishes the methodology for developers to provide their proportionate share of the land ~~[and the construction cost of]~~ needed for new or expanded school facilities [needed] to serve new residential developments, as determined in ~~[sections]~~ section 302A-1606 [and 302A-1607, respectively].”

SECTION 3. Section 302A-1602, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read: ““Board” means the school facilities authority board established by section 302A-1704.”

2. By deleting the definitions of “construction cost”, “construction cost component impact fee”, and “cost per student”.

~~[““Construction cost” means the net cost to construct a school, including without limitation, planning, design, engineering, grading, permits, construction, and construction and project management, but not including the cost to acquire land.~~

~~“Construction cost component impact fee” means ten per cent of the share of the construction cost for the required new school, the expansion of existing school facilities that is attributable to a specific new residential development, or both.~~

~~“Cost per student” means the average of actual school construction costs, expressed in current dollars, divided by the respective design enrollments, for schools constructed within approximately the last ten years.”]~~

3. By deleting the definition of “revenue credit”.

~~[““Revenue credit” means the state general excise tax revenues under chapter 237 that will be generated by a new dwelling unit and used to fund school capital facilities and pay for outstanding debt on existing facilities.”]~~

SECTION 4. Section 302A-1603, Hawaii Revised Statutes, is amended to read as follows:

“§302A-1603 Applicability and exemptions. (a) Except as provided in subsection (b), any person who seeks to develop a new residential development within a designated school impact district requiring:

- (1) A county subdivision approval;
- (2) A county building permit; or
- (3) A condominium property regime approval for the project,

shall be required to fulfill the land component impact fee or fee in lieu requirement ~~[and construction cost component impact fee requirement]~~ of the authority~~], including all government housing projects and projects processed pursuant to sections 46-15.1 and 201H-38].~~

(b) The following shall be exempt from this section:

- (1) Any form of housing permanently excluding school-aged children, with the necessary covenants or declarations of restrictions recorded on the property;
- (2) Any form of housing that is or will be paying the transient accommodations tax under chapter 237D;
- (3) All nonresidential development;
- (4) Any development with an executed education contribution agreement or other like document with the agency for the contribution of school sites or payment of fees for school land or school construction; ~~[and]~~

(5) Any housing project developed by the government;

(6) Any housing project processed pursuant to sections 46-15.1 and 201H-38;

- (7) Any housing that meets the definition of affordable housing in sections 46-15.25 or 201H-57;
- (8) Any housing that is a single-room dwelling;
- (9) Any form of housing developed by the department of Hawaiian home lands for use by beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended; and
- [[5]] (10) Any form of development by the Hawaii community development authority pursuant to part XII of chapter 206E.
- (c) The authority shall adopt rules in accordance with chapter 91 governing the collection of school impact fees."

SECTION 5. Section 302A-1606, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:

"(c) The procedure for determining whether the dedication of land is required or a payment of a fee in lieu is required for a new school facility or to satisfy the land component impact fee shall be as follows:

(1) A new residential development with ~~[[fifty]]~~ one hundred or more units shall include a written agreement between the owner or developer of the property and the authority, executed prior to issuance of a building permit, under which the owner or developer has:

(A) Agreed to designate an area to be dedicated for one or more schools for the development, subject to approval by the authority; or

(B) Agreed to pay to the authority, at a time specified in the agreement, a fee in lieu of land dedication;

~~[[2]] A new residential development with less than fifty units shall include a written agreement between the owner or the developer of the property and the authority, executed prior to the issuance of the building permit, under which the owner or developer has agreed to a time specified for payment for the fee in lieu;~~

~~[[3]]~~ (2) Prior to approval of any change of zoning, subdivision, or any other approval for a:

(A) Residential development with ~~[[fifty]]~~ one hundred or more units; or

(B) Condominium property regime development of ~~[[fifty]]~~ one hundred or more units,

the authority shall notify the approving entity of its determination on whether it will require the development to dedicate land, pay a fee in lieu thereof, or a combination of both for the provision of new school facilities;

~~[[4]]~~ (3) The authority's determination to require land dedication or the payment of a fee in lieu, or a combination of both, shall be guided by the following criteria:

(A) The topography, geology, access, value, and location of the land available for dedication;

(B) The size and shape of the land available for dedication;

(C) The location of existing or proposed schooling facilities; and

(D) The availability of infrastructure;

~~[[5]]~~ (4) The determination of the authority as to whether lands shall be dedicated or whether a fee in lieu shall be paid, or a combination of both, shall be final;

[~~(6)~~] (5) When land dedication is required, the land shall be conveyed to the State upon completion of the subdivision improvements and any offsite infrastructure necessary to serve the land; and

[~~(7)~~] (6) When the payment of a fee in lieu is required, the fee in lieu shall be paid based on the terms contained in the written agreement.”

2. By amending subsection (e) to read:

“(e) The developer or owner of new residential developments of [~~fifty~~] one hundred or more units shall either pay the fee in lieu based on the land value as determined in subsection (d) or convey appropriate acreage as determined in subsection (b). [~~When conveying the fee simple interest for the new or expanded school facility, the developers shall be credited the difference between the fair market fee simple value of the property and the developers’ proportionate share of the value of the land as determined in subsection (d) against any construction cost component impact fee. Any excess may be transferred and used as credit against any future land or construction cost requirements on any other development of the State.]”~~]

SECTION 6. Section 302A-1608, Hawaii Revised Statutes, is amended to read as follows:

“**§302A-1608 Accounting and expenditure requirements.** (a) Each designated school impact district shall be a separate benefit district. Fees collected within each school impact district shall be spent only within the same school impact district for the purposes collected.

(b) Land dedicated by the developer shall be used only as a site for the construction of one or more new schools or for the expansion of existing school facilities. If the land is never used for the school facility, it shall be returned to the developer, or the developer’s successor in interest. Once used, the land may be sold, with the proceeds used to acquire land for school facilities in the same school impact district.

(c) If the land is not used for a school facility within twenty years of its dedication, it shall be returned to the developer, or the developer’s successor in interest.

(d) Once used for school facilities, all or part of the land may be later sold. Proceeds from the sale shall be used [~~to acquire~~] for land acquisition for school facilities in the same school impact district.

(e) Fee in lieu funds may be used for school site land acquisition and related expenses, including surveying, appraisals, and legal fees. With the exception of urban Honolulu, fee in lieu funds shall not be used for the maintenance or operation of existing schools in the district; [~~construction costs, including~~] planning, design, engineering, grading, construction, construction and project management, architectural, permitting, or financing costs; or for administrative expenses.

(f) Notwithstanding any other law to the contrary, fee in lieu funds from projects within a county-designated transit oriented development zone may also be used to purchase completed construction, construct new school facilities in new or existing school sites, improve or renovate existing structures for school use, or lease land or facilities for school use within a county-designated transit oriented development zone.

[~~(g)~~] (g) Notwithstanding subsection (e), in urban Honolulu, fee in lieu funds may be used to purchase completed construction, construct new school facilities, improve or renovate existing structures for school use, or lease land or facilities for school use.

~~[(h)] Construction cost component impact fees shall be used only:~~

- ~~(1) For the costs of new school facilities that expand the student capacity of existing schools or adds student capacity in new schools; or~~
- ~~(2) To improve or renovate existing structures for school use.~~

Construction cost component impact fees shall not be used to replace an existing school located within the same school impact district, either on the same site or on a different site.

~~[(i)] Eligible construction costs include planning, engineering, architectural, permitting, financing, and administrative expenses, and any other capital equipment expenses pertaining to educational facilities.~~

~~[(j)] Construction cost component impact fees shall not be expended for the maintenance or operation of existing schools in the district.~~

~~[(k)] If a closure, demolition, or conversion of an existing permanent department facility within a school impact district that has the effect of reducing student capacity occurs, an amount of new student capacity in permanent buildings equivalent to the lost capacity shall not be funded with school impact fees.~~

~~[(h)]~~ (h) Fees in lieu, proceeds from the sale of all or part of an existing school site that has been dedicated by a developer pursuant to the requirements of this subpart~~[, and construction cost component impact fees]~~ shall be expended or encumbered within twenty years of the date of collection. Fees shall be considered spent or encumbered on a first-in, first-out basis.

~~[[m)]]~~ (i) As used in this section, “urban Honolulu” means the Kalihi to Ala Moana school impact district.”

SECTION 7. Section 302A-1609, Hawaii Revised Statutes, is amended to read as follows:

“§302A-1609 Refunds of fees. If a fee in lieu ~~[or a construction cost component impact fee]~~ is not expended within twenty years of the date of collection, the authority shall either:

- (1) Refund to the developer, or the developer’s successor in interest, the amount of the fee in lieu paid and any interest accrued thereon; or
- (2) Recommit part or all of the fees for another twenty-year period for construction of new schools in the school impact district, as authorized by the developer or the developer’s successor.”

SECTION 8. Section 302A-1612, Hawaii Revised Statutes, is amended to read as follows:

“§302A-1612 Use of data reflecting recent conditions in impact fee calculations. (a) Every three years beginning in 2010, the authority shall ~~[concurrently]~~ update the ~~[following]~~:

- ~~(1) School]~~ school site area averages, using the total school land requirement for each individual in a school impact district as calculated pursuant to section 302A-1606(b)~~];~~
- ~~(2) Elementary, middle or intermediate, and high school permanent facility construction costs per student, as provided under section 302A-1607; and~~
- ~~(3) Revenue credit per unit figures provided pursuant to section 302A-1607(e)].~~

(b) Every three years following the initial determinations made pursuant to section 302A-1604, the authority shall update the following:

- (1) Student generation rates for each established school impact district; and
- (2) The statewide level of service.

~~[(c) Every three years beginning in 2010, the authority shall, where appropriate, update the list of cost factors for the twenty-six geographically limited cost districts, as provided in section 302A-1607(d), by incorporating any changes to the cost factors that have been made by the department of accounting and general services.~~

~~(d)]~~ (c) If any data update required by this section is not completed within the specified time, the most current data shall be used until the update is completed.”

SECTION 9. Section 302A-1607, Hawaii Revised Statutes, is repealed.

SECTION 10. Section 302A-1611, Hawaii Revised Statutes, is repealed.

SECTION 11. No later than December 15, 2026, the school facilities authority shall submit a report to the legislature on its findings, recommendations, and evaluation of the benefits and impacts of subpart B of part VI of chapter 302A, Hawaii Revised Statutes, as amended by this Act. The report shall include:

- (1) The authority’s efforts and progress in addressing the recommendations set forth in auditor’s report no. 19-13;
- (2) A thorough review of the currently established impact fee districts; and
- (3) An assessment of the need for new school construction based on demographic projections over the next twenty-five years, as provided by the state land use commission.

SECTION 12. Notwithstanding any provision of this Act to the contrary, any existing educational contribution agreement or agreement that has been executed with the department of education or the school facilities authority pursuant to subpart B of part VI of chapter 302A, Hawaii Revised Statutes, prior to the effective date of this Act shall remain effective unless the parties to the agreement mutually agree to terminate or renegotiate the agreement.

SECTION 13. Statutory material to be repealed is bracketed and stricken.¹ New statutory material is underscored.

SECTION 14. This Act shall take effect upon its approval, and shall apply to new residential developments permitted or approved on or before June 30, 2029; provided that this Act shall be repealed on July 1, 2029, and sections 302A-1601, 302A-1602, 302A-1603, 302A-1606, 302A-1607, 302A-1608, 302A-1609, 302A-1611, and 302A-1612, Hawaii Revised Statutes, shall be reenacted in the form in which they read prior to the effective date of this Act.

(Approved July 2, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 269

H.B. NO. 1482

A Bill for an Act Related¹ to Controlled Substances.

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

SECTION 1. Chapter 328G, Hawaii Revised Statutes, is amended by adding five new sections to be appropriately designated and to read as follows:

“§328G-A Registry of distributors and retailers; application; renewals; suspension or revocation of certificates; exceptions. (a) The department shall establish and maintain a registry of all manufactured hemp product distributors and manufactured hemp product retailers doing business in the State.

(b) Beginning January 1, 2026, no manufactured hemp product distributor or manufactured hemp product retailer shall sell or offer for sale manufactured hemp products without a certificate of registration issued by the department pursuant to this section. It shall be the responsibility of the manufactured hemp product distributor or manufactured hemp product retailer to confirm that a valid certificate of registration has been obtained and is in compliance with any and all laws, rules, and regulations.

(c) A manufactured hemp product distributor or manufactured hemp product retailer that sells or offers for sale or intends to sell or offer for sale manufactured hemp products shall apply to the department to be registered and receive a certificate of registration on an application form prescribed by the department and pay an application fee of \$50.

(d) An application that fails to contain all the information as required by the department shall be deemed incomplete. Any incomplete application shall be denied.

(e) After receipt of a complete and accurate application form and payment of the application fee, the department shall list the manufactured hemp product distributor or manufactured hemp product retailer as a registrant on the registry and issue a certificate of registration. Whenever a certificate of registration is defaced, destroyed, or lost, the department may issue a duplicate certificate of registration to the registrant for a fee of \$10 per copy.

(f) The department shall post on its website a current list of registrants on the registry.

(g) The certificate of registration shall be valid for five years and shall be renewed by filing a completed renewal application with, and paying a renewal fee of \$50 to, the department.

(h) All fees required under this section shall be non-transferable and non-refundable and shall be fully paid before the issuance of a new or renewed certificate of registration.

(i) The certificate of registration issued under this section shall be displayed at all times in a conspicuous place at the place of business where the sale of manufactured hemp products is conducted and a digital reproduction of the certificate of registration shall be displayed conspicuously on the website of a registrant conducting sales online.

(j) The department may suspend or revoke a registrant's certificate of registration for failure to comply with this chapter and rules adopted under this chapter pursuant to the procedures set forth in section 328G-6.

(k) Carriers or entities that ship goods shall not be subject to this section by reason of their receipt, carriage, holding, shipping, or delivery of manufactured hemp products in the usual course of business as carriers or entities that ship goods unless the carrier or entity sells or offers for sale manufactured hemp products.

(l) Hemp processors with a valid permit issued pursuant to section 328G-2 shall be issued a certificate of registration and added to the registry by the department for the sale and distribution of manufactured hemp products at the locations indicated on the permit. The certificate of registration shall be issued with the same expiration date as found on the permit. Application and renewal fees required in subsections (c) and (g) shall not apply to hemp processors with a valid permit issued pursuant to section 328G-2.

(m) This section shall not apply to the sale of the following manufactured hemp products:

- (1) Products that are topically applied; or
- (2) Tinctures; provided that tinctures shall not be sold to individuals under the age of twenty-one;

provided further that the manufactured hemp products otherwise comply with this chapter and any rules adopted pursuant to this chapter.

§328G-B Unlawful hemp distribution or retailing. (a) A person or entity required to be registered as a manufactured hemp product distributor or manufactured hemp product retailer under this chapter commits the offense of unlawful hemp distribution or retailing if the person or entity recklessly fails to register as a manufactured hemp product distributor or manufactured hemp product retailer as required under section 328G-A and, for the purposes of distribution or retail sale, recklessly sells, possesses, stores, acquires, or distributes any product containing or derived from hemp, or marketed as containing or being derived from hemp.

(b) Unlawful hemp distribution or retailing shall be a misdemeanor, except that any offense under subsection (a) that occurs within five years of a conviction for unlawful hemp distribution or retailing shall be a class C felony.

§328G-C Inspection authority. The department and the attorney general may inspect the operations, premises, and storage areas of any entity engaged in the distribution or sale of any product containing or derived from hemp, or marketed as containing or being derived from hemp, during regular business hours, to verify compliance with this chapter. The inspection shall include examination of all statements, books, papers, and records in whatever format, including electronic format, pertaining to the cultivation, processing, acquisition, possession, transportation, sale, or use any product containing or derived from hemp, or marketed as containing or being derived from hemp. The inspection may also include taking reasonable samples and conducting tests to verify compliance with this chapter. Every entity in possession of any statements, books, papers, and records, and the entity's agents and employees, shall be required to give the department and attorney general the means, facilities, and opportunities for the examinations.

§328G-D Forfeiture; confiscation and seizure; disposition. (a) The department, attorney general, department of law enforcement, and the police department of each county may seize and confiscate any product containing or derived from hemp, or marketed as containing or being derived from hemp, that is possessed, kept, stored, retained, held, owned, received, acquired, distributed, sold, or offered for sale in violation of this chapter. The department seizing products as evidence shall not be responsible for the care and maintenance of the products.

(b) Any product seized or confiscated under this section may be subject to forfeiture for destruction pursuant to chapter 712A or section 328G-6.

§328G-E Tinctures; persons under twenty-one years of age. (a) It shall be unlawful to sell or furnish a tincture to a person under twenty-one years of age.

(b) All persons engaged in the retail sale of tinctures shall check the identification of tincture purchasers to establish the age of the purchaser if the purchaser reasonably appears to be under twenty-seven years of age.

(c) It shall be an affirmative defense that the manufactured hemp product retailer that sells a tincture to a person under twenty-one years of age in violation of this section had requested, examined, and reasonably relied upon a photographic identification from the person establishing that person's age as at least twenty-one years of age before selling the person a tincture. The failure of a manufactured hemp product retailer to request and examine photographic identification from a person under twenty-one years of age before the sale of a tincture to the person shall be construed against the manufactured hemp product retailer and form a conclusive basis for the manufactured hemp product retailer's violation of this section.

(d) It shall be unlawful for a person under twenty-one years of age to purchase or possess any tincture. This provision shall not apply if a person under the age of twenty-one, with parental authorization, is participating in a controlled purchase as part of a law enforcement activity or a study authorized by the department under the supervision of law enforcement to determine the level of incidence of tincture sales to persons under twenty-one years of age.

(e) Any person who violates subsection (a) shall be fined \$500 for the first offense. Any subsequent offenses shall subject the person to a fine no less than \$500 and no more than \$2,000. Any person under twenty-one years of age who violates subsection (d) shall be fined \$10 for the first offense. Any subsequent offense shall subject the violator to a fine of \$50, no part of which shall be suspended, or the person shall be required to perform no less than forty-eight hours and no more than seventy-two hours of community service during hours when the person is not employed and is not attending school. Any tincture in the person's possession at the time of violation of subsection (d) shall be seized, summarily forfeited to the State, and destroyed by law enforcement following the conclusion of an administrative or judicial proceeding finding that a violation of subsection (d) has been committed. The procedures set forth in chapter 712A shall not apply to this subsection."

SECTION 2. Section 328G-1, Hawaii Revised Statutes, is amended as follows:

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

"Certificate of registration" means the certificate issued by the department authorizing the sale of manufactured hemp products by the registrant.

"Consumer" means a person who is a member of the public, is not functioning in the capacity of an operator of a hemp processing facility, and does not process hemp biomass, produce manufactured hemp products, or offer manufactured hemp products for resale.

"Manufactured hemp product distributor" means a person selling manufactured hemp products to a manufactured hemp product retailer and includes the person's agents and employees.

"Manufactured hemp product retailer" means a person selling manufactured hemp products to consumers and includes the person's agents and employees.

"Registrant" means the holder of the certificate of registration.

“Registry” means a database of registered manufactured hemp product distributors and manufactured hemp product retailers maintained by the department.

“Sale”, “sell”, or “selling”, means offering any transactions, whether cash is actually paid therefor or not, of hemp, hemp biomass, crude extract, or manufactured hemp products and includes resale and every act of selling that originates from any order that is placed or submitted in-person or by means of telephonic or other synchronous online communication methods, the mail, catalog, or digital application, or the Internet or other online service.

“Tincture” means any oil-based, unflavored product that contains no more than:

- (1) One ounce per container; and
- (2) 0.3 per cent tetrahydrocannabinol.”

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

““Permit” means the [certificate] document issued by the department at-testing that the applicant is permitted to operate as a hemp processor.”

SECTION 3. Section 328G-6, Hawaii Revised Statutes, is amended to read as follows:

“§328G-6 Enforcement; penalty. (a) Any person who violates this chapter or any rule adopted by the department pursuant to this chapter shall be fined ~~[not]~~ no more than \$10,000 for each separate offense. Any action taken to collect the penalty provided for in this subsection shall be considered a civil action. In addition to any other administrative or judicial remedy provided by this chapter, or by rules adopted pursuant to this chapter, the director may impose by order ~~[the]~~:

- (1) The administrative penalty specified in this section ~~[or revoke]~~;
- (2) The forfeiture of products possessed, kept, stored, retained, held, owned, received, acquired, distributed, sold, or offered for sale in violation of this chapter;
- (3) The revocation of a permit or suspension or revocation of a certificate of registration pursuant to this chapter~~[-];~~ or
- (4) Any combination of paragraphs (1), (2), and (3).

(b) Any order issued under this chapter shall become final, unless ~~[not]~~ no later than twenty days after the notice of order is served, the person or persons named therein request in writing a hearing before the director. Any penalty imposed, including the revocation of a permit~~[-];~~ or suspension or revocation of a certificate of registration, shall become final, and any monetary penalty shall become due and payable twenty days after the order is served unless the person or persons named therein request in writing a hearing before the director. Whenever a hearing is requested, the penalty imposed, including permit revocation, or suspension or revocation of a certificate of registration, shall become final, and any monetary penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. Any hearing shall be conducted in accordance with chapter 91.

(c) In any judicial proceeding to enforce an order issued by the department pursuant to this section, including but not limited to the recovery of administrative penalties imposed by order against a hemp processor~~[-];~~ or registrant, the director may petition any court of appropriate jurisdiction for relief and need only show that:

- (1) Notice was given;
- (2) A hearing was held or the time granted for requesting a hearing has expired without such a request;

- (3) The administrative penalty was imposed ~~[or]~~, the hemp processor's permit was revoked~~[-]~~, or the registrant's certificate of registration was suspended or revoked; and
- (4) The penalty remains unpaid or the hemp processor or the registrant continues to operate.
- (d) The director, in the event there is deemed a potential health hazard, may take precautionary measures to protect the public through imposition of an embargo, the detention and removal of hemp, hemp biomass, crude extract, or manufactured hemp products from the market, and the sequestration of hemp, hemp biomass, crude extract, or manufactured hemp products suspected to be contaminated or otherwise harmful to human health. In the event of any embargo or detention of hemp, hemp biomass, crude extract, or manufactured hemp products, the person or persons so named in the order imposing the embargo or detention shall be afforded an opportunity to contest the findings of the department in a hearing pursuant to chapter 91.
- (e) Nothing in this chapter shall limit any other legal remedy, or limit any civil or criminal action, available under any other statute, rule, or ordinance.
- (f) In addition to any penalties provided by law, a violation of section 328G-B shall be subject to nuisance abatement proceedings provided in part V of chapter 712.
- (g) In addition to any penalties provided by law, any product containing or derived from hemp, or marketed as containing or being derived from hemp sold or distributed in violation of section 328G-B shall be subject to forfeiture under chapter 712A.
- (h) In addition to any penalties provided by law, a violation of this chapter shall constitute an unfair or deceptive act or practice and unfair method of competition pursuant to section 480-2 and shall be subject to a civil penalty as provided in section 480-3.1."

SECTION 4. Section 328G-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Moneys in the Hawaii hemp processing special fund shall be used by the department for the following purposes:

- (1) To establish and regulate a system of permitting hemp processors and the sale, holding, offering, or distributing for sale of crude extract and manufactured hemp products;
- (2) To establish and regulate a system for registering manufactured hemp product distributors and manufactured hemp product retailers to sell manufactured hemp products;
- ~~[(2)]~~ (3) To fund positions and operating costs authorized by the legislature; and
- ~~[(3)]~~ (4) For any other expenditure necessary, consistent with this chapter, to implement the Hawaii hemp processing program."

SECTION 5. Section 329D-2.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The office of medical cannabis control and regulation shall administer medical cannabis dispensary licensure and regulation, pursuant to this chapter~~[-and]~~; the registration of qualifying patients and primary caregivers, pursuant to part IX of chapter 329~~[-]~~; and the hemp processors program, pursuant to chapter 328G."

SECTION 6. Section 712-1270, Hawaii Revised Statutes, is amended to read as follows:

“§712-1270 Places used to commit offenses against public health and morals or other offenses, a nuisance. Every building, premises, or place used for the purpose of violating:

- (1) Those laws pertaining to offenses against public health and morals contained in this chapter, except offenses under part IV that do not involve the manufacture or distribution of drugs and activities under part III that involve only social gambling as defined in section 712-1231(a);
- (2) Section 132D-14(a)(1) or (3); ~~[øø]~~
- (3) Any offense under part II of chapter 708 that involves a person unlawfully residing on or otherwise occupying real property to which the person has no title, lease, or other legal claim~~[-]; or~~
- (4) Section 328G-B,

and every building, premises, or place in or upon which violations of any of the laws set forth in paragraph (1), (2), ~~[øø]~~ (3), or (4) are held or occur, is a nuisance that shall be enjoined, abated, and prevented, regardless of whether it is a public or private nuisance.”

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. 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. In codifying the new sections added by section 1 and referenced in sections 3 and 6 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 11. This Act shall take effect on July 1, 2025.

(Approved July 2, 2025.)

Notes

1. So in original.

2. Edited pursuant to HRS §23G-16.5.

A Bill for an Act Relating to Laulau Day.

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

SECTION 1. The legislature finds that one of the most popular traditional dishes to eat in the State is laulau. Laulau is made from pork or fish wrapped in kalo and ti leaves and then steamed, traditionally in an underground oven known as an imu. The preparation and consumption of laulau are cherished practices in Hawaiian communities, often shared at family gatherings, celebrations, and feasts, serving as a symbol of unity and cultural pride.

The legislature further finds that the preservation and promotion of Hawaiian food traditions are essential to honoring the rich legacy of Native Hawaiian culture and fostering a deeper understanding of the cultural practices that have been passed down through generations. The designation of “Laulau Day” will provide an opportunity to celebrate and recognize this iconic dish, raise awareness of its cultural significance, and support local farmers, chefs, and communities who continue to keep these traditions alive.

Accordingly, the purpose of this Act is to designate the first Friday in May of each year as “Laulau 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- Laulau Day. The first Friday in May of each year shall be known and designated as “Laulau Day”. This day is not and shall not be construed to be a state holiday.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved July 2, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 271

H.B. NO. 237

A Bill for an Act Relating to Peer Support Programs.

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

SECTION 1. The legislature finds that parenting can be challenging for anyone, but especially for parents and families whose basic needs are not met. Parents and caregivers who lack needed support may experience depression and mental health challenges, intimate partner violence, child abuse and neglect, and substance addiction. This in turn may cause early childhood trauma for the children under their care.

The legislature further finds that each year in Hawaii, close to six hundred children from birth to age five are confirmed to be victims of child abuse and neglect, although the actual number of cases may be as much as five times greater. The legislature notes that half of all children in the child welfare system are under the age of five. Child rearing practices and handling parenting responsibilities made up the majority of contributing factors to child abuse and neglect, along with drug use. Child abuse and neglect impacts brain development and is costly, with the total lifetime economic burden associated with child abuse and neglect estimated to be \$2,600,000,000 in Hawaii. The legislature additionally finds that fifty-eight per cent of Hawaii children live in families made vulnerable by adverse childhood experiences, which include family violence, substance abuse, untreated family mental health issues, divorce, or incarceration.

The legislature additionally finds that peer-to-peer support programs provide people with an instant and cost-effective safety net. Parents and caregivers have a place where they can learn, get screening and referrals, share resources, and build their self-confidence. The goal of these programs is to keep parents

and children together, strengthen and grow community support and services, and increase the sense of hope and self-assurance amongst parents and caregivers of young children. Peer-to-peer support programs have also proven to be effective in reducing negative parenting practices, connecting victims of intimate partner violence to appropriate support, and encouraging completion of substance use disorder programs.

The legislature notes that investing early in peer-to-peer support programs can save millions of taxpayer dollars in downstream interventions. Research has shown that investing in the prenatal-to-five-year time period can save seven times in downstream costs, including reducing costs associated with treatment programs, child welfare programs, special education programs, and incarceration.

The purpose of this Act is to support parents and caregivers of children from birth to age five by appropriating funds to the family health services division of the department of health to establish and oversee peer-to-peer support programs.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$860,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the family health services division of the department of health to establish and support peer-to-peer support programs for families with children from birth to age five, to be expended as follows:

- (1) \$200,000 for one full-time equivalent (1.0 FTE) program specialist V position and one full-time equivalent (1.0 FTE) program specialist IV position;
- (2) \$270,000 for purchase of service contracts with neighborhood or location peer-to-peer based groups; and
- (3) \$390,000 for purchase of service contracts for addiction and child welfare peer support programs.

The sums 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, 2025.

(Approved July 2, 2025.)

ACT 272

H.B. NO. 1051

A Bill for an Act Relating to Energy-Efficiency Portfolio Standards.

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

SECTION 1. The legislature finds that, as Hawaii progresses toward achieving its renewable energy and decarbonization goals, energy efficiency remains the most cost-effective way to reduce emissions associated with electricity generation and consumption, while providing financial benefits for customers. The legislature also finds that in 2008, the State, in partnership with the United States Department of Energy, established the Hawaii clean energy initiative, which included goals for energy efficiency. Subsequently, Act 155, Session Laws of Hawaii 2009, codified these energy efficiency goals

by establishing an energy-efficiency portfolio standard under section 269-96, Hawaii Revised Statutes, which sets the statewide energy efficiency goal for 2030 at four thousand three hundred gigawatt hours and directs the public utilities commission to establish interim goals for 2015, 2020, and 2025. Now, over fifteen years later, the legislature further finds that it is appropriate to expand these goals and require the public utilities commission to establish interim goals to ensure that the commission can continue its work developing and overseeing the State's energy-efficiency portfolio standards beyond 2030.

The purpose of this Act is to extend and further develop the energy-efficiency portfolio standards established and overseen by the public utilities commission.

SECTION 2. Section 196-62.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) As may be applicable, an agency shall consult with the public benefits fee administrator of the commission ~~[prior to]~~ before planning an energy-efficiency measure subject to this section. The agency's proposed energy-efficiency measures shall meet or exceed the public benefits fee administrator's enhanced efficiency levels and requirements to be eligible for the Hawaii green infrastructure loan program. The agency shall coordinate with the public benefits fee administrator throughout the entire project cycle to ensure that energy efficiency is maximized. All supporting documentation required by the public benefits fee administrator shall be provided by the agency to ensure compliance with the State's energy-efficiency portfolio ~~[standard]~~ standards under section 269-96.”

SECTION 3. Section 269-96, Hawaii Revised Statutes, is amended by amending subsections (b) through (e) to read as follows:

“(b) The energy-efficiency portfolio standards shall be designed to achieve four thousand three hundred gigawatt hours of electricity use reductions statewide by 2030~~[-]~~ and six thousand gigawatt hours of electricity use reductions statewide by 2045; provided that the public utilities commission shall establish interim goals for electricity use reduction to be achieved by 2015, 2020, [and] 2025, 2035, and 2040, and may also adjust the 2030 [standard] and 2045 standards and any interim standards by rule or order to maximize cost-effective energy-efficiency programs and technologies[-]; provided further that the interim goals established by the public utilities commission shall show clear progress toward meeting the State's 2030 and 2045 energy-efficiency portfolio standards.

(c) The public utilities commission may establish, by rule or order, incentives and penalties based on performance in achieving the energy-efficiency portfolio standards ~~[by rule or order]~~.

(d) The public utilities commission shall evaluate the energy-efficiency portfolio ~~[standard]~~ standards every five years, beginning in 2013, ~~[and may revise the standard, based on the best information available at the time,]~~ to determine if the energy-efficiency portfolio ~~[standard]~~ standards established by this section ~~[remains]~~ remain effective and achievable~~[-]~~ and may revise the standards, based on the best information available at the time. The public utilities commission shall report its findings and revisions to the energy-efficiency portfolio ~~[standard,]~~ standards, based on its own studies and other information, to the legislature no later than twenty days before the convening of the regular session of 2014, and every five years thereafter.

(e) Beginning in 2015, electric energy savings brought about by the use of renewable displacement or off-set technologies, including solar water heating and sea-water air-conditioning district cooling systems, shall count toward ~~[this standard.]~~ these standards.”

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, 2025.)

ACT 273

S.B. NO. 1373

A Bill for an Act Relating to Administrative Licensure Actions Against Sex Offenders.

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

SECTION 1. The legislature finds that a recent Civil Beat article highlighted the inability of state licensing boards and agencies to promptly revoke the professional licenses of registered sex offenders. The legislature believes that timely action in cases where certain professional license holders are registered sex offenders is a vital aspect of consumer protection. Delayed action in revoking a license and preventing further practice by a registered sex offender places consumers at unnecessary risk.

Accordingly, the purpose of this Act is to:

- (1) Authorize the department of commerce and consumer affairs and certain licensing boards to automatically revoke and deny the renewal, restoration, or reinstatement of a license to a licensee who is a registered sex offender;
- (2) Establish conditions for the disciplinary action; and
- (3) Ensure consumer protection by requiring any final order of discipline taken to be public record.

SECTION 2. Chapter 436E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§436E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 3. Chapter 436H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§436H- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 4. Chapter 439A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§439A- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and

- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 5. Chapter 442, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§442- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 6. Chapter 447, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§447- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board of dentistry shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board of dentistry shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board of dentistry within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board of dentistry from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board of dentistry shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 7. Chapter 448, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§448- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 8. Chapter 448F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§448F- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 9. Chapter 451A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§451A- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 10. Chapter 451J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§451J- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 11. Chapter 452, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§452- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 12. Chapter 453, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§453- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.
- (b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).
- (c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.
- (d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.
- (e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.
- (f) Any final order of discipline taken pursuant to this section shall be a matter of public record.
- (g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:
 - (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
 - (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 13. Chapter 453D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§453D- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.
- (b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).
- (c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 14. Chapter 455, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§455- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 15. Chapter 457, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§457- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 16. Chapter 457A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§457A- Revocation of certification or denial of application to renew, restore, or reinstate a certification based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a certification or deny an application to renew, restore, or reinstate a certification under either of the following circumstances:

- (1) The person has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the person of the certification revocation or denial of application to renew, restore, or reinstate the certification and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the certification or denial of an application to renew, restore, or reinstate, the person may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the person is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the certification of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 17. Chapter 457B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§457B- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
 - (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.
- (b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).
- (c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.
- (d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.
- (e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.
- (f) Any final order of discipline taken pursuant to this section shall be a matter of public record.
- (g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:
- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
 - (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 18. Chapter 457G, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§457G- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
 - (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.
- (b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 19. Chapter 457J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§457J- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 20. Chapter 458, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§458- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director of commerce and consumer affairs shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director of commerce and consumer affairs shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director of commerce and consumer affairs within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director of commerce and consumer affairs from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director of commerce and consumer affairs shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 21. Chapter 459, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§459- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 22. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§461- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

(1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and

(2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 23. Chapter 461J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§461J- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 24. Chapter 463E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§463E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 25. Chapter 465, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§465- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 26. Chapter 465D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§465D- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 27. Chapter 466D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§466D- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 28. Chapter 467E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§467E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 29. Chapter 468E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§468E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 30. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 31. New statutory material is underscored.¹

SECTION 32. This Act shall take effect on July 1, 2025.

(Approved July 2, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 274

S.B. NO. 264

A Bill for an Act Relating to the Examination of Criminal Defendants.

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

SECTION 1. Section 704-404, Hawaii Revised Statutes, is amended by amending subsection (11) to read as follows:

“(11) The compensation of persons making or assisting in the examination, other than those retained by a nonindigent defendant, who are not undertaking the examination upon designation by the director of health as part of their normal duties as employees of the State or a county, shall be paid by the [State.] judiciary in the amount of \$2,000, which amount includes compensation for the examination, the drafting of the report, and any consultation, preparation, testimony, and attendance in court.”

SECTION 2. Section 704-407.5, Hawaii Revised Statutes, is amended by amending subsection (12) to read as follows:

“(12) The compensation of persons making or assisting in the examination, other than those retained by a nonindigent defendant, who are not undertaking the examination upon designation by the director of health as part of their normal duties as employees of the State or a county, shall be paid by the [State.] judiciary in the amount of \$2,000, which amount includes compensation for the examination, the drafting of the report, and any consultation, preparation, testimony, and attendance in court.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$975,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to carry out the purposes of this Act.

The sums appropriated shall be expended by the judiciary 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, 2025.

(Approved July 2, 2025.)

ACT 275

S.B. NO. 850

A Bill for an Act Relating to Disability Health Disparity.

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

SECTION 1. The legislature finds that adults with intellectual or developmental disabilities experience disproportionate health disparities compared to those without disabilities. Individuals with intellectual or developmental disabilities are more likely than their peers without disabilities to have fair or poor health, be considered obese, and be diagnosed with chronic diseases, such as diabetes. Intellectual and developmental disabilities are life-long differences that typically arise before adulthood and can uniquely influence the trajectory of an individual's life, including their physical, intellectual, behavioral, and emotional development. The state council on developmental disabilities was created to advocate for and improve and protect the lives of individuals with intellectual or developmental disabilities in the State.

Decades of research have clearly established that members of minority groups living in the United States receive poor health care and have poor health outcomes resulting from social determinants of health. On a national level, racial and ethnic disparities in access to health care and health outcomes are a persistent, pervasive public health problem. In the State, underserved populations, such as Native Hawaiians and other Pacific Islanders, have been historically underrepresented in health care, as data does not accurately reflect the health disparities currently faced by this group. Additionally, individuals from the neighbor islands are also underrepresented and underserved, as access to health care resources and services are limited. However, even less is known about

the extent of racial and ethnic health disparities among adults with intellectual or developmental disabilities. Accordingly, there is an urgent need to create an updated, accurate set of data that reflects the State's unique need to assist certain agencies to better understand the needs of individuals with intellectual or developmental disabilities in their communities.

The legislature further finds troubling gaps in the health disparities of people with intellectual or developmental disabilities and their social determinants of health in the State. Certain recent health surveys in the State and existing related initiatives do not segregate data pertaining to individuals with intellectual or developmental disabilities, nor is the data publicly available. Presently, the State relies on prevalence rate data from the federal government published in 1994-1995 that does not reflect the State's current population and its specific needs. The State's prevalence rate is 1.58 per cent, which equals approximately twenty-two thousand people who have an intellectual or developmental disability. Additionally, the only substantial data the state council on developmental disabilities collects on intellectual or developmental disabilities is through the medicaid waiver program, which serves approximately three thousand people. As there is a gap of approximately nineteen thousand people who may have an intellectual or developmental disability in the State, there is little information on quality of life, health care access, and health care outcomes for uncouned individuals with intellectual or developmental disabilities.

Accordingly, the legislature finds that further research is needed to understand the health disparities of people with intellectual or developmental disabilities and their social determinants of health. It is therefore imperative for the State to establish fundamental baseline data for service evaluation, policy development, and research to serve the current and future needs of individuals with intellectual or developmental disabilities. Accurate, current data will also help the State to provide culturally appropriate health care, address barriers to health care access, reduce health disparities, increase employment opportunities, and support individuals with developmental or intellectual disabilities to live healthy lives in the community.

Therefore, the purpose of this Act is to require, and appropriate funds for, the state council on developmental disabilities to study the health disparities experienced by individuals with intellectual or developmental disabilities in the State to develop data to inform the State's public health policies and practices.

SECTION 2. (a) The state council on developmental disabilities shall collect comprehensive data to identify gaps in social determinants of health, especially in the areas of health care access and quality and economic stability, that affect health outcomes and health disparities experienced by individuals with intellectual or development disabilities in the State and that can be addressed with policy, legislative, or stakeholder action.

(b) The state council on developmental disabilities shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2027, which shall include a list of recommendations and proposals, based on the council's findings, on how state agencies and departments can implement legislation and policies to reduce health disparities experienced by individuals with intellectual or developmental disabilities. The report shall also include:

- (1) A definition of the State's intellectual or developmental disability population for public health administration purposes, including the

- health conditions, duration, and level of severity required to qualify for disability status;
- (2) A definition of the social determinants of health as used by the United States Department of Health and Human Services;
 - (3) Population-level differences in the State between individuals with and without intellectual or developmental disabilities on health indicators and social determinants of health, including:
 - (A) Access to necessary health care;
 - (B) Access to preventive health care, including wellness programs and emotional support services;
 - (C) Health behaviors, including the percentage of individuals who engage in physical activities or smoke cigarettes;
 - (D) Health status and outcomes, including the percentage of individuals who are considered obese or diagnosed with chronic diseases, including diabetes, hypertension, and cardiovascular diseases;
 - (E) Drivers of health outcomes, including the impetus to seek health care and how individuals seek health care;
 - (F) Emergency preparedness, including evacuation planning and ability;
 - (G) Health insurance coverage;
 - (H) Social determinants of health and health outcomes, including household income, employment status, education level, access to health information technology tools and systems, access to transportation, and the social and community environment; and
 - (I) Other indicators and determinants that contribute to an individual's physical and mental health;
 - (4) Factors contributing to the population-level differences, including race, ethnicity, gender, age, county of residence, and economic and social disadvantages and discrimination;
 - (5) A determination of the population-level differences and contributing factors that are preventable or avoidable;
 - (6) Any other information that would assist the State in determining safe, equitable, and culturally appropriate public health actions that would improve health care and address the health disparities experienced by individuals in the State with intellectual or developmental disabilities; and
 - (7) Proposed legislation, including best practices, for the State to reduce the health disparities experienced by individuals in the State with intellectual or developmental disabilities.
 - (c) In preparing the report, the state council on developmental disabilities may consult with community stakeholders on the following:
 - (1) Improvements to provider training about intellectual or developmental disabilities;
 - (2) Life experiences of individuals with intellectual or developmental disabilities;
 - (3) Accessibility mandates for health infrastructure that include the needs of individuals with intellectual or developmental disabilities;
 - (4) Communication guidelines and standards for health care providers to communicate with individuals with intellectual or developmental disabilities; and

(5) Other topics as deemed relevant by the state council on developmental disabilities.

(d) For the purposes of this Act:

“Health disparities” means population-level differences in health outcomes that are related to a history of social, economic, or environmental disadvantages that are avoidable and not primarily caused by underlying health conditions that led to the disability.

“Intellectual or developmental disability” means a lifelong physical or mental disability, or both, that typically arises before adulthood that uniquely influences the trajectory of the individual’s physical, intellectual, behavioral, and emotional development and impacts how individuals experience the world around them.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$550,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the state council on developmental disabilities to collect comprehensive data and compile and submit to the legislature a report pursuant to this Act.

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved July 2, 2025.)

ACT 276

S.B. NO. 1065

A Bill for an Act Relating to Skills-Based Hiring.

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

SECTION 1. The legislature finds that an over-emphasis on degree requirements in the labor market has historically limited opportunities and diversity in the workforce. A 2017 study by Harvard Business School found that sixty-one per cent of hiring managers rejected ideal candidates possessing the skills and experience to qualify for the position they applied for because they lacked a four-year degree. The study showed that this bias is further reflected in the “degree gap”, which is the discrepancy of the percentages between job postings for positions requiring a college degree and employees currently in that position actually having a degree. Larger degree gaps make positions more difficult to fill, contributing to inefficiency and stagnancy in the hiring process.

The legislature further finds that many employers across both the public and private sectors have begun to recognize the value of skills-based hiring. In the private sector, a 2023 survey found that fifty-five per cent of companies removed degree requirements, primarily for entry- and mid-level positions, creating a more diverse workforce and expanding the applicant pool. Companies that recently eliminated degree requirements for many positions include IBM, Delta Airlines, Google, and Bank of America. In the public sector, as of October 2023, at least sixteen states had taken action to remove four-year degree requirements for many state jobs.

The legislature also finds that the State is facing a significant labor shortage within state agencies that may worsen in the future. The department of human resources development reported an increase in vacant positions within state agencies in recent years, from eighteen per cent in 2019 before the COVID-19 pandemic to twenty-seven per cent in 2023. While the COVID-19 pandemic may have contributed to this uptick, the department also reported that thirty per cent of existing state employees will be eligible for retirement in the next five years. The legislature recognizes that to fill this gap, continue to operate at maximum efficiency, serve the residents of the State, and keep pace with the broader labor market, a focus on skills-based hiring is necessary.

Accordingly, the purpose of this Act is to incorporate skills-based hiring for public employment by prohibiting the State or its departments, agencies, and political subdivisions from requiring a bachelor's degree as a condition of eligibility when hiring for a position in state or county employment.

SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§78- Bachelor's degree requirements for state or county employment; prohibition. (a) The State or any of its departments, agencies, or political subdivisions shall not require a bachelor's degree as a condition of eligibility for hire to a position in state or county employment.

(b) Subsection (a) shall not apply if skills-based hiring is not a viable option because the knowledge, skills, or abilities required for the position for which an applicant is applying can only reasonably be obtained, as determined by the appointing authority, through a course of study in pursuit of, and culminating in the award of, a bachelor's degree.”

SECTION 3. New statutory material is underscored.¹

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

(Approved July 2, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 277

S.B. NO. 1500

A Bill for an Act Relating to Electric Utilities.

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

SECTION 1. The legislature finds that the health and welfare of the residents of the State depend largely on residents' abilities to access reliable and reasonably priced electric utility services. The public utilities commission is tasked with regulating public utilities in the State, including the provision of electric services.

The legislature notes that the financial condition of an electric utility is essential to its ability to render services to its customers. It is widely recognized that public utilities must be fit, willing, and able to properly perform the services offered and conform to the terms, conditions, and rules set forth by the public utilities commission.

The legislature further finds that recent events have threatened the financial well-being of a certain investor-owned electric utility in the State, thereby potentially threatening the well-being of the public, specifically their health, safety, welfare, and economic viability.

The legislature also finds that the State's largest investor-owned electric utility has undercapitalized its wildfire mitigation investments, upgrades, and modernization of its distribution and transmission grid infrastructure and generation facilities.

Although existing law provides the public utilities commission with the authority to appoint a receiver to operate a failed or failing regulated water or sewer utility if it ceases to operate or operates on a substandard or unacceptable level, existing law does not contain express authority for the commission to act on behalf of an electric utility's customers if the utility experiences an urgent, serious, and imminent threat to its ability to provide adequate services.

To ensure that the public utilities commission has the necessary authority to take proactive measures on behalf of customers when an investor-owned electric utility fails to provide adequate and reasonable service to its customers or creates a serious and imminent threat to the health and welfare of its customers, the legislature believes that the commission should have the power to appoint a receiver to ensure that electric services are continued or brought back up to appropriate standards.

The legislature further notes that the goal of a receivership is to protect a troubled company and to help the company return to profitability, thereby allowing it to thrive when the receivership period ends. An appointed receiver can also ensure that employees are compensated during the protected period and that operations continue to comply with government regulations and standards.

Accordingly, the purpose of this Act is to authorize the public utilities commission to appoint a receiver to take temporary action, should the commission find it necessary, to assure continued adequate electric services from a failing investor-owned electric utility.

SECTION 2. Section 269-14.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Whenever the commission finds that a regulated water utility, regulated investor-owned electric utility, or regulated sewer utility is failing, or that there is an imminent threat of the utility failing, to provide adequate and reasonable service to its customers, and that the failure is a serious and imminent threat to health, safety, and welfare, the commission may appoint a receiver to take any temporary action necessary to assure continued service or to bring the service up to appropriate regulatory standards. The commission may also appoint a receiver to take any temporary action necessary to assure continued service if, after notice and hearing, the commission finds that any water, electric, or sewer utility regulated under this chapter consistently fails to provide adequate and reasonable service. In carrying out its responsibilities, the receiver and any additional outside legal counsel, consultants, or staff the commission or receiver may deem necessary under the circumstances, shall have the authority to gain access to all of the utility company assets and records and to manage those assets in a manner that will restore or maintain an acceptable level of service to customers. The receiver shall be authorized to expend existing utility company revenues for labor and materials and to commit additional resources as are essential to providing an acceptable level of

service. ~~[These]~~ The appointed receiver shall recognize and maintain the terms and conditions of any existing collective bargaining agreement at the time of and throughout receivership and shall not induce or cause a reduction in force, or terminate a covered employee, other than for a cause consistent with any collective bargaining agreement. Any expenditures shall be funded in accordance with generally accepted ratemaking practices. Any costs incurred by the commission, its staff, or the appointed receiver under this section shall be the responsibility of the utility in receivership or its ratepayers. Control of and responsibility for the utility shall remain with the receiver until the utility can be returned to the original owners, transferred to new owners, or liquidated as the commission determines to be in the public interest."

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, 2025.)

ACT 278

S.B. NO. 825

A Bill for an Act Relating to Eviction Mediation.

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

SECTION 1. The legislature finds that many Hawaii residents continue to face challenges paying their rent. This is a problem for both housing providers and tenants because tenants risk losing their homes due to nonpayment, and housing providers risk losing their property or not keeping up with their bills because of the nonpayment.

Act 57, Session Laws of Hawaii 2021 (Act 57), encouraged communication and facilitated mediation between housing providers and tenants to help encourage collaborative solutions to this common problem and to avoid evictions when possible. Experience shows that the mediation procedures created by Act 57 were widely successful in substantially increasing the number of disputes that were settled in mediation without any eviction cases being filed and increased the number of settlements in which the parties agreed that the tenant could continue to reside in the dwelling unit. However, the amendments to the Residential Landlord-Tenant Code by Act 57 have expired.

Accordingly, the purpose of this Act is to encourage landlords and tenants to engage in conversations early, as soon as tenants know they are not able to make their full rent payment, by:

- (1) Establishing a two-year pilot program that adopts the most effective provisions of Act 57 that:
 - (A) Extends the period for a notice of termination of the rental agreement from five business days to ten calendar days;
 - (B) Requires all landlords, or landlords' agents, and tenants to engage in early mediation and delay filing an action for summary possession if a tenant schedules mediation;
 - (C) Requires landlords, or landlords' agents, and tenants to be responsible for their own attorneys' fees and costs in prelitigation mediation, and allows the landlord or landlord's agent to file an action for summary possession and payment of all attorneys'

- fees and costs incurred in the prelitigation mediation process if the tenant defaults on a mediated agreement; and
- (D) Requires landlords and landlords' agents to provide specific information in the ten-calendar-day notice to tenants, which shall also be provided to a mediation center that offers free mediation for residential landlord-tenant disputes; and
 - (2) Appropriating funds to the judiciary for the prelitigation mediation pilot program.

SECTION 2. Section 521-68, Hawaii Revised Statutes, is amended to read as follows:

“§521-68 Landlord’s remedies for failure by tenant to pay rent[-]; prelitigation mediation. (a) A landlord or the landlord’s agent [~~may~~], any time after rent is due, may demand payment thereof and notify the tenant in writing that unless payment is made within a time mentioned in the notice, not less than [~~five business~~] ten calendar days after receipt thereof, the rental agreement will be terminated. [~~If the tenant cannot be served with notice as required, notice~~] 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 the posting. If the notice is mailed to the tenant by United States Postal Service, properly addressed and with appropriate postage, the notice shall be deemed to have been received two business days after the date of the postmark, unless the letter is returned to the landlord or landlord’s agent as undeliverable. If the tenant remains in default[-] after the expiration of the time stated in the notice, 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 this section. The notice required by this section need not be given if the action is based on the breach of a mediated agreement or other settlement agreement, or is for a summary proceeding for possession based on matters other than nonpayment of rent. In any action based on the breach of a mediated agreement, the court shall not require any further mediation before trial.

(b) The ten-calendar-day notice required under subsection (a) shall include the following:

- (1) The name of the landlord or 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 all tenants listed on the rental agreement, including phone number and, if possible, electronic mail address and mailing address;
- (4) The current amount of the rent due as of the date of the notice, after applying all rent paid from all sources;
- (5) Notice that a copy of the ten-calendar-day notice being provided to the tenant is also being provided to a state-funded mediation center for the mediation center to contact the landlord, or landlord’s agent, and tenant to schedule a mediation regarding the nonpayment of rent in accordance with subsection (c);
- (6) Notice 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 ten calendar days after the tenant’s receipt of the ten-calendar-day notice, regardless of whether the scheduled mediation session occurs within the ten calendar days;

- (7) A warning in bold typeface print in substantially the following form: “If mediation is not scheduled within ten calendar days after receipt of this notice, regardless of whether the scheduled mediation session occurs within the ten-calendar-day period, the landlord or landlord’s agent may file an action for summary possession after the expiration of the ten-calendar-day period. If mediation is scheduled before the expiration of the ten-calendar-day period, regardless of whether the scheduled mediation session occurs within the ten calendar days, the landlord or landlord’s agent shall only file an action for summary possession after the expiration of twenty calendar days following the tenant’s receipt of the ten-calendar-day notice unless you (tenant) fail to attend or cancel mediation. If the ten-calendar-day notice was posted on the premises, receipt of notice shall be deemed to be the date of posting. If the ten-calendar-day notice was mailed, receipt of notice shall be deemed to be two business days after the date of the postmark. If filing an action for summary possession, the landlord or landlord’s agent shall be required to note, in the summary possession complaint, the status of the mediation or settlement effort and proof of posting or sending the ten-calendar-day notice to the mediation center.”; and
- (8) Notice that the landlord or landlord’s agent shall engage in mediation if mediation is scheduled.

The judiciary shall prepare a notice form that may be used by landlords and landlords’ agents to provide the information required by this subsection and make the form available on its website.

(c) A landlord or the landlord’s agent shall provide the ten-calendar-day notice to a state-funded mediation center that offers free mediation for residential landlord-tenant matters. All state-funded mediation centers shall offer mediation services to landlords, or landlords’ agents, and tenants through in-person and remote means, and shall allow mediation participants to utilize remote appearances, if requested. If a mediation center schedules mediation within the ten-calendar-day period and the tenant participates in the mediation, regardless of whether the scheduled mediation session occurs within the ten-calendar-day period, the landlord or landlord’s agent shall only file a summary possession proceeding after the expiration of twenty calendar days from the date of the tenant’s receipt of the ten-calendar-day notice, unless the tenant fails to appear at mediation or cancels the mediation. If the tenant schedules mediation, the landlord or landlord’s agent shall participate. Mediation shall take place within thirty days from the date that the mediation center makes contact with both the landlord, or the landlord’s agent, and tenant. Upon request by the landlord or landlord’s agent, the mediation center shall provide copies of a document or documents verifying that the landlord or landlord’s agent provided a copy of the required ten-calendar-day notice to the mediation center.

(d) The summary possession complaint for nonpayment of rent shall include:

- (1) A document or documents from the state-funded mediation center verifying that the landlord or landlord’s agent provided a copy of the required ten-calendar-day notice to the mediation center or an affirmation from the landlord or landlord’s agent that the notice was provided to the applicable mediation center and the means by which the notice was provided to the applicable mediation center. Upon request by the landlord or landlord’s agent, the mediation center

shall provide copies of the relevant documents to the landlord or landlord's agent; and

(2) If mediation is scheduled but has not yet occurred, the date on which the mediation is scheduled.

(e) If there is any defect in the ten-calendar-day notice described in subsection (b) provided by the landlord or landlord's agent and the court determines the defect was unintentional or immaterial, the court may allow the landlord or landlord's agent to cure the defect without dismissing the action for summary possession.

(f) Nothing in this section shall impact a landlord's or tenant's other rights and responsibilities under this chapter.

(g) The mediation may take place using remote communication, in person, or both.

(h) Each landlord and tenant shall be responsible for bearing the party's own costs, including attorneys' fees, relating to the mediation; provided that if the tenant defaults on a mediated agreement or fails to attend a scheduled mediation, the landlord or landlord's agent may request payment of all costs, including reasonable attorneys' fees, incurred during the pre-litigation mediation process.

(i) If the mediation does not result in an agreement, the landlord or the landlord's agent may file an action for summary possession without participating in an additional mediation; provided that:

(1) The landlord or landlord's agent shall only file a summary possession proceeding after the expiration of twenty calendar days from the date of the tenant's receipt of the ten-calendar-day notice; and

(2) After the filing of the action for summary possession, the court, in its discretion and based on a finding of good cause, may order an additional mediation.

~~(f)~~ (j) A landlord or the landlord's agent may bring an action solely 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] the action."

SECTION 3. No later than ninety days after the termination of the pilot program established by this Act, the judiciary shall submit to the legislature a report of its findings and recommendations, including recommendations on whether the pilot program should be made permanent, and any proposed legislation.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,250,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the judiciary to contract for mediation services pursuant to section 2 of this Act.

The sums 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.

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; provided that:

- (1) Section 2 shall take effect on February 5, 2026; and
- (2) This Act shall be repealed on February 4, 2028, and section 521-68, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day prior to the effective date of section 2 of this Act; provided further that the amendments made to section 521-68(a), Hawaii Revised Statutes, by section 2 of this Act shall not be repealed when that section is reenacted on February 4, 2028.

(Approved July 2, 2025.)

ACT 279

S.B. NO. 739

A Bill for an Act Relating to Land Exchange.

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

SECTION 1. The legislature finds that agriculture was the economic mainstay for many of the State's rural communities. This industry, specifically sugar cane and pineapple, had a greater stake in how and where communities grew. Over the past four decades, communities have witnessed the end of the era of the State's plantation heritage: in 1971, the Kahuku sugar mill closed; in 1996, the Waialua sugar mill closed; in 2008, Del Monte fresh produce ended operations; and in 2016, Hawaiian Commercial & Sugar Company ended sugar operations.

A report released by the department of agriculture, Statewide Agricultural Land Use Baseline 2015, and updated in 2020, shows a dramatic change in agricultural land over forty years as sugar production and pineapple production have downsized. According to the department of agriculture, there were 120,630 acres of agricultural land in crop production in 2020 compared to 350,830 acres in crop production in 1980.

Article XI, section 3, of the Hawaii State Constitution, directs the State to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands. The State's agricultural production is insufficient to meet the State's food consumption needs. This over-reliance on imported food creates critical health, safety, and security issues for the State and threatens the State's sustainable future and preparedness for future disasters, emergencies, and crises. The legislature further finds that attempts to stimulate diversified agriculture in the private sector through regulatory controls and land use and zoning restrictions are not sufficient to address the business needs and subsidies necessary to effectively and significantly increase diversified agriculture to the extent necessary to avoid Hawaii's agricultural self-sufficiency crisis. Where feasible, the State must take a more active role in providing assistance and subsidies that promote farming businesses.

The legislature further finds that over the years, the State has prioritized a shift toward sustainability in agriculture and decreasing our food imports. Act 55, Session Laws of Hawaii 2013, amends the Hawaii State Planning Act to promote economically competitive activities that increase Hawaii's agricultural self-sufficiency, including the increased purchase and use of Hawaii-grown

food and food products by residents, businesses, and governmental bodies. On September 1, 2016, Governor Ige pledged a commitment for Hawaii to double its food production by 2020. To accomplish that objective, the governor prioritized making more land available for agriculture.

Large tracts of agricultural land, including those formerly used for pineapple and sugar cane, are now fallow. These lands provide a unique opportunity for the State to fulfill the intent of the Hawaii State Constitution regarding diversified agriculture and agricultural self-sufficiency through acquisition of suitable agricultural land for long-term leases for diversified, bona fide agricultural operations to increase agricultural production.

The legislature also finds that the State continues to face a crisis in homelessness, affordable housing, workforce housing, and other housing inventory for the State's residents. According to the December 2016 Report to the Hawaii State Legislature in response to Act 127, Session Laws of Hawaii 2016, by the special action team on affordable rental housing, approximately 24,551 housing units were needed statewide in the five-year period from 2016 to 2020. Hawaii faces a critical shortage of safe, sanitary, and affordable housing units; work-force housing; and other housing inventory for Hawaii residents and the legislature must act to eliminate or reduce that shortage. State initiatives acknowledging and attempting to mitigate this crisis include:

- (1) Providing affordable rental and for-sale housing. Act 127, Session Laws of Hawaii 2016, as amended by Act 96, Session Laws of Hawaii 2017, establishes a goal of developing or vesting the development of at least 22,500 affordable rental housing units ready for occupancy by December 31, 2026, and establishes the special action team on affordable rental housing to make recommendations on actions to promote the development of at least 22,500 affordable rental housing units to be ready for occupancy between January 1, 2017, and December 31, 2026. The special action team's report to the legislature recommended expanding the public lands available for consideration to meet housing needs and also explained its ten-year plan and current development of suitability maps to identify state, county, and private parcels of land on each island that may be used for residential units. Additionally, the 2016 Hawaii housing planning study prepared by SMS for the Hawaii housing finance and development corporation found that a shortage of land available for development was a significant factor limiting the supply of housing;
- (2) Development of state lands around transit-oriented development areas for housing. Act 130, Session Laws of Hawaii 2016, authorizes the department of education to use fees collected from transit-oriented development projects to be used for existing schools in the development area to address increases in school populations due to transit-oriented development, and establishes an interagency council for transit-oriented development. In addition, Act 131, Session Laws of Hawaii 2016, enables the Hawaii housing finance and development corporation to develop mixed-use developments in partnership with state and county departments and agencies. The Hawaii interagency council for transit-oriented development's report to the legislature noted that, as one of the largest landowners along the Honolulu

rail corridor, the State has a unique opportunity to revitalize neighborhoods, increase affordable housing, and improve accessibility to public facilities and services by applying smart growth and transit-oriented development principles as the construction of the rail transit system progresses; and

- (3) Supporting housing projects through state infrastructure planning and construction. Act 130, Session Laws of Hawaii 2016, requires the Hawaii interagency council for transit-oriented development to identify transit-oriented development projects that lack sufficient infrastructure. In addition, Act 131, Session Laws of Hawaii 2016, includes infrastructure in its mandate to develop mixed-use developments and Act 132, Session Laws of Hawaii 2016, provides grants and loans to state agencies, and loans to the counties and private developers for infrastructure improvements. The Hawaii interagency council for transit-oriented development's report to the legislature also noted the importance of this issue, listing infrastructure as the most pressing concern that needed to be considered as transit-oriented development is pursued statewide.

The legislature further finds that lack of suitable, entitled lands for development of appropriate housing is a major contributing factor to the housing crisis, and substantial obstacles and delays in entitling such lands discourage development, lower housing inventory, and raise housing prices, among other negative effects.

Addressing the challenges of the State's agricultural self-sufficiency and housing crises will require courageous and novel legislation that addresses these issues in an expeditious, economical, and flexible manner. The legislature additionally finds that land exchanges completed in other states, such as exchanges of state lands for privately owned lands to meet the needs of and mutually benefit both parties, have provided public benefit in the areas of conservation, economic growth, ecology, and recreation. Land exchanges thereby present a viable method of addressing the many housing and agricultural issues facing the State. Land exchanges present a win-win situation where the State is able to negotiate a mutually beneficial exchange of developable state lands for housing for privately owned agricultural lands for farming.

The purpose of this Act is to:

- (1) Allow the governor, subject to approval by the board of land and natural resources, to negotiate land exchanges consistent with and in furtherance of the State's agricultural and housing needs and purposes, in a manner that ideally addresses all needs and purposes; and
- (2) Require the governor to submit a report to the legislature of the negotiated land exchanges for final approval.

SECTION 2. (a) Subject to approval by the board of land and natural resources, the governor may negotiate land exchanges in accordance with chapter 171, Hawaii Revised Statutes, for the purpose of acquiring private lands that are suitable for long-term diversified agricultural production by the State or its lessees, in exchange for state lands to be acquired by private parties for development of affordable housing, workforce housing, and other housing inventory for Hawaii residents.

(b) The governor may coordinate with the agribusiness development corporation, the department of land and natural resources, and any other de-

partment or agency of the State that holds title to or an assignment of state land that may be appropriate for exchange under subsection (a); provided that lands undergoing the development entitlement process and on which substantial state funds have been expended shall not be considered priority lands for an exchange under subsection (a).

(c) It is the intent of this Act that the exchanges negotiated pursuant to this Act will result in exchanges that address the State's agricultural and housing crises by:

- (1) Obtaining large tracts of suitable agricultural lands for the State to lease to farmers for diversified agriculture; and
- (2) Providing private parties with suitable urban lands for the expeditious development of affordable housing, workforce housing, and other housing inventory for Hawaii residents, and mixed use commercial and accessory uses within areas designated for transit-oriented development and other appropriate urbanized areas.

(d) To facilitate successful negotiation of land exchanges, including the enhancement of optimal agricultural lands acquired by the State in exchange for urbanized lands and the expedient consummation of exchanges, the governor may, pursuant to subsection (e)(3), reclassify and rezone lands intended for exchange under this Act and transfer such state lands, authorized by subsection (a), to private parties for development of housing and other mixed uses within the state urban land use district with appropriate county residential or mixed-use zoning, subject to the following:

- (1) The lands shall be within a one-half-mile radius of any rail station approved by the Federal Transportation Administration within the city and county of Honolulu;
- (2) Any development on the lands to be transferred to private parties shall comply with all state and county laws, rules, and regulations regarding health and safety and building permit requirements for housing or mixed-use developments on private lands, and after transfer shall not be subject to laws, rules, and regulations applicable to state lands except as required by this Act; and
- (3) Any lands received from private parties as part of a land exchange pursuant to subsection (a) shall assume the ceded or public land trust character of the state lands for which the lands were exchanged.

(e) To promote exchanges that address the objectives of the State in acquiring more lands for diversified agriculture and encouraging private parties to develop more affordable housing, workforce housing, and other housing inventory:

- (1) Appraisals shall be performed, in compliance with section 171-50, of state lands for purposes of exchange with the urban, residential, or mixed-use land; provided that appraisals shall reflect any land-use reclassification and rezoning adopted pursuant to this Act;
- (2) The development of housing on private lands as contemplated by this Act shall be subject to chapters 6E and 343, Hawaii Revised Statutes, as applicable to private housing on private lands, notwithstanding the prior state ownership of the land or the use of state or county housing assistance programs;
- (3) The governor, as necessary to facilitate and effect the purposes of this Act, may submit notifications and supporting information to:
 - (A) The land use commission for any necessary reclassification of land; and

- (B) The planning director of the appropriate county for any necessary rezoning of land; provided that the reclassification and rezoning shall be adopted within thirty days of receipt of the governor's notification;
- (4) Private development of housing or mixed uses on private lands, as contemplated by this Act, shall be exempt from all applicable state and county procurement requirements, impact fees, and other exactions;
- (5) The governor and all related state and county agencies shall take such further actions as may be necessary to facilitate and effect the purposes of this Act;
- (6) Consummation of any exchange pursuant to this Act shall be subject to the requirements of section 3 of this Act; and
- (7) Any state land transferred to a private party pursuant to this Act shall include a restrictive covenant or reversionary interest in the deed in favor of the State that requires the land to be used for the development of affordable housing, workforce housing, or other housing inventory.

SECTION 3. The governor shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2026 on:

- (1) The feasibility of any land exchanges of agricultural parcels of high interest to the State in exchange for urbanized lands for appropriate private development negotiated by the governor as contemplated by this Act, a list of lands suitable for such an exchange, and a description and the market value of the parcels; and
- (2) Any appropriations, proposed legislation, or administrative action necessary to accomplish the goals of this Act.

After receipt of the governor's report, the legislature, if not in session, may convene in special session pursuant to article III, section 10 of the Hawaii State Constitution to act on land exchanges proposed pursuant to this Act.

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved July 2, 2025.)

ACT 280

S.B. NO. 1511

A Bill for an Act Relating to Hanalei Bay.

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

SECTION 1. The legislature finds that Hanalei Bay is known for its character as a quiet recreational area for families and visitors to participate in ocean activities, including surfing, swimming, paddle boarding, sailing, and kayaking. The legislature further finds that there has been a growing increase in the number of large vessels, including yachts and ships, mooring in Hanalei Bay, posing a risk to the health and safety of individuals and families participating in ocean activities in the bay.

Accordingly, the purpose of this Act is to preserve the quiet recreational character of Hanalei Bay and protect the safety of residents and visitors who

use the bay for water activities by restricting the size of vessels permitted to enter Hanalei Bay.

SECTION 2. Chapter 200, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“§200- Hanalei Bay; vessel restrictions. No vessel more than seventy-five feet in length shall enter Hanalei Bay waters, the boundaries of which shall be defined by the board pursuant to chapter 91; provided that this section shall not apply to vessels operated by a federal, state, or county agency.”

SECTION 3. New statutory material is underscored.¹

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

(Approved July 2, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 281

S.B. NO. 1221

A Bill for an Act Relating to Stormwater Management Systems.

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

SECTION 1. The legislature finds that detention and retention ponds are meant to hold stormwater. However, while detention and retention ponds help manage stormwater and control flooding, mitigating risk for these systems is critical in minimizing threats to public health and safety. Hawaii’s high drowning rate, the second worst in the nation for residents and the highest for visitors, necessitates joining other jurisdictions across the United States in developing retention and detention pond safety programs. The urgency is made even greater by climate change, which has resulted in more frequent and intense rainfall, causing an increased use of retention ponds, which are designed to hold water year-round, and detention ponds, which remain dry until a major rain.

The legislature further finds that the Hawai’i Water Safety Plan, which was published by the Hawaii Water Safety Coalition in 2025, provides several recommendations to reduce drowning by improving safety regarding detention and retention ponds in the State.

The purpose of this Act is to ensure the health, safety, and welfare of the citizens of the State by requiring the counties to:

- (1) Regulate the permitting, construction, and maintenance of retention and detention ponds, including establishing safety standards for retention and detention ponds; and
- (2) Conduct a survey of existing retention and detention ponds statewide and submit a report to the legislature.

This Act also recognizes Charlotte “Sharkey” Schaefer, the five-year-old girl who drowned at a Pearl City naval housing complex while trying to save the life of her childhood friend.

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

“§46- Retention ponds and detention ponds; safety requirements. (a) This section shall be known and may be cited as “Sharkey’s Law”.

(b) Beginning January 1, 2027, each county shall adopt ordinances for the regulation of all retention ponds and detention ponds located within the county’s jurisdiction. The ordinances adopted pursuant to this subsection shall include but not be limited to:

- (1) Establishing a permitting process for the construction of new retention ponds or detention ponds; and
- (2) Establishing safety requirements, which shall include but not be limited to:
 - (A) Fencing that is at least four feet high that fully encloses the retention pond or detention pond and allows access through one or more secured, locked gates;
 - (B) Safety signage indicating “No Swimming” and warning of sudden water level changes;
 - (C) Installation of life buoys at entry points for emergency rescue;
 - (D) Proper maintenance of ground cover surrounding the retention pond or detention pond, including mowing, weed control, and debris removal; and
 - (E) Submission of maintenance plans by property owners or managers to ensure ongoing safety and compliance.

(c) This section shall not apply to retention ponds and detention ponds built on golf courses, hotels, resort properties, or other secured recreational areas; provided that the entities who own, control, or manage such properties shall provide the counties with proof of sufficient security measures for its retention ponds and detention ponds.

(d) For the purposes of this section:

“Detention pond” means an area that is designed to:

- (1) Hold stormwater until the effects of percolation, evapotranspiration, or controlled release return the area to its normally dry state; and
- (2) Dissipate inflowing stormwater within seventy-two hours to accommodate a new volume of water.

“Retention pond” means a permanent or semi-permanent aquatic system that acts as a trap where pollutants picked up by the initial surge of stormwater settle out before leaving the system.”

SECTION 3. Each county shall conduct a survey of all existing retention and detention ponds located within its jurisdiction and 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.

SECTION 4. New statutory material is underscored.¹

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

(Approved July 3, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 282

H.B. NO. 703

A Bill for an Act Relating to Kupuna Housing.

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

SECTION 1. The legislature finds that the State's kupuna are at significant risk of homelessness. As rental prices have experienced dramatic increases statewide, more kupuna, who are on fixed incomes, struggle to secure affordable housing. Presently, the state rent supplement program for kupuna provides support for qualified kupuna who are homeless or at imminent risk of being homeless. However, this critical program will sunset in 2026, creating uncertainty for existing participants in the program. Therefore, extending the sunset date will ensure continued access to critical rent supplement assistance.

Accordingly, the purpose of this Act is to extend the sunset date of the state rent supplement program for kupuna to continue to accommodate the housing needs of qualified participants.

SECTION 2. Act 98, Session Laws of Hawaii 2023, is amended by amending section 6 to read as follows:

“SECTION 6. This Act shall take effect on July 1, 2023, and shall be repealed on June 30, [2026.] 2028.”

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, 2025.)

ACT 283

S.B. NO. 1252

A Bill for an Act Relating to Dementia.

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

SECTION 1. The legislature finds the State's aging population is increasing rapidly, with approximately thirty-one thousand people aged sixty-five and older living with Alzheimer's disease or other forms of dementia. To prepare health care providers in caring for individuals with Alzheimer's disease and other forms of dementia, the university of Hawaii at Manoa's John A. Burns School of Medicine, university of Hawaii's Center for Aging, and university of Hawaii's Thompson School of Social Work and Public Health have been providing courses and actively engaging in educating and training students in Alzheimer's disease and other forms of dementia. Additional staff positions are necessary to provide greater coordination between the various university of Hawaii programs in delivering training in caring for patients with Alzheimer's disease and other forms of dementia.

Accordingly, the purpose of this Act is to:

- (1) Appropriate funds to the university of Hawaii to establish positions within the university of Hawaii at Manoa John A. Burns School of Medicine's department of geriatric medicine to:

- (A) Coordinate and incorporate training on Alzheimer’s disease and other forms of dementia for health care providers into existing university of Hawaii programs; and
- (B) Review, update, and develop a dementia curriculum to be incorporated into existing university of Hawaii programs with the goal of establishing a local, informed dementia workforce; and
- (2) Require the university of Hawaii at Manoa John A. Burns School of Medicine’s department of geriatric medicine to submit annual reports to the legislature.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$525,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the establishment of two full-time equivalent (2.0 FTE) positions within the university of Hawaii at Manoa John A. Burns School of Medicine’s department of geriatric medicine to:

- (1) Coordinate and incorporate training on Alzheimer’s disease and other forms of dementia for health care providers into existing university of Hawaii programs; and
- (2) Review, update, and develop a dementia curriculum to be incorporated into existing university of Hawaii programs with the goal of establishing a local, informed dementia workforce.

The sums appropriated shall be expended by the university of Hawaii for the purposes of this Act.

SECTION 3. The university of Hawaii at Manoa John A. Burns School of Medicine’s department of geriatric medicine shall submit an annual report to the legislature beginning December 15, 2025, through December 15, 2027, on the hiring of personnel and accomplishments realized pursuant to this Act.

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved July 3, 2025.)

ACT 284

H.B. NO. 320

A Bill for an Act Relating to Supported Decision-Making Agreements.

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 SUPPORTED DECISION-MAKING AGREEMENT FOR QUALIFIED ADULTS

§ -1 **Definitions.** As used in this chapter:

“Adult” means an individual who is eighteen years of age or older, or an emancipated minor.

“Aging adult” means a person who is sixty-five years of age or older.

“Assist” means helping a qualified adult consider the advantages and disadvantages of a decision and understand the possible outcomes of making that decision.

“Disability” means a physical or mental impairment that substantially limits one or more major life activities or a record of such an impairment.

“Member of the supportive community” means a person whom the qualified adult has identified, whom the qualified adult trusts to engage in the supported decision-making process, and who understands the qualified adult’s desires and personal values.

“Mentally ill adult” means an adult who has a psychiatric disorder or other disease that substantially impairs the adult’s mental health and necessitates treatment or supervision.

“Personal information” means information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other information, that is linked or linkable to a specific individual.

“Qualified adult” means an adult with a disability, a mentally ill adult, or an aging adult.

“Supported decision-making” means a process where a qualified adult has made or is making decisions by using friends, family members, professionals, or other people the qualified adult trusts to:

- (1) Help understand the issues and choices;
- (2) Answer questions;
- (3) Provide explanations in a language the qualified adult understands;
- (4) Communicate the qualified adult’s decision to others, if necessary and if specifically requested by the qualified adult; or
- (5) Facilitate the exercise of decisions regarding the qualified adult’s day-to-day health, safety, welfare, or financial affairs.

“Supported decision-making agreement” or “agreement” means a voluntary agreement entered into pursuant to this chapter between a qualified adult and one or more members of the supportive community.

“Vulnerable adult” has the same meaning as defined in section 346-222.

§ -2 Supported decision-making agreement; term. (a) A qualified adult may voluntarily, without coercion or undue influence, enter into a supported decision-making agreement with one or more members of the supportive community; provided that the supported decision-making agreement shall not adversely affect the decision-making authority granted to a court-appointed guardian or court-appointed conservator.

(b) Under the supported decision-making agreement, the qualified adult may request the member of the supportive community to do any or all of the following:

- (1) Provide supported decision-making, including assistance in understanding the options, responsibilities, and consequences of the qualified adult’s life decisions, without making those decisions on behalf of the qualified adult;
- (2) Assist in accessing, collecting, obtaining, and understanding information that is relevant to a given life decision from any person, including but not limited to:
 - (A) Medical, psychological, financial, educational, occupational, and social decisions;
 - (B) Treatment records;

- (C) How and in what relationships the qualified adult chooses to engage; and
- (D) Information about how members of the supportive community are chosen; or
- (3) Assist the qualified adult in communicating the qualified adult's decisions to appropriate persons when expressly requested by the qualified adult.
- (c) A member of the supportive community shall not be entitled to compensation or other consideration, in cash or in kind, for assistance provided to the qualified adult for the purposes of a supported decision-making agreement.
- (d) A qualified adult shall not enter into a supported decision-making agreement with a member of the supportive community who:
 - (1) Has been confirmed as the perpetrator of abuse of the qualified adult, any other qualified adult, or any vulnerable adult; or
 - (2) Has been convicted of:
 - (A) A crime against a vulnerable adult or in which the member otherwise intentionally caused physical harm to another;
 - (B) A financial crime; or
 - (C) The offense of theft in the first, second, third, or fourth degree.

§ -3 Access to personal information. (a) The member of the supportive community selected by a qualified adult pursuant to section -2 shall only assist the qualified adult in accessing, collecting, or obtaining information that is relevant to a decision made pursuant to the supported decision-making agreement and only when the assistance is specifically requested by the qualified adult; provided that protected medical information under the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, or education records under title 20 United States Code section 1232g of the Family Educational Rights and Privacy Act of 1974 shall require express written consent from the qualified adult.

(b) If a member of the supportive community assists the qualified adult in accessing, collecting, or obtaining financial, medical, or personal information, the member of the supportive community shall keep the information confidential, as requested by the qualified adult.

(c) A member of the supportive community who obtains information pursuant to this section shall only use the information for the specific purposes requested by the qualified adult. Any misuse of information obtained pursuant to this section may subject the member of the supportive community to criminal and civil liability.

§ -4 Supported decision-making agreement; requirements; termination. (a) A supported decision-making agreement shall be in writing and shall include, at a minimum:

- (1) The name of the qualified adult;
- (2) The name, address, phone number, and electronic mail address of the member of the supportive community, if applicable;
- (3) Identification of the subject matter for which the qualified adult requests advice from the member of the supportive community;
- (4) A description of the agreement terms, including, at a minimum, the terms under which the member of the supportive community agrees to:

- (A) Provide information as requested by the qualified adult;
 - (B) Respect that the final and ultimate decision is the qualified adult's and not the member of the supportive community's;
 - (C) Not coerce or manipulate the qualified adult into making any decision; and
 - (D) Provide the most up-to-date and relevant information to the qualified adult based on all the available and known information the member of the supportive community has;
- (5) A description of how the members of the supportive community may work together, if there is more than one member of the supportive community;
 - (6) A description of how any perceived or actual conflict between the members of the supportive community and the qualified adult shall be mitigated;
 - (7) A notice that any person, as described in section 346-224(a), who is relying on the supported decision-making agreement and who knows or has reason to believe that the qualified adult is a vulnerable adult and has incurred abuse or is in danger of abuse if immediate action is not taken, shall report the alleged abuse to the department of human services in accordance with section 346-224; and
 - (8) The day, month, and year the supported decision-making agreement was entered into.
- (b) A supported decision-making agreement shall be signed voluntarily, without coercion or undue influence, by the qualified adult and each member of the supportive community in the presence of two or more attesting and disinterested witnesses who are eighteen years of age or older, or a notary public.
 - (c) The supported decision-making agreement shall be effective until terminated by either the qualified adult or the member of the supportive community, or by the terms of the agreement. Any party may choose to terminate the agreement at any time by providing written or verbal notice of the termination to all parties to the supported decision-making agreement.
 - (d) The supported decision-making agreement shall automatically be terminated if:
 - (1) After investigating a member of the supportive community for abuse of the qualified adult, the department of human services confirms that the qualified adult is a vulnerable adult who has been abused by the member of the supportive community; or
 - (2) The member of the supportive community is:
 - (A) Confirmed as the perpetrator of abuse of the qualified adult, any other qualified adult, or any vulnerable adult;
 - (B) Convicted of a crime against a vulnerable adult or in which the member otherwise intentionally caused physical harm to another;
 - (C) Convicted of a financial crime; or
 - (D) Convicted of the offense of theft in the first, second, third, or fourth degree.
 - (e) A supported decision-making agreement, or the execution of a supported decision-making agreement, shall not be used as evidence of incapacity or incompetency of the qualified adult and shall not preclude an adult with a functional impairment who has entered into such an agreement from acting independently of the agreement.
 - (f) The existence of a supported decision-making agreement shall not preclude a qualified adult from seeking personal information on their own without the assistance of the member of the supportive community.

§ -5 Reliance on agreement; limitation of liability. (a) A person who receives the original or a copy of the supported decision-making agreement shall rely on the agreement and its authority to assist as presented.

(b) A person shall not be subject to criminal or civil liability and shall not be deemed to have engaged in professional misconduct for an act or omission if the act or omission is done in good faith and in reliance on a supported decision-making agreement and its authority to assist as presented.”

SECTION 2. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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

(Approved July 3, 2025.)

ACT 285

H.B. NO. 474

A Bill for an Act Relating to Fall Prevention.

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

SECTION 1. The legislature finds that unintentional falls among seniors age sixty-five years and older in Hawaii are the leading cause of fatal injuries (an average of forty-nine per cent) and injury-related emergency room visits (an average of sixty-one per cent). On average, one hundred and fourteen seniors die, ten thousand are treated in hospitals, and six thousand one hundred are treated in emergency departments as a result of falls.

The legislature further finds that falls among the elderly also result in over \$100,000,000 in combined hospital charges each year. In recognition of this critical public health issue, Act 153, Session Laws of Hawaii 2014 (Act 153), established and provided funding for a fall prevention and early detection coordinator position within the department of health’s emergency medical services and injury prevention system branch. This position enables the department of health to support a coordinated statewide approach to prevent and reduce the impact of falls among older adults.

The legislature also finds that access to fall prevention services and programs would significantly reduce costs associated with falls among older adults by expediting treatment, minimize serious long-term consequences, reduce the extent of the injury, and, in some instances, avoid death.

Falls among older adults are a significant public health issue. Yet, there are insufficient resources to develop a coordinated statewide approach to reduce and promptly detect falls among seniors. A dedicated fall prevention program can serve as a focal point for statewide injury prevention and detection efforts to ensure multidisciplinary support, coordination of prevention and detection efforts, and continuity of implementation and accountability.

The legislature additionally finds that continued support of fall prevention programs and services ultimately results in longer, healthier lives for the State’s aging population.

The purpose of this Act is to appropriate funds to the department of health for the current fall prevention campaign.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the department of health's current fall prevention campaign.

The sums 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, 2025.

(Approved July 3, 2025.)

ACT 286

H.B. NO. 700

A Bill for an Act Relating to Cognitive Assessments.

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

PART I

SECTION 1. The legislature finds that families caring for individuals with Alzheimer's disease and related dementias face many challenges when attempting to balance their professional lives with the provision of care to their loved ones. Caregivers often must choose between continuing their careers or becoming full-time caregivers. According to the Alzheimer's Association, Hawaii has approximately sixty thousand family caregivers providing ninety-one million hours of unpaid care valued at \$1,900,000,000.

The legislature further finds that 6.7 per cent of individuals aged forty-five or older experience subjective cognitive decline. After age sixty-five, the risk of Alzheimer's disease doubles every five years, with individuals on medicare considered at higher risk of having or developing dementia. According to the federal Centers for Disease Control and Prevention, by 2060, nearly fourteen million adults in the United States are projected to have Alzheimer's disease. Nationwide, the costs to care for individuals living with Alzheimer's disease and related dementias is significant, with the total cost of care for Alzheimer's disease projected to increase to more than \$1,100,000,000,000 by 2050. However, a 2018 report from the Alzheimer's Association indicated that early diagnosis and treatment of dementia could save the nation as much as \$7,900,000,000,000 in medical and care costs over thirty years.

The treatment and prevention of Alzheimer's disease and related dementias is of pressing concern to the State. Per the department of business, economic development, and tourism, nearly one in five residents in Hawaii is sixty-five years of age or older, with this age group rapidly expanding in size. Annually, Alzheimer's and related dementias cost the State's medicaid program \$285,000,000. In the *Hawaii 2025: State Plan on Alzheimer's Disease and Related Dementias: 2020 Update*, the executive office on aging found that medicare costs for the Alzheimer's disease and related dementias population are nearly \$10,000 higher in comparison to the non-Alzheimer's disease and related dementias population. The legislature also finds that early detection of Alzheimer's disease and related dementias can reduce costs, manage comorbid conditions, delay disease progression, and allow better care planning.

However, data from the federal Centers for Disease Control and Prevention’s Behavioral Risk Factor Surveillance System found that over two-thirds of people with memory problems in Hawaii have not talked to their health care provider. Cost may be one factor behind why individuals have not discussed their cognitive health with their health care providers. According to the *Individuals’ Interest in Cognitive Screening, Dementia Diagnosis, and Treatment: New Estimates from a Population-Representative Sample* report published by the RAND Corporation on December 3, 2024, eighty per cent of study respondents said they would undergo a cognitive assessment if doing so were free. The legislature notes that medicare beneficiaries who have opted to take medicare part B coverage already receive an annual cognitive assessment as part of their supplemental coverage. This assessment can be performed by any practitioner eligible to report evaluation and management services under medicare, including physicians, physician assistants, nurse practitioners, and clinical nurse specialists. However, this assessment protocol is severely underutilized. The legislature also finds that broadening the use of cognitive assessments is an important strategy to identify patients who may benefit from current and future treatments for Alzheimer’s disease and related dementias, as assessments provide individuals with information that may facilitate actions to prepare for the future.

The legislature additionally finds that offering cognitive assessments for medicare beneficiaries aged sixty-five or older is a necessary component of the State’s strategic plan to address Alzheimer’s disease and related dementias. The legislature believes that simultaneously increasing access to cognitive assessments that are already part of many beneficiaries’ supplemental medicare coverage in conjunction with the public health awareness campaign on Alzheimer’s disease and related dementias conducted by the executive office on aging as part of the State’s strategic plan will significantly improve the health outcomes for Hawaii’s older residents.

Accordingly, the purpose of this Act is to improve the detection and treatment of Alzheimer’s disease and related dementias in Hawaii by:

- (1) Standardizing the use of a valid cognitive assessment tool during annual wellness visits covered by medicare part B and part C; and
- (2) Establishing a dementia data pilot program within the executive office on aging to collect and analyze cognitive assessment data across the State.

PART II

SECTION 2. Chapter 349, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . COGNITIVE ASSESSMENTS FOR MEDICARE BENEFICIARIES

§349-A Definitions. For the purposes of this part:

“Annual wellness visit” means a preventive service visit covered by medicare part B between a medicare beneficiary and a primary care provider that occurs once every twelve months and includes developing or updating a personalized prevention plan and performing a health risk assessment but does not include a physical exam.

“Health care provider” means a physician or surgeon licensed under chapter 453, or an advanced practice registered nurse licensed under chapter 457.

“Medicare” means the program established under title XVIII of the Social Security Act of 1935, as amended (42 U.S.C. 1395 et seq.).

“Medicare part B” means the voluntary supplementary medical insurance benefits program provided under title XVIII of the Social Security Act of 1935, as amended (42 U.S.C. 1395j to 1395w-6).

“Medicare part C” means the medicare advantage program provided under title XVIII of the Social Security Act of 1935, as amended (42 U.S.C. 1395w-21 to 1395w-28).

“Qualified patient” means an individual medicare beneficiary, including but not limited to an individual with developmental disabilities who is predisposed to early cognitive decline, and who has coverage under medicare part B or medicare part C.

§349-B Cognitive assessments for qualified patients. (a) The cognitive assessment provided to qualified patients at an annual wellness visit shall be conducted using standardized, validated assessment tools.

(b) A qualified patient may decline the use of a standardized, validated cognitive assessment tool after being informed of its purpose, benefits, and any risks.

§349-C Exemptions. This part shall not apply to:

- (1) Health care providers who do not accept medicare insurance;
- (2) Qualified patients who have already received a diagnosis of dementia or mild cognitive impairment; and
- (3) Qualified patients who are unable to undergo a cognitive assessment due to a physical or mental impairment or disability.”

PART III

SECTION 3. (a) There is established a dementia data pilot program within the executive office on aging to collect and analyze cognitive assessment data for the purposes outlined in the Hawaii 2035: State Strategic Plan on Alzheimer’s Disease and Related Dementias.

(b) The executive office on aging may collaborate with a health care system to identify health care providers to participate in the pilot program.

(c) A health care provider participating in the pilot program may provide a report to the executive office on aging no later than October 1 of each year. The report may include but not be limited to:

- (1) Whether the qualified patient declined the cognitive assessment;
- (2) Whether the qualified patient is exempt from a cognitive assessment and the reason for the exemption;
- (3) The date of the cognitive assessment;
- (4) The address where the cognitive assessment was conducted and whether the cognitive assessment was conducted in person or via telehealth;
- (5) The qualified patient’s age, zip code, race, and gender;
- (6) The type of cognitive assessment administered;
- (7) The result of the cognitive assessment; and

(8) Any follow-up actions taken, including subsequent referrals and further diagnosis and treatment.

(d) The executive office on aging may secure the transmission and storage of the information reported pursuant to subsection (c) for the purposes of the pilot program.

(e) The executive office on aging shall provide a report summarizing the information collected pursuant to subsection (c) to the legislature no later than twenty days prior to the convening of the regular sessions of 2027 and 2028. The report shall be made available to the public on the department of health's website.

(f) Any reports submitted to the legislature and subject to publication under this Act shall be limited to aggregated data and shall not directly contain or indirectly result in the disclosure of personally identifiable information.

(g) The identity, or any group of facts or any system of records that may lead to the identity, of any qualified patient who has received a cognitive assessment pursuant to this Act shall be confidential and shall not be revealed in any report, release, or publication.

(h) The dementia data pilot program shall be dissolved two years from its start date.

(i) For the purposes of this part, "qualified patient" has the same meaning as defined in section 349-A, Hawaii Revised Statutes.

PART IV

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

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved July 3, 2025.)

ACT 287

H.B. NO. 705

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

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

SECTION 1. The legislature finds that low-income subsidy programs, including medicare, medicaid, and medicare savings programs such as medicare part D extra help, can help reduce out-of-pocket costs for individuals with limited income by offsetting their medical and prescription drug costs, such as premiums, deductibles, copayments, coinsurance, and lifetime late enrollment penalties. The legislature further finds that although individuals with low income, those who speak English as a second language, or those who live in rural areas may qualify for these programs, they may have no or limited access to the benefits, as they may not be aware of or need assistance with the application or eligibility renewal process.

The legislature further finds that the executive office on aging of the department of health provides free information and one-on-one counseling on medicare. Since 2022, the executive office on aging has been receiving a significantly higher volume of referrals from med-QUEST to assist uninsured or

underinsured individuals who are losing their medicaid eligibility and need to find other health coverage. The overflow and referrals are made to community partners within forty-eight hours to help with food, housing, utilities, employment, and other needs.

The legislature also finds that during the COVID-19 pandemic, the med-QUEST division of the department of human services paused disenrollments based on eligibility issues and all medicaid members received continuous uninterrupted coverage through March 2023, regardless of their change in eligibility. Following the 2023 Maui wildfires, the med-QUEST division again paused all eligibility disenrollments statewide until the end of 2023. However, the med-QUEST division has resumed its annual eligibility redetermination process, and therefore, people have been or will be receiving notices and forms to renew their coverage.

Accordingly, the purpose of this Act is to:

- (1) Establish within the executive office on aging a medi-medi project to assist underserved populations in the State who may qualify for various low-income subsidy programs to gain access to their benefits;
- (2) Appropriate funds to the executive office on aging for staff and operating expenses related to administering the medi-medi project; and
- (3) Require and appropriate funds for the executive office on aging to develop a one-year pilot project to make available the medi-medi project to kupuna and families living in a disadvantaged community, specifically the Kalihi valley catchment areas.

SECTION 2. (a) There is established within the advocacy, education, and outreach section of the executive office on aging a medi-medi project to assist older adults, medicare beneficiaries, individuals with disabilities, and other underserved populations who may qualify for various low-income subsidy programs, including medicare, medicaid, and medicare savings programs such as medicare part D extra help, to gain access to their benefits.

(b) The medi-medi project shall:

- (1) Develop and implement a community outreach program;
- (2) Streamline the application process for various low-income subsidy programs; and
- (3) Provide referrals and assistance to other low-income programs.

(c) The executive office on aging shall submit a report of its findings and recommendations regarding the medi-medi project, including any proposed legislation, to the legislature no later than twenty days prior to the convening of each regular session.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$121,016 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the executive office on aging, to be expended as follows:

- (1) \$71,016 for the establishment of one full-time equivalent (1.0 FTE) position to implement and administer the medi-medi project; and
- (2) \$50,000 for operating expenses, including education and outreach.

The sums appropriated shall be expended by the executive office on aging for the purposes of this Act.

SECTION 4. (a) The legislature finds that the medi-medi project will be able to supplement programs that provide health assessments and wraparound support to kupuna and their families. Additionally, by providing a medi-medi project to kupuna and their families in impoverished communities, the medi-medi project can be expanded to these populations to serve disparate populations living in persistent poverty who are potentially eligible or are enrolled in Medicaid.

The purpose of this section is to require and appropriate funds for the executive office on aging to develop a one-year pilot project to provide the medi-medi project to kupuna and families living in a disadvantaged community, specifically the Kalihi valley catchment areas.

(b) The executive office on aging shall develop a one-year pilot project to provide the medi-medi project to kupuna and families living in a disadvantaged community, specifically the Kalihi valley catchment areas.

(c) The executive office on aging shall submit a report of its findings and recommendations regarding the pilot project, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2027.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2025-2026 for the executive office on aging to develop a pilot project to provide the medi-medi project to kupuna and families living in a disadvantaged community, specifically the Kalihi valley catchment areas.

The sum appropriated shall be expended by the executive office on aging for the purposes of this Act.

SECTION 6. This Act shall take effect on July 1, 2025.

(Approved July 3, 2025.)

ACT 288

H.B. NO. 126

A Bill for an Act Relating to Property Forfeiture.

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

SECTION 1. The purpose of this Act is to make the State's property forfeiture process more just by:

- (1) Increasing transparency and accountability surrounding property forfeiture;
- (2) Clarifying which property is subject to forfeiture;
- (3) Amending the authorized disposition of forfeited property and the proceeds thereof;
- (4) Requiring the attorney general to adopt rules necessary to carry out the purpose of the Hawaii Omnibus Criminal Forfeiture Act; and
- (5) Repealing language that requires the Hawaii Omnibus Criminal Forfeiture Act to be construed liberally.

SECTION 2. Chapter 712A, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§712A- Records of seized or forfeited property. (1) Each seizing agency shall maintain the following records for all property seized for purposes of forfeiture:

- (a) The authority under which the property was seized or forfeited;

- (b) The date on which each item of property was seized or forfeited;
 - (c) The department or agency that has possession of the seized or forfeited property;
 - (d) A description of each item of seized or forfeited property; and
 - (e) The estimated value of each item of seized or forfeited property.
- (2) The seizing agency shall:
- (a) Maintain all records of seized or forfeited property;
 - (b) Make the records open to inspection; and
 - (c) Post the records on a publicly accessible website.

§712A- Equitable sharing program; restrictions. Notwithstanding the provisions of section 712A-7, a seizing agency or prosecuting attorney shall not enter into an agreement to transfer or refer property seized under section 712A-6 to a federal agency directly, indirectly, through adoption, through an intergovernmental joint task force, or by any other means that would circumvent the provisions of this chapter, unless the seized property includes United States currency in excess of \$100,000.”

SECTION 3. Section 712A-5, Hawaii Revised Statutes, is amended to read as follows:

“§712A-5 Property subject to forfeiture; exemption. (1) The following ~~is~~ shall be subject to forfeiture:

- (a) Property described in a statute authorizing forfeiture;
- (b) Property used or intended for use in the commission of, attempt to commit, or conspiracy to commit a covered offense, or ~~which~~ that facilitated or assisted ~~such~~ the activity;
- (c) Any firearm ~~which~~ that is subject to forfeiture under any other subsection of this section or ~~which~~ that is carried during, visible, or used in furtherance of the commission, attempt to commit, or conspiracy to commit a covered offense, or any firearm found in proximity to contraband or to instrumentalities of an offense;
- (d) Contraband or untaxed cigarettes in violation of chapter 245, shall be seized and summarily forfeited to the State without regard to the procedures set forth in this chapter;
- (e) Any proceeds or other property acquired, maintained, or produced by means of or as a result of the commission of the covered offense;
- (f) Any property derived from any proceeds ~~which~~ that were obtained directly or indirectly from the commission of a covered offense;
- (g) Any interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over any enterprise ~~which~~ that has been established, participated in, operated, controlled, or conducted in order to commit a covered offense; and
- (h) All books, records, bank statements, accounting records, microfilms, tapes, computer data, or other data ~~which~~ that are used, intended for use, or ~~which~~ that facilitated or assisted in the commission of a covered offense, or ~~which~~ that document the use of the proceeds of a covered offense.

~~[(2) Except that:~~

- ~~(a)]~~ (2) Real property, or an interest therein, may be forfeited under the provisions of this chapter only in cases in which the covered offense is chargeable as a felony offense under state law~~[:]~~.

(3) The following limitations shall apply to the forfeiture of property under this chapter; provided that nothing in this subsection shall be construed to prevent the seizure of property before conviction pursuant to section 712A-6:

- [(b)] (a) No property shall be forfeited under this chapter [to the extent of an interest of an owner,] by reason of [any act or omission established by that owner to have been committed or omitted without the knowledge and consent of that owner,] the commission of any covered offense unless the owner has received a charge for the covered offense. If no such charge is filed within one year from the date of seizure, all property seized shall be returned to the legal owner, as determined by the department or agency in possession of the property, one year from the date of seizure; provided that property that is contraband or otherwise unlawful shall not be returned and shall be disposed of pursuant to rules adopted by the attorney general; provided further that if the legal owner cannot be determined or located, the department or agency in possession of the property shall follow procedures set forth in rules adopted by the attorney general to determine or locate the owner;
- (b) No property shall be forfeited under this chapter by reason of any act or omission established by the owner to have been committed or omitted without the knowledge and consent of the owner;
- (c) No conveyance used by any person as a common carrier in the transaction of a business as a common carrier [is] shall be subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;
- (d) No conveyance [is] shall be subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent; and
- (e) A forfeiture of a conveyance encumbered by a bona fide security interest [is] shall be subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission.

(4) This chapter shall not apply to the forfeiture of an animal pursuant to section 711-1109.2.

(5) This section shall not prohibit or restrict forfeitures authorized by law other than this chapter."

SECTION 4. Section 712A-11, Hawaii Revised Statutes, is amended by amending subsection (10) to read as follows:

"(10) All property, including all interest in such property, declared forfeited under this chapter vests in this State on the commission of the act or omission giving rise to forfeiture under this chapter together with the proceeds of the property after the act or omission. Any property or proceeds transferred to any person after the act or omission are subject to forfeiture and thereafter shall be ordered forfeited unless the transferee claims and establishes in a hearing pursuant to this chapter the showings set out in section 712A-5(2)[;] and (3)."

SECTION 5. Section 712A-16, Hawaii Revised Statutes, is amended to read as follows:

“§712A-16 Disposition of property forfeited. (1) All property forfeited to the State under this chapter shall be transferred to the attorney general, who ~~may~~:

- ~~[(a) May transfer property, other than currency, which shall be distributed in accordance with subsection (2) to any local or state government entity, municipality, or law enforcement agency within the State;~~
- ~~(b) May sell]~~ (a) Sell forfeited property to the public by public sale; provided that for leasehold real property:
 - (i) The attorney general shall first offer the holder of the immediate reversionary interest the right to acquire the leasehold interest and any improvements built or paid for by the lessee for the then fair market value of the leasehold interest and improvements. The holder of the immediate reversionary interest shall have thirty days after receiving written notice within which to accept or reject the offer in writing; provided that the offer shall be deemed to be rejected if the holder of the immediate reversionary interest has not communicated acceptance to the attorney general within the thirty-day period. The holder of the immediate reversionary interest shall have thirty days after acceptance to tender to the attorney general the purchase price for the leasehold interest and any improvements, upon which tender the leasehold interest and improvements shall be conveyed to the holder of the immediate reversionary interest~~[-];~~
 - (ii) If the holder of the immediate reversionary interest fails to exercise the right of first refusal provided in subparagraph (i), the attorney general may proceed to sell the leasehold interest and any improvements by public sale~~[-]; and~~
 - (iii) Any dispute between the attorney general and the holder of the immediate reversionary interest as to the fair market value of the leasehold interest and improvements shall be settled by arbitration pursuant to chapter 658A;
- ~~[(c) May sell]~~ (b) Sell or destroy all raw materials, products, and equipment of any kind used or intended for use in manufacturing, compounding, or processing a controlled substance or any untaxed cigarettes in violation of chapter 245;
- ~~[(d) May compromise]~~ (c) Compromise and pay valid claims against property forfeited pursuant to this chapter; or
- ~~[(e) May make]~~ (d) Make any other disposition of forfeited property authorized by law.

(2) All forfeited property and the sale proceeds thereof~~[-, up to a maximum of three million dollars per year, not previously transferred pursuant to [subsection] (1)(a) of this section,]~~ shall, after payment of expenses of administration and sale, be distributed or retained as follows:

- (a) One quarter shall be distributed to the unit or units of state or local government law enforcement ~~[whose]~~ officers or employees conducted the investigation and caused the arrest of the person whose property was forfeited or seizure of the property for forfeiture;
- (b) One quarter shall be distributed to the prosecuting attorney who instituted the action producing the forfeiture; and

- (c) One half shall be ~~[deposited into]~~ retained in the criminal forfeiture fund established by this chapter.

(3) ~~[Property]~~ All property and money distributed to units of state ~~[and]~~ or local government pursuant to subsection (2)(a) and (b) shall be used for law enforcement purposes, including but not limited to drug recognition expert training and public awareness or outreach efforts, and shall complement but not supplant the funds regularly appropriated for ~~[such]~~ these purposes.

(4) There ~~[is]~~ shall be established in the department of the attorney general a special fund to be known as the criminal forfeiture fund~~[-, hereinafter referred to as the "fund" in]~~ into which shall be deposited ~~[one-half of]~~ the proceeds of a forfeiture and any penalties paid pursuant to section 712A-10(6). All moneys in the criminal forfeiture fund except for those disbursements provided for in subsection (2)(a) and (b) shall be expended by the attorney general and are hereby appropriated for the following purposes:

- (a) The payment of any expenses necessary to seize, detain, appraise, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to this chapter or of any other necessary expenses incident to the seizure, detention, or forfeiture of ~~[such]~~ property and ~~[such]~~ contract services and payments to reimburse any federal, state, or county agency for any expenditures made to perform the foregoing functions;
- ~~[(b)]~~ The payment of awards for information or assistance leading to a civil or criminal proceeding;
- ~~[(e)]~~ The payment of supplemental sums to state and county agencies for law enforcement purposes;
- ~~[(d)]~~ (b) The payment of expenses arising in connection with programs for training and education of law enforcement officers; and
- ~~[(e)]~~ (c) The payment of expenses arising in connection with enforcement pursuant to the drug nuisance abatement unit in the department of the attorney general.

(5) The attorney general ~~[may, without regard to the requirements of chapter 91, promulgate]~~ shall adopt rules [and regulations] necessary to carry out the purpose of this chapter, including rules concerning the return of seized property, the disposition of property, the use of the criminal forfeiture fund, and compromising and paying valid claims against property forfeited ~~[pursuant to this chapter]~~.

(6) ~~[Not]~~ No less than ~~[twenty]~~ forty days ~~[prior to]~~ before the convening of each regular session, the attorney general shall provide to the legislature a report on the use of the Hawaii omnibus criminal forfeiture act during the fiscal year preceding the legislative session. The report shall include:

- (a) The total amount and type of property seized by law enforcement agencies;
- (b) The total number of administrative and judicial actions filed by prosecuting attorneys and the disposition thereof~~[:]~~ for each action;
- (c) The total number of claims or petitions for remission or mitigation filed in administrative actions and the dispositions thereof~~[:]~~ for each action;
- (d) The total amount and type of property forfeited and the sale proceeds thereof;
- (e) The total amount and type of property distributed to units of state and local government;

- (f) The amount of money deposited into the criminal forfeiture fund; and
- (g) The amount of money expended by the attorney general from the criminal forfeiture fund under subsection (5) and the reason for the expenditures.”

SECTION 6. Section 712A-19, 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.¹

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

(Approved July 3, 2025.)

Note

- 1. Edited pursuant to HRS §23G-16.5.

ACT 289

H.B. NO. 800

A Bill for an Act Relating to Government.

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

PART I

SECTION 1. (a) Notwithstanding any other law to the contrary, the fee simple interest in the following parcels of land with the existing improvements thereon (hereinafter “the properties”) (but not including submerged land, accreted land, or any land makai of the shoreline), shall be conveyed by the department of land and natural resources, department of accounting and general services, Hawaii housing finance and development corporation, or other respective state agency, as grantor, to the city and county of Honolulu as grantee, as is, where is, and subject to any existing recorded ground leases, easements, and encumbrances:

- (1) TMK 1-1-5-7-2 (senior residence at Iwilei);
- (2) TMK 1-1-5-7-1 (Liliha civic center);
- (3) TMK 1-1-7-27-1 (Aala park);
- (4) TMK 1-1-5-9-1 (Institute for Human Services);
- (5) TMK 1-1-5-9-2 (morgue addition);
- (6) TMK 1-1-5-9-3 (morgue); and
- (7) TMK 1-1-5-9-10 (Iwilei fire station).

(b) The respective state agency serving as grantor for each parcel in subsection (a) shall prepare, execute, and record, in the land court or bureau of conveyances, as appropriate, a quitclaim deed to convey each parcel with all existing improvements, to the city and county of Honolulu as grantee. As these are conveyances in which the city and county of Honolulu and the State and its agencies are the only parties, the tax imposed by section 247-1, Hawaii Revised Statutes, shall not apply. Effective on the date of transfer pursuant to subsection

(d), every reference to the present titleholder or the head of the department or agency in each instrument, if the titleholder is a department or an agency, shall be construed as a reference to the city and county of Honolulu.

(c) The city and county of Honolulu shall accept the properties in their existing condition. All claims and liabilities against the respective state agency serving as grantor for each parcel in subsection (a), if any, which the city and county of Honolulu has, may have had, or may have in the future, regarding any injury, loss, cost, damage, or liability, including reasonable attorneys' fees, concerning the physical, environmental, soil, economic, and legal conditions of the conveyed properties, are released, waived, and extinguished.

(d) Transfer of the parcels shall be effective December 31, 2025, or upon final approval by the city and county of Honolulu of the terms of the transfer of the Alii tower parcel to the department of land and natural resources pursuant to part II of this Act, whichever occurs later.

PART II

SECTION 2. (a) Notwithstanding any other law to the contrary, the fee simple interest in the parcel of land identified as TMK 1-2-1-17-8 (Alii tower) with the existing improvements thereon (hereinafter "the property") (but not including submerged land, accreted land, or any land makai of the shoreline), shall be conveyed by the city and county of Honolulu as grantor, to the department of land and natural resources as grantee, as is, where is, and subject to any existing recorded ground leases, easements, and encumbrances.

(b) The city and county of Honolulu shall prepare, execute, and record, in the land court or bureau of conveyances, as appropriate, a quitclaim deed to convey the parcel in subsection (a) with all existing improvements, to the department of land and natural resources as grantee, and a lease for the department of the prosecuting attorney of the city and county of Honolulu on terms acceptable to the grantee. As this is a conveyance in which the city and county of Honolulu and the State and its agencies are the only parties, the tax imposed by section 247-1, Hawaii Revised Statutes, shall not apply. Effective on the date of transfer pursuant to subsection (d), every reference to the present titleholder or the head of the department or agency in each instrument, if the titleholder is a department or an agency, shall be construed as a reference to the department of land and natural resources.

(c) The department of land and natural resources shall accept the property in its existing condition. All claims and liabilities against the city and county of Honolulu, if any, which the department of land and natural resources has, may have had, or may have in the future, regarding any injury, loss, cost, damage, or liability, including reasonable attorneys' fees, concerning the physical, environmental, soil, economic, and legal conditions of the conveyed property, are released, waived, and extinguished.

(d) Transfer of the parcel shall be effective December 31, 2025, or upon final approval by the city and county of Honolulu of the terms of the transfer, whichever occurs later.

PART III

SECTION 3. 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;
- (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; and
- (17) Lands transferred to the department of land and natural resources pursuant to Act _____, Session Laws of Hawaii 2025;

provided that, except as otherwise limited under federal law and except for state land used as an airport as defined in section 262-1, public lands shall include the air rights over any portion of state land upon which a county mass transit project is developed after July 11, 2005; provided further that if the lands pursuant to paragraph (6) are no longer needed for housing finance and development purposes, the lands shall be returned to the agency from which they were obtained; provided further that if the lands pursuant to paragraph (14) are no longer needed for the stadium development district or related purposes, the lands shall be returned to the public land trust administered by the department.”

SECTION 4. Real property transferred to the department of land and natural resources under this Act shall not be considered part of the public land trust as described in section 171-18, Hawaii Revised Statutes.

PART IV

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, 2025, or the day after final approval by the city and county of Honolulu of the terms of the transfer of the fee simple interest in land pursuant to part II of this Act, whichever occurs later; provided that upon the completed transfer of the fee simple interest in land pursuant to part II of this Act, the governor shall notify the legislature and the revisor of statutes that the transfer was filed or recorded with the bureau of conveyances; provided further that if the city and county of Honolulu does not finalize approval of the terms of the transfer required under part II of this Act by December 31, 2026, this Act shall be repealed on January 1, 2027, and section 171-2, 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 3, 2025.)

ACT 290

S.B. NO. 935

A Bill for an Act Relating to Government.

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

PART I

SECTION 1. Section 88-47, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There shall be four classes of members in the system to be known as class A, class B, class C, and class H, defined as follows:

(1) Class A shall consist of:

(A) [Judges;] Members first employed as judges before July 1, 2031,
elected officials, and legislative officers;

- (B) Investigators of the department of the attorney general, narcotics enforcement investigators, water safety officers not making the election under section 88-271, and law enforcement investigations staff investigators;
 - (C) Those members in service prior to July 1, 1984, including those who are on approved leave of absence, not making the election to become a class C member as provided in part VII or to become a class H member as provided in part VIII;
 - (D) The following members in service prior to July 1, 2006, including those who are on approved leave of absence, not making the election to become a class H member as provided in part VIII:
 - (i) Members whose salaries are set forth in sections 26-52 and 26-53 and their county counterparts, managing directors or an administrative assistant to the mayor, other county department heads, and agency heads appointed and subject to removal by the mayor;
 - (ii) First deputies appointed by the county attorney and prosecuting attorney;
 - (iii) The county clerk and deputy county clerk of each county;
 - (iv) The directors of the offices of council services of the county of Maui and the city and county of Honolulu;
 - (v) The administrative director of the courts;
 - (vi) The deputy administrative director of the courts;
 - (vii) The executive officer of the labor and industrial relations appeals board; and
 - (viii) The executive officer of the Hawaii labor relations board;
 - (E) All former class A retirants who return to employment after June 30, 1984, requiring the retirant's active membership; and
 - (F) All former class B retirants who return to employment requiring the retirant's active membership, except for:
 - (i) Former retirants who return in the positions of police officer or firefighter;
 - (ii) Former retirants who were members on July 1, 1957, who elected not to be covered by the Social Security Act; and
 - (iii) Former retirants who were in positions to which coverage under Title II of the Social Security Act was not extended who entered membership after June 30, 1957, but before January 1, 2004;
- (2) Class B shall consist of:
- (A) Police officers and firefighters, including former retirants who return to service in such capacity;
 - (B) All employees, including former retirants, who were members on July 1, 1957, who elected not to be covered by the Social Security Act; and
 - (C) All employees, including former retirants, in positions to which coverage under Title II of the Social Security Act is not extended, who enter membership after June 30, 1957, but before January 1, 2004, not making the election to become a class H member as provided in part VIII;

- (3) Except for members described in paragraphs (1) and (2), class C shall consist of all employees, not making the election to become a class H member as provided in part VIII, who:
 - (A) First enter service after June 30, 1984, but before July 1, 2006;
 - (B) Reenter service after June 30, 1984, but before July 1, 2006, without vested benefit status as provided in section 88-96(b);
 - (C) Make the election to become a class C member as provided in part VII; or
 - (D) Are former class C retirants who return to service requiring the retirant's active membership; and
- (4) Except for members described in paragraphs (1) and (2), class H shall consist of all employees who:
 - (A) First enter service after June 30, 2006;
 - (B) Reenter service after June 30, 2006, without vested benefit status as provided in section 88-96(b);
 - (C) Make the election to become a class H member as provided in part VIII; [or]
 - (D) Are former class H retirants who return to service requiring the retirant's active membership[-]; or
 - (E) Are first employed as a judge after June 30, 2031."

SECTION 2. Section 88-74, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) If a member, who became a member before July 1, 2012, has credited service as an elective officer or as a legislative officer, the member's retirement allowance shall be derived by adding the allowances computed separately under paragraphs (1), (2), (3), (4), (5), and (6) as follows:

- (1) For a member who has credited service as an elective officer before July 1, 2012, irrespective of age, for each year of credited service as an elective officer, three and one-half per cent of the member's average final compensation as computed under section 88-81(e)(1), in addition to an annuity that is the actuarial equivalent of the member's accumulated contributions allocable to the period of service;
- (2) For a member, who first earned credited service as an elective officer after June 30, 2012, irrespective of age, for each year of credited service as an elective officer, three per cent of the member's average final compensation as computed under section 88-81(e)(1), in addition to an annuity that is the actuarial equivalent of the member's accumulated contributions allocable to the period of service;
- (3) For a member who has credited service as a legislative officer before July 1, 2012, irrespective of age, for each year of credited service as a legislative officer, three and one-half per cent of the member's average final compensation as computed under section 88-81(e)(2), in addition to an annuity that is the actuarial equivalent of the member's accumulated contributions allocable to the period of service;
- (4) For a member who first earned credited service as a legislative officer after June 30, 2012, irrespective of age, for each year of credited service as a legislative officer, three per cent of the member's average final compensation as computed under section 88-81(e)(2), in addition to an annuity that is the actuarial equivalent of the member's accumulated contributions allocable to the period of service;

- (5) If the member has credited service as a judge, the member's retirement allowance shall be computed on the following basis:
 - (A) For a member who has credited service as a judge before July 1, 1999, irrespective of age, for each year of credited service as a judge, three and one-half per cent of the member's average final compensation as computed under section 88-81(e)(3), in addition to an annuity that is the actuarial equivalent of the member's accumulated contributions allocable to the period of service;
 - (B) For a member who first earned credited service as a judge after June 30, 1999, but before July 1, 2012, and has attained the age of fifty-five, for each year of credited service as a judge, three and one-half per cent of the member's average final compensation as computed under section 88-81(e)(3), in addition to an annuity that is the actuarial equivalent of the member's accumulated contributions allocable to the period of service. If the member has not attained age fifty-five, the member's retirement allowance shall be computed as though the member had attained age fifty-five, reduced for age as provided in subsection (e); ~~and~~
 - (C) For a member who first earned credited service as a judge after June 30, 2012, but before July 1, 2031, and has attained the age of sixty, for each year of credited service as a judge, three per cent of the member's average final compensation as computed under section 88-81(e)(3), in addition to an annuity that is the actuarial equivalent of the member's accumulated contributions allocable to the period of service. If the member has not attained age sixty, the member's retirement allowance shall be computed as though the member had attained age sixty, reduced for age as provided in subsection (i); and
 - (D) For a member who first earned credited service as a judge after June 30, 2031, and has attained the age of sixty, for each year of credited service as a judge, one and three-fourths per cent of the member's average final compensation as computed under section 88-81(e)(3), in addition to an annuity that is the actuarial equivalent of the member's accumulated contributions allocable to the period of service. If the member has not attained age sixty, the member's retirement allowance shall be computed as though the member had attained age sixty, reduced for age as provided in subsection (i); and
- (6) For each year of credited service not included in paragraph (1), (2), (3), (4), or (5), the average final compensation as computed under section 88-81(e)(4) shall be multiplied by two per cent for credited service earned as a class A or class H member, two and one-half per cent for credited service earned as a class B member, and one and one-quarter per cent for credited service earned as a class C member. If the member has not attained age fifty-five, the member's retirement allowance shall be computed as though the member had attained age fifty-five, reduced for age as provided in subsection (e).

The total retirement allowance shall not exceed seventy-five per cent of the member's highest average final compensation calculated under section 88-81(e)(1), (2), (3), or (4). If the allowance exceeds this limit, it shall be adjusted by reducing any annuity accrued under paragraphs (1), (2), (3), (4), and (5) and the portion of the accumulated contributions specified in these paragraphs in excess of the requirements of the reduced annuity shall be returned to the member upon the member's retirement or paid to the member's designated beneficiary upon the member's death while in service or while on authorized leave without pay. If a member has service credit as an elective officer or as a legislative officer in addition to service credit as a judge, then the retirement benefit calculation contained in this subsection shall supersede the formula contained in subsection (c)."

PART II

SECTION 3. (a) The department of human resources development shall conduct a study of the impacts and benefits of reducing, from ten years to five years, the minimum number of years of credited service that qualified tier 2 hybrid class members of the employees' retirement system must have to be eligible for vested benefit status for service retirement allowance purposes.

(b) The department of human resources development shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2027.

(c) As used in this section, "tier 2 hybrid class member of the employees' retirement system" means a person who became a member of the employees' retirement system under part VIII of chapter 88, Hawaii Revised Statutes, after June 30, 2012.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$300,000 or so much thereof as may be necessary for fiscal year 2025-2026 for the department of human resources development to conduct the study pursuant to section 3 of this part.

The sum appropriated shall be expended by the department of human resources development for the purposes of this part.

PART III

SECTION 5. This Act does not affect the rights, duties, benefits, and obligations that matured or were vested, or proceedings that were begun, before its effective date, including but not limited to any membership that was terminated, credited service that was forfeited, retirement that was finalized, or benefits that were paid.

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 July 3, 2025.)

ACT 291

S.B. NO. 447

A Bill for an Act Relating to a Department of Health Pilot Program.

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

SECTION 1. The legislature finds that addressing shortages in the State's public health workforce serves the public interest and is a key priority for the State. In September 2024, the department of health reported nine hundred vacant positions, revealing a severe staffing shortage impeding the State's ability to quickly assess public health issues, develop effective public health policy, and instill confidence in residents about Hawaii's ability to protect their health and well-being.

The legislature further finds that Hawaii is currently experiencing a comprehensive shortage of skilled, professional workers. This shortage is driven by a multitude of factors, including workers relocating to states with lower costs of living and an aging population wherein experienced workers are beginning to qualify for retirement. These factors have resulted in increased competition for skilled workers among employers across many industry sectors.

The legislature recognizes that the State faces a wide range of public health issues stemming from climate change, increased globalization and global travel, an aging population, and the complicated effects of mental health issues and substance abuse. These issues require the State to be increasingly vigilant to ensure the well-being of its residents.

The legislature further recognizes that section 76-5, Hawaii Revised Statutes, authorizes the director of human resources development to delegate the performance of services under chapter 76, Hawaii Revised Statutes, the State's civil service laws, to other agencies. In addition, section 14-1-9, Hawaii Administrative Rules, authorizes the director of human resources development to delegate to other departments the authority to act on human resources matters in accordance with policies, rules, guidelines, and standards issued by the director of human resources development. The legislature finds that if the director of health could take over certain human resources responsibilities as contemplated under these provisions, the department of health may be able to more expeditiously address public health issues facing the State.

The legislature further finds that under policy number 200.004 of the department of human resources development policies and procedures, titled establishment of minimum qualification requirements, the civil service system is based on the merit principle, which is defined as "the selection of persons based on their fitness and ability for public employment and the retention of employees based on their demonstrated appropriate conduct and productive performance". However, the minimum qualifications established under this policy, which date back to December 2003 and are still in effect, do little to promote the merit principle.

Accordingly, the purpose of this Act is to streamline the hiring process in the department of health by requiring the delegation of certain human resources services under chapter 76, Hawaii Revised Statutes, from the department of human resources development to the department of health until June 30, 2028.

SECTION 2. (a) There is established a hiring pilot program within the department of health. The pilot program shall include the following:

- (1) For delegated position classifications, the department of health may forward to the hiring program applications received without verifying minimum qualifications. When the hiring program selects an applicant for hire, the human resources office of the department of health shall verify the applicant's minimum qualifications before extending an offer of employment. The department of human resources development shall approve the temporary delegation of other unique position classifications and non-unique position classifications that are requested by the department of health for recruitment under the pilot program;
- (2) The department of health shall have the following flexibilities regarding minimum qualifications for positions having a salary range at or below SR-10:
 - (A) Considering required minimum qualifications as desired qualifications; and
 - (B) Allowing certain community college development programs to be substituted for required or desired experience; provided that the department of health shall specify any minimum qualification requirement or substitute in the recruitment posting;
- (3) The department of health may directly hire an individual who meets minimum qualifications into a civil service position; provided that there are more than five vacant positions within the department of health for that position classification; and
- (4) The director of health may make a temporary appointment outside the list at what would be the merited civil service pay scale without step limitation; provided that the department of health shall notify the department of human resources development of all temporary appointments outside the list made under this paragraph. As used in this paragraph, a "temporary appointment outside the list" means a non-civil service temporary appointment outside the list as described in policy number 300.001 of the department of human resources development policies and procedures, titled types of appointments.

(b) The pilot program established under subsection (a) shall be available for department of health recruitments that are initiated before July 1, 2028.

(c) The department of health shall submit a report to the legislature of its findings and recommendations, including any proposed legislation regarding the pilot program established by this Act, no later than twenty days prior to the convening of the regular sessions of 2026, 2027, 2028, and 2029.

SECTION 3. This Act shall take effect on July 1, 2025; provided that the pilot program established pursuant to this Act shall be repealed on July 1, 2028.

(Approved July 3, 2025.)

ACT 292

S.B. NO. 104

A Bill for an Act Relating to Corrections.

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

SECTION 1. The legislature finds that experts have long documented the detrimental effects of restrictive housing on individuals. Spending time in restrictive housing has been found to increase the risk of premature death, even after release from incarceration. Restrictive housing is a severe form of punishment that is closely associated with long-lasting psychological harm and poor post-release outcomes. The official purposes of restrictive housing are typically divided into punishment and correctional facility management. When used as punishment by facility authorities, sometimes called “disciplinary custody” or “disciplinary segregation”, restrictive housing serves as a response to misconduct charges such as fighting or drug use. When used for correctional facility management, often called “administrative custody” or “administrative segregation”, restrictive housing serves to separate inmates deemed to pose a threat to staff or other inmates, or as protective custody for inmates who seem or are determined to be unsafe in the general prison population. Although the purposes of restrictive housing vary, correctional facility conditions and restrictions are often similar whether an incarcerated person is in disciplinary or administrative custody.

The legislature also finds that an overwhelming body of evidence shows that restrictive housing, which deprives inmates of meaningful human contact, including phone privileges that allow them to speak with loved ones, creates permanent psychological, neurological, and physical damage. Studies show that the detrimental effects of restrictive housing far exceed the immediate psychological consequences identified by previous research, such as anxiety, depression, and hallucinations. Unfortunately, these detrimental effects do not disappear once an inmate is released from restrictive housing. Even after release back into a community setting, a former inmate faces an elevated risk of suicide, drug overdose, heart attack, and stroke.

The legislature recognizes that as of 2021, legislation to ban or limit the use of restrictive housing in prison has been introduced in thirty-two states and the United States Congress. Further, twenty-four states have enacted statutes that limit or prohibit restrictive housing while other states have limited its use through administrative code, policy, or court rules. Many of these new laws, codes, policies, or court rules represent significant reforms to existing practices and thus have the potential to facilitate more humane and effective practices in prisons and jails.

Accordingly, the purpose of this Act is to:

- (1) Beginning July 1, 2026, restrict the use of restrictive housing in state-operated and state-contracted correctional facilities, with certain specified exceptions;
- (2) Establish a restrictive housing legislative working group by August 1, 2025, to develop and recommend more comprehensive laws, policies, and procedures regarding restrictive housing for members of vulnerable populations by January 8, 2027;

- (3) Require the Hawaii correctional system oversight commission to review restrictive housing placements on an annual basis;
- (4) Authorize the department of corrections and rehabilitation, by December 1, 2027, to implement, if practicable, policies and procedures recommended by the restrictive housing working group related to committed persons who are members of certain vulnerable populations and placed in restrictive housing and develop transition and service plans for these committed persons in restrictive housing; and
- (5) Require interim and final reports to the legislature and Hawaii correctional system oversight commission.

SECTION 2. Chapter 353, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§353- Restrictive housing; restrictions on use; policies and procedures.

(a) Beginning July 1, 2026, except as otherwise provided in subsection (d), the use of restrictive housing in correctional facilities shall be restricted as follows:

- (1) A committed person shall not be placed in restrictive housing unless there is reasonable cause to believe that the committed person would create a substantial risk of immediate serious harm to the committed person’s self or another, as evidenced by recent threats or conduct, and that a less restrictive intervention would be insufficient to reduce this risk; provided that the correctional facility shall bear the burden of establishing the foregoing by clear and convincing evidence;
- (2) A committed person shall only be held in restrictive housing pursuant to initial procedures and reviews that provide timely, fair, and meaningful opportunities for the committed person to contest the confinement. These procedures and reviews shall include the right to:
 - (A) An initial hearing held within twenty-four hours of placement in restrictive housing, in the absence of exceptional circumstances, unavoidable delays, or reasonable postponements;
 - (B) Appear at the hearing;
 - (C) Be represented at the hearing;
 - (D) An independent hearings officer; and
 - (E) Receive a written statement of reasons for the decision made at the hearing;
- (3) The final decision to place a committed person in restrictive housing shall be made by the warden or the warden’s designee;
- (4) A committed person shall not be placed or held in restrictive housing if the warden or the warden’s designee determines that the committed person no longer meets the criteria for the confinement;
- (5) A disciplinary sanction of restrictive housing imposed on a committed person who is subsequently removed from restrictive housing pursuant to this subsection shall be deemed completed;
- (6) During a facility-wide lockdown, a committed person shall not be placed in restrictive housing for more than thirty consecutive days, or for more than forty-five days total during any sixty-day period;
- (7) Cells or other holding or living space used for restrictive housing shall be properly ventilated, lit, temperature-controlled, clean, and equipped with properly functioning sanitary fixtures;
- (8) A correctional facility shall maximize the amount of time spent outside of the cell by a committed person held in restrictive housing by

providing the committed person with access to recreation, education, clinically appropriate treatment therapies, skill-building activities, and social interaction with staff and other committed persons, as appropriate;

- (9) A committed person held in restrictive housing shall not be denied access to:
 - (A) Food, water, or any other necessity;
 - (B) Appropriate medical care, including emergency medical care; and
 - (C) Legal counsel;
- (10) Each committed person held in restrictive housing shall receive a written copy of the committed person's sanction and the criteria for a pathway back into the general population. The department shall ensure that the committed person understands the reason for the sanction and the criteria for the pathway back into the general population. The committed person's case manager shall work with the committed person in restrictive housing to develop a plan of action to reduce the committed person's violations, return the committed person to the general population, and work on the committed person's rehabilitation; and
- (11) A committed person shall not be released directly from restrictive housing to the community during the final one hundred eighty days of the committed person's term of incarceration, unless necessary for the safety of the committed person, staff, other committed persons, or the public. This paragraph shall not be interpreted to delay a committed person's scheduled release.
 - (b) Beginning July 1, 2026, except as otherwise provided in subsection (c), a committed person who is twenty-one years of age or younger, or is pregnant, in the postpartum period, or recently suffered a miscarriage or terminated pregnancy shall not be placed in restrictive housing; provided that a committed person who:
 - (1) Is twenty-one years of age or younger, has a disability based on mental illness, or has a developmental disability shall:
 - (A) Not be subject to discipline for refusing treatment or medication, or for engaging in self-harm or related conduct or threatening to do so; and
 - (B) Be screened by a correctional facility clinician or the appropriate screening service pursuant to rules and, if found to meet the criteria for civil commitment, shall be placed in a specialized unit designated by the director or deputy director of the department, or civilly committed to the least restrictive appropriate short-term care or psychiatric facility designated by the department of health, but only if the committed person would otherwise have been placed in restrictive housing; or
 - (2) Is pregnant, is in the postpartum period, or recently suffered a miscarriage or terminated a pregnancy, shall alternatively be placed in an appropriate medical or other unit designated by the director or deputy director of the department, but only if the committed person would otherwise have been placed in restrictive housing.
 - (c) Beginning July 1, 2026, the use of restrictive housing in correctional facilities shall be permitted only under the following limited circumstances:

- (1) The warden or the warden's designee determines that a facility-wide lockdown is necessary to ensure the safety of committed persons in the facility, until the warden or the warden's designee determines that the threat to a committed person's safety no longer exists. The warden or the warden's designee shall document the specific reasons that any facility-wide lockdown was necessary for more than twenty-four hours, and the specific reasons why less restrictive interventions were insufficient to accomplish the facility's safety goals. Within twelve hours of a decision to extend a facility-wide lockdown beyond twenty-four hours, the director or deputy director of the department shall publish the foregoing reasons on the department's website and shall provide meaningful notice to the legislature of the reasons for the lockdown;
- (2) The warden or the warden's designee determines that a committed person should be placed in emergency confinement; provided that:
 - (A) A committed person shall not be held in emergency confinement for more than forty-eight hours; and
 - (B) A committed person placed in emergency confinement shall receive an initial medical and mental health evaluation within twelve hours and a personal and comprehensive medical and mental health examination conducted by a clinician within twenty-four hours. Reports of these evaluations shall be immediately provided to the warden or the warden's designee;
- (3) A physician, based upon the physician's personal examination of a committed person, determines that the committed person should be placed or held in medical isolation; provided that any decision to place or hold a committed person in medical isolation due to a mental health emergency shall be made by a clinician and based upon the clinician's personal examination of the committed person. In any case of medical isolation occurring under this paragraph, a clinical review shall be conducted at least every twelve hours and as clinically indicated. A committed person in medical isolation due to a mental health emergency pursuant to this paragraph shall be placed in a mental health unit designated by the director or deputy director of the department;
- (4) The warden or the warden's designee determines that a committed person should be placed in protective custody; provided that:
 - (A) A committed person may be placed in voluntary protective custody only when the committed person has provided voluntary, informed, and written consent and there is reasonable cause to believe that protective custody is necessary to prevent reasonably foreseeable harm. When a committed person makes a voluntary, informed, and written request to be placed in protective custody and the request is denied, the correctional facility shall bear the burden of establishing a basis for denying the request;
 - (B) A committed person may be placed in involuntary protective custody only when the correctional facility is able to establish by clear and convincing evidence that protective custody is necessary to prevent reasonably foreseeable harm and that a less restrictive intervention would be insufficient to prevent the harm;
 - (C) A committed person placed in protective custody shall be provided opportunities for activities, movement, and social interaction, in a manner consistent with ensuring the com-

- mitted person's safety and the safety of other persons, that are comparable to the opportunities provided to committed persons in the facility's general population;
- (D) A committed person subject to removal from protective custody shall be provided with a timely, fair, and meaningful opportunity to contest the removal;
 - (E) A committed person who is currently or may be placed in voluntary protective custody may opt out of that status by providing voluntary, informed, and written refusal of that status; and
 - (F) Before placing a committed person in protective custody, the warden or the warden's designee shall use a less restrictive intervention, including transfer to the general population of another facility or to a special-purpose housing unit for committed persons who face similar threats, unless the committed person poses an extraordinary security risk so great that transferring the committed person would be insufficient to ensure the committed person's safety; and
- (5) The warden or the warden's designee determines that a committed person should be placed in restrictive housing pending investigation of an alleged disciplinary offense; provided that:
- (A) The committed person's placement in restrictive housing is pursuant to approval granted by the warden or the warden's designee in an emergency situation, or is because the committed person's presence in the facility's general population while the investigation is ongoing poses a danger to the committed person, staff, other committed persons, or the public; provided further that the determination of danger shall be based upon a consideration of the seriousness of the committed person's alleged offense, including whether the offense involved violence or escape, or posed a threat to institutional safety by encouraging other persons to engage in misconduct;
 - (B) The committed person's placement in restrictive housing shall not revert to another form of segregation after the initial sanction has been served;
 - (C) A committed person's placement in restrictive housing pending investigation of an alleged disciplinary offense shall be reviewed within twenty-four hours by a supervisory-level employee who was not involved in the initial placement decision; and
 - (D) A committed person who has been placed in restrictive housing pending investigation of an alleged disciplinary offense shall be considered for release to the facility's general population if the committed person demonstrates good behavior while in restrictive housing. If the committed person is found guilty of the disciplinary offense, the committed person's good behavior shall be considered when determining the appropriate penalty for the offense.
- (d) No later than July 1, 2026, the department shall develop written policies and implement procedures, as necessary and appropriate, to effectuate this section, including:
- (1) Establishing less restrictive interventions as alternatives to restrictive housing, including separation from other committed persons, transfer to other correctional facilities, and any other sanction not

involving restrictive housing that is authorized by the department's policies and procedures; provided that any temporary restrictions on a committed person's privileges or access to resources, including religious services, mail and telephone privileges, visitation by contacts, and outdoor or recreation access, shall be imposed only when necessary to ensure the safety of the committed person or other persons, and shall not restrict the committed person's access to food, water, basic necessities, or legal assistance;

- (2) Requiring periodic training of disciplinary staff and all other staff who interact with committed persons held in restrictive housing; provided that the training:
 - (A) Is developed and conducted with assistance from appropriately trained and qualified professionals; and
 - (B) Clearly communicates the applicable standards for restrictive housing, including the standards set forth in this section;
- (3) Requiring documentation of all decisions, procedures, and reviews of committed persons placed in restrictive housing;
- (4) Requiring monitoring of compliance with all rules governing cells, units, and other spaces used for restrictive housing;
- (5) Requiring the posting of quarterly reports on the department's official website that:
 - (A) Describe the nature and extent of each correctional facility's use of restrictive housing and include data on the age, sex, gender identity, ethnicity, incidence of mental illness, and type of confinement status for committed persons placed in restrictive housing;
 - (B) Include the population of committed persons as of the last day of each quarter and a non-duplicative, cumulative count of the number of committed persons placed in restrictive housing during the fiscal year;
 - (C) Include the incidence of emergency confinement, self-harm, suicide, and assault in any restrictive housing unit, as well as explanations for each instance of facility-wide lockdown; and
 - (D) Exclude personally identifiable information regarding any committed person; and
- (6) Updating the department's corrections administration policy and procedures manual, as necessary and appropriate, to comply with this section, including the requirement to use appropriate alternatives to restrictive housing for committed persons.

(e) Following the initial hearing for the placement of an individual into restrictive housing, the department shall immediately notify and transmit all relevant documentation to the Hawaii correctional system oversight commission. The Hawaii correctional system oversight commission shall review the determinations regarding the imposition, ongoing use, and termination of restrictive housing for fairness, impartiality, alignment with best practices, and availability of resources and adequate staffing, and shall issue annual reports on the utilization thereof.

The Hawaii correctional system oversight commission shall actively monitor and review all housing placements involving individuals subjected to twenty or more hours of cell confinement, irrespective of whether the placements are designated as restrictive housing by the department or state-contracted facilities, to ensure that the department and its contracted entities do not implement cell confinement exceeding twenty or more hours without proper adherence to the procedures set forth in this section.

(f) As used in this section:

“Correctional facility” means a state prison, other penal institution, or an institution or a facility designated by the department as a place of confinement under this chapter. “Correctional facility” includes community correctional centers, high-security correctional facilities, temporary correctional facilities, in-state correctional facilities, state-contracted correctional facilities operated by private entities, and jails maintained by county police departments.

“Restrictive housing” is defined as occurring when all of the following conditions are present:

- (1) A committed person is confined in a correctional facility pursuant to disciplinary, administrative, protective, investigative, medical, or other purposes;
- (2) The confinement occurs in a cell or similarly physically restrictive holding or living space, whether alone or with one or more other committed persons, for twenty hours or more per day; and
- (3) The committed person’s activities, movements, and social interactions are severely restricted.”

SECTION 3. (a) A restrictive housing legislative working group shall be convened by August 1, 2025, to:

- (1) Review, consider, and identify laws, policies, and procedures regarding restrictive housing for members of vulnerable populations including committed persons who:
 - (A) Are sixty years of age or older;
 - (B) Have a physical or mental disability, a history of psychiatric hospitalization, or recently exhibited conduct, including serious self-mutilation, that indicates the need for further observation or evaluation to determine the presence of mental illness;
 - (C) Have a developmental disability, as defined in section 333F-1, Hawaii Revised Statutes;
 - (D) Have a serious medical condition that cannot be effectively treated while the committed person is in restrictive housing;
 - (E) Have a significant auditory or visual impairment; or
 - (F) Is perceived to be lesbian, gay, bisexual, transgender, or intersex; and
- (2) By January 8, 2027, make recommendations to the legislature regarding more comprehensive laws, policies, and procedures regarding restrictive housing for members of vulnerable populations.
- (b) The restrictive housing legislative working group shall consist of the following members, or their designees:
 - (1) The chairperson of the house of representatives standing committee with primary jurisdiction over corrections and rehabilitation, who shall serve as co-chairperson;
 - (2) The chairperson of the senate standing committee with primary jurisdiction over corrections and rehabilitation, who shall serve as co-chairperson;
 - (3) The director of corrections and rehabilitation;
 - (4) The senior advisor for mental health and the justice system in the office of the governor; and
 - (5) A commissioner on the Hawaii correctional system oversight commission.

(c) The co-chairpersons of the working group shall invite the following individuals to serve as members of the working group:

- (1) A representative of the office of Hawaiian affairs;
- (2) A representative from the American Civil Liberties Union of Hawaii;
- (3) A representative from the Community Alliance on Prisons; and
- (4) Any other individuals identified by the chairpersons of the working group.

(d) The working group shall be dissolved on January 8, 2027, or upon submission of its final report to the legislature, whichever is later.

(e) The department of corrections and rehabilitation may implement, if practicable by December 1, 2027, recommended policies and procedures of the restrictive housing legislative working group regarding the placement of committed persons who are members of certain vulnerable populations into restrictive housing and develop transition and service plans for these committed persons in restrictive housing.

SECTION 4. (a) No later than forty days prior to the convening of the regular sessions of 2026 and 2027, the department of corrections and rehabilitation shall submit to the legislature and Hawaii correctional system oversight commission interim reports of the department's progress toward full compliance with this Act, along with draft copies of written policies and procedures implemented pursuant to this Act.

(b) No later than January 12, 2028, the department of corrections and rehabilitation shall submit to the legislature and Hawaii correctional system oversight commission a final report of the department's progress toward full compliance with this Act and implementing any recommendations in the final report of the restrictive housing legislative working group.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 2025.

(Approved July 3, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 293

S.B. NO. 15

A Bill for an Act Relating to Historic Preservation.

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

SECTION 1. Section 6E-2, Hawaii Revised Statutes, is amended by amending the definition of "historic property" to read as follows:

““Historic property” means any building, structure, object, district, area, or site, including heiau and underwater site, ~~[which is]~~ that is over fifty years old[.] and meets the criteria for being entered into the Hawaii register of historic places.”

SECTION 2. Section 6E-42.2, Hawaii Revised Statutes, is amended to read as follows:

~~“[§6E-42.2] Excluded activities for privately-owned single-family detached dwelling units and townhouses[-], residential projects, and nominally sensitive areas.~~ (a) An application for a proposed project on an existing privately-owned single-family detached dwelling unit or townhouse shall be subject to the requirements of section 6E-42 only if the single-family detached dwelling unit or townhouse is over fifty years old and~~[:] is:~~

- (1) ~~[Is listed]~~ Listed on the Hawaii or national register of historic places, or both;
- (2) ~~[Is nominated]~~ Nominated for inclusion on the Hawaii or national register of historic places, or both; or
- (3) ~~[Is located]~~ Located in a historic district.

~~(b) An application for a proposed project on an existing residential property shall be subject to the requirements of section 6E-42 only if the existing residential property is over fifty years old and is registered on the Hawaii register of historic places.~~

~~(c) An application for a proposed project in a nominally sensitive area shall not be subject to the requirements of section 6E-42.~~

~~[(b)] (d)~~ For the purposes of this section:

“Dwelling unit” means a building or portion thereof designed or used exclusively for residential occupancy and having all necessary facilities for permanent residency such as living, sleeping, cooking, eating, and sanitation.

“Nominally sensitive area” means a project area that is known to include a low density of historic, cultural, or archaeological resources, or where the project area has been substantially disturbed by previous excavation or other ground-disturbing work and no significant historic properties have been previously identified.

“Single-family detached dwelling unit” means an individual, freestanding, unattached dwelling unit, typically built on a lot larger than the structure itself, resulting in an area surrounding the dwelling.

“Townhouse” has the same meaning as ~~[defined]~~ in section 502C-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 July 3, 2025.)

ACT 294

S.B. NO. 38

A Bill for an Act Relating to Housing.

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

SECTION 1. 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, 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:
 - (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~~;~~, and provides the county an opportunity to comment;
 - (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;
 - (C) The legislative body of the county in which the housing project is to be situated has approved the project with or without modifications:
 - (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~~;~~; provided further that the legislative body shall not impose stricter conditions, impose stricter median income requirements, or reduce fee waivers that will increase the cost of the project beyond those approved by the corporation. If, on the forty-sixth day, a project is not disapproved, it shall be deemed approved by the legislative body;
 - (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
 - (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
 - (D) The land use commission has approved, approved with modification, or disapproved a boundary change within forty-five days after the corporation has submitted a petition to the commission as provided in section 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 that one hundred per cent of the units in the project be exclusively for qualified residents.”

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, 2025.)

ACT 295

S.B. NO. 66

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 the State is facing a housing shortage. A 2019 study commissioned by the department of business, economic development, and tourism found that, using high scenario projections, the State will require an additional 46,573 homes by the year 2030, with the city and county of Honolulu requiring 21,392 new units; Hawaii county requiring 13,527 new units; Maui county requiring 8,515 new units; and Kauai county requiring 3,138 new units.

The legislature further finds that some of the largest obstacles for developers to construct more housing in the State are:

- (1) A lack of areas with proper zoning to allow for the construction of residential dwellings;
- (2) A lack of infrastructure to support newly developed residential dwellings; and
- (3) Delays in the issuance of building permits for single-family and multi-family projects.

The building permit processing times for single-family and multi-family projects vary tremendously across the United States. However, the counties in Hawaii have some of the longest processing times for residential building permits. An April 2022 study prepared by the university of Hawaii economic research organization found that, on average, Hawaii homebuilders wait three times longer for permits than those in other states, which drives up costs significantly and creates uncertainty, serving as a disincentive to build new projects. Furthermore, the study found that compared to the most regulated markets in the country, Hawaii’s permit delays are almost two times longer, meaning it can take from one year to one and a half years for a permit to be approved.

The legislature also finds that lengthy processing times to obtain a building permit raises questions about what information is necessary for counties when processing building permit applications. The basic responsibilities of the counties are to ensure compliance with various building codes and ensure adequate infrastructure capacity to support the proposed project or development. Although it

is the counties' responsibility to monitor for compliance with various building codes, if the construction plans do not satisfy these codes and are not corrected before construction, the designer, who is a licensed professional who stamped the plans, and the contractor are ultimately responsible. The counties are also not typically involved in litigation as the building permit process is ministerial, mainly to check for code compliance.

In other municipalities around the country, building plans are not scrutinized to the extent that they are in Hawaii counties. In Hawaii, the plan review is to ensure that the design meets all applicable codes. However, in other municipalities, the plans are used as a guide while code compliance verification is completed upon inspection of the project during construction. Inspectors who find that construction does not satisfy the code either have the correction made in the field or stop construction until proper corrective actions have been taken to ensure that new construction meets the code. Ultimately, the designer and contractor are responsible for ensuring new construction meets all applicable codes.

Accordingly, the purpose of this Act is to establish procedures and requirements for single-family and multi-family homes to apply for an expedited permit until June 30, 2031.

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

“§46- Expedited permits; single-family and multi-family housing project permit applications; review time eligibility. (a) Permit applications for single-family and multi-family housing projects in each county shall be eligible for an expedited permit approval pursuant to this section.

(b) An applicant or the applicant's agent may submit a request to the county for an expedited permit if sixty business days have lapsed after the application was considered complete by the relevant agency and the application has not received full approval by the county. The request by the applicant or the applicant's agent shall include:

- (1) A full and complete set of plans;
 - (2) Statements or evidence from the relevant permitting agencies that adequate infrastructure capacity is available to service the project site and specified improvements;
 - (3) The following information from all licensed professionals on record:
 - (A) Policies of insurance that:
 - (i) Name the State and county as additional insurers;
 - (ii) Are in amounts equivalent to at least \$2,000,000; and
 - (iii) Specifically allow coverage for the completed project for the period under section 657-8; and
 - (B) A statement that indemnifies and holds harmless the State, its officers, agents, and employees and the county, its officers, agents, and employees;
 - (4) A statement that sixty business days have lapsed without approval since the application would have been considered complete by the relevant agency; and
 - (5) The required county contractor's statement.
- (c) For the purposes of subsection (b), applications shall only be considered complete if:
- (1) Either:
 - (A) Qualified professionals who meet state historic preservation division rules governing professional qualifications for architecture, archaeology, architectural history, or physical anthropology

- have made a reasonable and good-faith determination that the project does not have the potential to affect historic properties, archaeological resources, or burial sites; or
- (B) The project has been submitted to the state historic preservation division of the department of land and natural resources and the chapter 6E process has been completed, including for those situations in which the county professional described in subparagraph (A) determines that the project may have the potential to affect historic properties, archaeological resources, or burial sites;
 - (2) The applicant submits documentation evidencing that the proposed project does not encroach on special flood hazard areas identified as “A” or “V” zones on the Federal Emergency Management Agency’s Flood Insurance Rate Maps, or the applicable county official has reviewed the proposed project for floodplain management compliance and has issued a development permit for construction;
 - (3) The project is not higher than thirty feet;
 - (4) The project is not situated on a shoreline parcel or a parcel that is impacted by waves, storm waves, high tide, or shoreline erosion and is in compliance with all laws, rules, and procedures pursuant to chapter 205A;
 - (5) All plans and specifications submitted to a county have been stamped by a duly licensed structural, civil, electrical, or mechanical engineer and licensed professional, as applicable, certifying compliance with the applicable building codes for the respective county; and
 - (6) Any other administrative criteria that the county deems necessary to carry out the purpose of this section.

If the county determines that the application is not complete, the county shall notify the applicant and specify the information needed to meet the requirements for complete submittal under this subsection.

(d) For applications under section 444-2.5, the owner listed on the application shall instead execute a waiver of all claims against the State and county and execute a statement that indemnifies and holds harmless the State, its officers, agents, and employees and the county, its officers, agents, and employees in lieu of subsection (b)(3). All expedited approval requests by the applicant shall be reviewed for completeness by the county within five days of submittal. For building permits that apply for and meet the criteria for an expedited permit, the county shall execute an agreement with the licensed professional on record as assuming approval and oversight responsibility for the permit application. Upon completion of the agreement, the county shall consider the application approved by the licensed professional, issue an expedited permit, and the applicant may proceed with construction.

(e) After approval, the licensed professional on record or county shall ensure that the project construction is in compliance with the approved plans under the expedited permit, including but not limited to the requirements under chapter 6E and all applicable ordinances regarding land use, set-back, height, and site development requirements for the project site. State and county inspectors shall not be precluded from entering and inspecting project sites with expedited permits. Licensed professionals and contractors shall address any defects in construction identified by state or county inspectors; provided that the defects in construction are consistent with the specifications in the approved plans. If the defects are not consistent with the approved plans, the

licensed professional shall note the disagreement and assume review responsibility as the approving authority or initiate a change to the plans to address the defect. Consistent with the requirements and time periods established by each county, all licensed contractors and the licensed professional or the licensed contractors' or licensed professional's successor agents shall maintain a record of inspected structural, civil, plumbing, and electrical systems after a certificate of occupancy is issued and provide a copy of that record to the applicant and the county.

(f) Upon completion of construction, the licensed professional shall certify in writing to the county that a certificate of occupancy is warranted and all laws, rules, ordinances, and conditions governing permitted construction have been met, along with any necessary as-built drawings consistent with the requirements of each county. The county shall issue the certificate to the applicant and may note that the certificate is approved by the licensed professional under an agreement pursuant to an expedited permit, and not a county official.

(g) Each county may adopt rules pursuant to chapter 91 to effectuate the purposes of this section and charge any necessary fees, including defining what constitutes the sixty-day period, which may exclude any time spent awaiting substantive responses or revisions from the applicant necessary to address comments issued during the review process.

(h) Nothing in this section shall be construed to allow any violation of federal, state, or county laws, rules, or ordinances. The issuance of a certificate of occupancy shall not be construed to limit or repeal any powers of any county to enforce violations of any law, ordinance, or rule.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect on July 1, 2026, and shall be repealed on June 30, 2031.

(Approved July 3, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 296

S.B. NO. 1044

A Bill for an Act Relating to the Stabilization of Property Insurance.

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

PART I

SECTION 1. The legislature finds that before the wildfire event in Lahaina, Maui, on August 8, 2023, the availability of condominium building master property insurance policy options within the condominium insurance marketplace was already shrinking. Due in part to the shrinking condominium insurance marketplace, condominium building master property insurance policy premiums have increased exponentially, with insurers increasing deductible amounts from what used to be between \$10,000 to \$25,000 per unit, per occurrence, to as much as \$250,000. These increased deductibles are also due to consistent and high-cost losses.

The legislature also finds that while the State has avoided a direct, major impact from a major hurricane since Hurricane Iniki devastated Kauai and damaged homes along Oahu's leeward coast more than thirty years ago, mortgage lenders continue to require Hawaii homeowners to carry hurricane insurance that can cost two to three times the annual premiums of a conventional homeowner policy.

The legislature further finds that Hawaii Business Magazine recently reported that generally, a condominium building or complex carries a master hurricane policy that covers one hundred per cent of the cost to replace the property—millions of dollars in many cases. Unfortunately, because insurance premiums for those policies have recently risen so high, the president of Insurance Associates estimates that three hundred seventy-five to three hundred ninety buildings, including new high-rise towers in Kakaako, Oahu, have opted to renew their hurricane insurance policies with less than one hundred per cent hurricane coverage. This practice of reducing coverage is creating complications and adverse consequences for every person and entity associated with condominiums in Hawaii, from lenders and insurance agents to buyers and sellers of condominiums.

Furthermore, some condominium associations for older buildings are forced to obtain property insurance through the secondary insurance market if they are dropped by the standard insurers for, among other things, having too many claims. The president of Insurance Associates reported that more than seven hundred condominium buildings on Oahu alone were built before 1990. These secondary market insurers are not bound by the State's laws or administrative rules governing rates, so their prices may be more expensive than those of standard insurance carriers.

To illustrate the difference in insurance premium costs, the president of Insurance Associates cites the example of one high-rise condominium in Waikiki in which the condominium association had been paying an annual insurance premium of \$235,000 for property and hurricane insurance and had already been dropped by two of the standard insurance companies when the third company declined to renew their insurance policy. The stated reason for the nonrenewal and rejection was that the building's aging plumbing had not been replaced. As a result, the condominium association was forced to purchase insurance on the secondary market, which cost approximately \$1,200,000.

The legislature finds that the consequences of under-insured condominium buildings, including condominium buildings that lack full hurricane coverage, also impact individual owners. Today, there are only three insurers writing hurricane coverage for condominium buildings, one of which is only willing to underwrite \$10,000,000 to \$25,000,000 in hurricane coverage while underwriting all other coverage up to the building's value. If a condominium building's insurance coverage, including hurricane coverage, is below its full value, the mortgages on individual units within that building would not meet the underwriting criteria to qualify for purchase through the federal government's secondary mortgage market, meaning that these mortgages cannot be sold by financial institutions to mortgage investor entities, such as the Federal National Mortgage Association (commonly referred to as Fannie Mae) and the Federal Home Loan Mortgage Corporation (commonly referred to as Freddie Mac). Coverage to address this lack of hurricane insurance coverage options is available from the excess and surplus lines market, which comprises insurers that are not licensed in the State; however, some condominium buildings are unwilling to purchase this coverage because of its high price. The legislature

understands that although this Act authorizes the Hawaii hurricane relief fund to expand coverage to condominium buildings, premium rates may be high due to the rise in the global reinsurance market for hurricane insurance caused by the frequency and severity of worldwide disasters.

In addition, Hawaii Business Magazine has reported that the 2021 collapse of the Surfside condominium building in Miami, Florida, is also having a ripple effect on condominium lending. In 2023, Fannie Mae and Freddie Mac made permanent the rules for condominium lending that were created in the wake of that disaster and ceased buying loans for buildings or projects that have put off major repairs—such as replacing old water pipes. These new lending rules also prohibit the sale of a loan on a condominium building to Fannie Mae and Freddie Mac if that building has unfunded repairs totaling more than \$10,000 per unit.

This inability to sell condominium mortgages would require financial institutions that originated mortgages to retain those mortgages, thereby lessening their overall financial capacity to originate more mortgages. Further, the risk of loss if a hurricane occurs may impair a financial institution's financial safety and soundness, which would in turn hamper consumers' abilities to obtain financing to purchase dwellings of their own. This measure establishes the condominium loan program, to be administered by the Hawaii green infrastructure authority, to provide financing for condominium associations to address deferred maintenance or repair issues and to further help stabilize the standard property insurance market in the State by mitigating future claims.

The legislature notes that the wildfire in Lahaina, Maui, on August 8, 2023, has also impacted the way reinsurers and standard insurers view Hawaii's wildfire risk. The president of Insurance Associates estimates that while Hawaii has always been rated for hurricanes for property insurance purposes, it has never been rated for wildfires. Now that the State has experienced wildfires, not only in Lahaina, but also in Kula, West Oahu, and Mililani, parts of all islands will be rated for wildfires. Moreover, it is surmised that some insurers will not maintain their current policy-count in the State because of their increased costs for reinsurance, geographical concentration of risk, and inadequate rates both pre- and post-wildfire. Insurers have the financial responsibility to pay losses, and if reinsurance and premiums are not sufficient to cover these losses, an insurer needs to reduce their exposure by restricting new policies, reducing their policy-count, or both. The legislature recognizes that the price impact on reinsurance from recent wildfires is not fully known and price increases may continue into the foreseeable future.

The legislature also understands that the market for reinsurance, the insurance that property and casualty insurance companies pay to share their risk, is global. Therefore, storms and other catastrophic losses occurring anywhere in the world may potentially impact the amounts that homeowners and condominium associations in Hawaii pay for their insurance coverage.

The legislature also acknowledges that although insurance coverage, excluding hurricane coverage, for condominium buildings is available in the standard insurance market, the availability of this coverage is not guaranteed. If this coverage became unavailable to condominium buildings, then under this Act, the Hawaii property insurance association would be authorized to provide this coverage.

This Act expands the authority of these State-established insurance entities to assist in the stabilization of the property insurance market until risks

can be depopulated back to the standard insurance market when market conditions improve and risks become more insurable because of building component replacement or maintenance, or mitigation equipment or protocols have been implemented for fire, wildfire, or hurricane events.

The legislature also recognizes that, although there has been much focus on the instability of the condominium insurance market in Hawaii, the broader property insurance industry faces uncertainty amidst changing economic and regulatory conditions, rising costs, increased reinsurance costs, and more frequent severe weather events. Given these precarious conditions, it is possible that a future disaster or other unforeseen circumstance could cause the availability of insurance to shrink for classes of real property other than condominiums, including single-family homes and townhouses.

Accordingly, this Act authorizes the Hawaii property insurance association to provide additional insurance coverage within the State for certain categories of properties if the Hawaii property insurance association and insurance commissioner determine that those categories of properties are experiencing a casualty and property insurance market failure. This authority will provide the Hawaii property insurance association with the flexibility to quickly address potential future disruptions in the insurance market. This flexibility is critical to ensure that Hawaii residents living in non-condominium properties such as single-family homes and townhouses are protected following unexpected disasters that could otherwise increase the cost of insurance to the point where residents cannot afford to continue living in their homes or in the State.

The legislature believes that it is critical to begin the process to adequately capitalize the Hawaii property insurance association and Hawaii hurricane relief fund because insuring these risks could bring an enormous amount of risk exposure to the funds. Therefore, funding mechanisms must be broad on an initial and ongoing basis and spread among as many parties involved in real property transactions within the State as possible to ensure that the financial impacts are apportioned as equitably as practicable, and that reserve funds are adequately capitalized if losses exceed the funds' capacities.

In the past, the Hawaii hurricane relief fund was funded in part through the special mortgage recording fee, which was imposed on each mortgage recorded with the bureau of conveyances. The legislature recognizes concerns that the special mortgage recording fee is regressive because homebuyers who need to finance more of their purchase price are assessed proportionally more than buyers who need to finance less or who can afford to complete their purchase using cash.

Therefore, this Act repeals the special mortgage recording fee and instead authorizes the Hawaii hurricane relief fund board of directors, subject to the approval of the insurance commissioner, to establish a temporary recording fee, which will be imposed as a flat assessment on each document that is recorded with the bureau of conveyances or filed with the assistant registrar of the land court of the State, as appropriate. This fee, if activated by the Hawaii hurricane relief fund and approved by the insurance commissioner, is intended to be a temporary funding mechanism that will spread costs out in a way that will reduce the regressive financial impact imposed on individuals and families who can only afford to purchase a residential dwelling by financing the purchase. If the Hawaii hurricane relief fund board of directors determines that the fee revenue is no longer required, this Act allows the board to terminate collection of the fee without seeking legislative action.

This Act provides additional funding mechanisms through the:

- (1) Appropriation of general funds; and
- (2) Option for the Hawaii hurricane relief fund to reactivate the assessment of insurers at an assessment rate determined by the Hawaii hurricane relief fund's board of directors to augment the capitalization of the Hawaii hurricane relief fund.

The legislature finds that this Act is necessary to:

- (1) Stabilize the property insurance market so that insurers continue to insure properties in the State;
- (2) Ensure access to adequate property insurance for certain properties located within the State to allow lenders to finance mortgages that meet the requirements of the secondary mortgage market; and
- (3) Serve an important public purpose.

This Act is a stop-gap measure to provide insurance availability for condominium associations that are unable to purchase adequate property insurance for their respective condominium buildings that are in insurable condition. Condominium associations that apply for coverage through the Hawaii property insurance association will need to pay premiums that are sufficient to cover the condominium association's exposure to losses. This measure is not designed to be a long-term solution, and therefore the legislature has imposed a one-time five-year coverage period and commissioned a study to recommend long-term solutions to stabilize the property insurance market in the State. To that end, in addition to providing for the issuance of short-term property insurance coverage, this Act also effectively requires the insurance commissioner to conduct a study to develop a long-term solution. The legislature notes that a long-term solution may potentially include the issuance of property insurance policies for condominium buildings that are in need of repair or replacement of components.

Accordingly, the purpose of this Act is to:

- (1) Amend state laws governing the Hawaii property insurance association and the Hawaii hurricane relief fund to enable these entities to underwrite certain insurance risks in the State that no standard insurer is currently willing to underwrite;
- (2) Establish a condominium loan program and condominium loan revolving fund to provide qualified condominium associations with low-cost financing or refinancing for maintenance or repair projects;
- (3) Establish a condominium loan loss reserves program to incentivize community development financial institutions to provide loans at competitive rates and terms to condominium associations to allow the associations to perform necessary maintenance or make repairs;
- (4) Require the insurance commissioner to conduct a study to monitor and identify the most effective methods of stabilizing the property insurance market in the State; and
- (5) Appropriate funds.

PART II

SECTION 2. Section 431:21-102, Hawaii Revised Statutes, is amended by adding three new definitions to be appropriately inserted and to read as follows:

““Condominium” means real property that:

- (1) Has a condominium association that is registered with the real estate commission in accordance with chapter 514B, part VI;

- (2) Consists of units as defined in section 514B-3;
- (3) Is used primarily for residential purposes; and
- (4) Is in insurable condition as determined by the association's board of directors.

"High-rise condominium" means a condominium that has four or more stories that contain units that are or can be occupied by a person.

"Property insurance" means policies, riders, or endorsements of insurance that provide indemnity, in whole or in part, for the loss, destruction, or damage of property and against legal liability for the death, injury, or disability of any human being, or from damage to property. "Property insurance" does not include any indemnity for loss, destruction, damage of property, or death, injury, or disability of any human being, or from damage to property, caused by a hurricane."

SECTION 3. Section 431:21-105, Hawaii Revised Statutes, is amended to read as follows:

"§431:21-105 Powers and duties of the association. (a) In addition to any other requirements imposed by law, the association shall:

- (1) Formulate and administer a plan of operation to insure persons having an insurable interest in real or tangible personal property in ~~[the]~~ an area designated by the commissioner;
- (2) Establish in the plan of operation a maximum period of time during which a high-rise condominium association may be eligible to be insured by the association, which shall not exceed sixty months;
- ~~[(2)]~~ (3) Reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while processing applications and servicing policies on behalf of the association; and
- ~~[(3)]~~ (4) Collect and maintain statistical information and other information required by the commissioner.
- (b) In addition to any other powers allowed by law, the association may:
 - (1) Add additional insurance coverages with the approval of the commissioner, including coverage for commercial risks up to the limits of coverage ~~[for residential risks]~~ as set forth in the plan of operation;
 - (2) Employ or retain persons as are necessary to perform the duties of the association;
 - (3) Contract with a member insurer to perform the duties of the association;
 - (4) Sue or be sued;
 - (5) Borrow funds necessary to effectuate the purposes of this article in accord with the plan of operation;
 - (6) If approved by the commissioner, ~~[assess]~~ activate, reduce, or terminate the collection of an assessment on member insurers in amounts necessary to cover extraordinary losses incurred by the association~~[-];~~ provided that:
 - (A) Each member insurer shall be notified of the assessment not later than thirty days before it is due[-];
 - (B) The association, subject to the approval of the commissioner, may set the amount of the assessment; provided further that:
 - (i) No member insurer may be assessed in any year an amount greater than two per cent of that member insurer's net direct written premiums for the preceding calendar year[-]; and

- (ii) The association may at any time reduce the amount of the assessment;
- (C) The association, subject to the approval of the commissioner, may establish the period of time during which the assessment shall be collected; provided that the time period shall not exceed thirty-six months; provided further that the association at any time may terminate the collection of the assessment; and
- (D) The association may exempt or defer, in whole or in part, the assessment of any member insurer if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact business;
- (7) Devise a method to give credit to member insurers [for homeowners and fire insurance policies individually underwritten on risks located in the area designated for coverage by the association;] as set forth in the plan of operation;
- (8) Negotiate and become a party to contracts as are necessary to carry out the purposes of this article; [and]
- (9) Establish outside the state treasury a reserve trust fund and any accounts thereunder and any other trust fund or account necessary to carry out the purposes of this article. Moneys deposited in the reserve trust fund and any accounts thereunder or any other trust fund or account established by the association shall be held by the association, as trustee, in a depository as defined in section 38-1 or according to a similar arrangement at the discretion of the board of directors, including but not limited to trust or custodial accounts created for the benefit of the fund's secured parties under contractual claims financing arrangements. These moneys may be invested and reinvested in accordance with the plan of operation. Disbursements from the trust funds shall not be subject to chapter 103D and shall be made in accordance with procedures adopted by the board of directors;
- (10) Receive moneys for deposit into a trust fund or account from the revenues received from sources of revenue available to the board of directors; and
- (9) (11) Perform all other acts as are necessary or proper to effectuate the purpose of this article."

SECTION 4. Section 431:21-106, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) The association shall submit to the commissioner a plan of operation and any amendments to the plan necessary or suitable to [assure] ensure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendment shall become effective upon approval in writing by the commissioner. If the association fails to submit a suitable plan of operation or if at any time the association fails to submit suitable amendments to the plan, the commissioner shall adopt the rules necessary to carry out this article. The rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved in writing by the commissioner."

2. By amending subsection (c) to read:
 - “(c) The plan of operation ~~[shall]~~:
 - (1) ~~[Establish]~~ Shall establish procedures for performance of all the powers and duties of the association under section 431:21-105;
 - (2) ~~[Establish]~~ Shall establish maximum limits of liability to be placed through the association;
 - (3) ~~[Establish]~~ Shall establish reasonable underwriting standards for determining insurability of a risk ~~[which]~~ that are comparable to the standards used to determine insurability of a risk located outside the area designated by the commissioner as eligible for association coverage;
 - (4) ~~[Establish]~~ Shall establish a schedule of deductibles, if appropriate;
 - (5) Shall establish a maximum period of time during which a high-rise condominium may be eligible to be insured by the association, which shall not exceed sixty months;
 - ~~[(5)]~~ ~~Establish]~~ (6) Shall establish the commission to be paid to licensed producers;
 - ~~[(6)]~~ ~~Establish]~~ (7) Shall establish the rates to be charged for the insurance coverages, so that the total premium income from all association policies, when combined with the investment income, shall annually fund the administration of the association. The administration of the association shall include the expenses incurred in processing applications, conducting inspections, issuing and servicing policies, paying commissions, and paying claims, but shall not include assessments approved by the commissioner;
 - ~~[(7)]~~ ~~Establish]~~ (8) Shall establish the manner and scope of the inspection and the form of the inspection report. The inspection guidelines may include setting minimum conditions the property must meet before an inspection is required;
 - ~~[(8)]~~ ~~Establish]~~ (9) Shall establish procedures whereby selections for the board of directors will be submitted to the commissioner for the commissioner’s information;
 - ~~[(9)]~~ ~~Establish]~~ (10) Shall establish procedures for records to be kept of all financial transactions of the association, its producers, and its board of directors;
 - ~~[(10)]~~ ~~Establish]~~ (11) Shall establish procedures by which applications will be received and serviced by the association;
 - ~~[(11)]~~ ~~Establish]~~ (12) Shall establish guidelines for the investigation and payment of claims; ~~and~~
 - ~~[(12)]~~ ~~Establish]~~ (13) Shall establish procedures whereby the association may assume and cede reinsurance on risks written through the association[-];
 - ~~[(14)]~~ Shall include the following:
 - (A) Coverage forms, endorsements, limits, and deductibles for the covered condominium; provided that the association may categorize these forms, endorsements, limits, and deductibles by the type of peril being covered;
 - (B) Rate tiers, including potential high deductible options and surcharges for condominiums that remain in the plan of operation;
 - (C) Provisions authorizing the association to decline providing coverage;
 - (D) Potential annual premium rate increases; and

- (E) Establishment of adequate rates to avoid assessment of the voluntary market;
- (15) Shall require, prior to issuance or renewal of coverage, the applicant for condominium property insurance coverage or renewal to:
 - (A) Provide the following to the association:
 - (i) The condominium association's declarations, bylaws, or other documents that describe the condominium association's process for paying claims, including the portion of the claim to be paid by the condominium association and the portion to be paid by each unit owner; and
 - (ii) The condominium association's declarations, bylaws, or other documents that describe the condominium association's process for handling losses both pursuant to the applicable master policy and by the applicable condominium association;
 - (B) Cause to be completed an inspection of the applicable condominium; provided that the inspection shall be consistent with any inspection and reporting standards established by the board of directors of the association and incorporated into the plan of operation pursuant to paragraph (8); and
 - (C) Satisfy any relevant requirements established by the board of directors of the association and incorporated into the plan of operation;
- (16) May prohibit coverage under this article for any high-rise condominium for which the association or its servicing entities or any agents thereof have identified maintenance issues that materially affect the insurability of the high-rise condominium for the type of coverage being sought; and
- (17) Shall adopt procedures, guidelines, installment amounts, and a timetable for the repayment of any general fund moneys that are loaned to sufficiently capitalize the reserve trust fund established pursuant to section 431:21-105(b)(9) and deposited into the separate account within the reserve trust fund; provided that the repayment shall not commence until the reserve trust fund is sufficiently capitalized as determined by the board of directors."

SECTION 5. Section 431:21-107, Hawaii Revised Statutes, is amended to read as follows:

“[§431:21-107]—Designation of area.] Coverage eligibility. (a) After consultation with representatives of the United States Geological Survey, the state department of defense, and the county in which the area is located, the commissioner shall designate the geographical area eligible for coverage in lava zones 1 and 2 through the association. Those properties in the designated area that meet the standards set forth in the plan of operation shall be provided insurance through the association.

For the purposes of this subsection, “lava zones 1 and 2” means the two zones designated on the United States Geological Survey's lava flow hazard zone map that are the most hazardous and includes volcanic vents in the summits and rift zones of the two most active volcanoes within the State.

(b) A condominium association registered under chapter 514B, part VI, having an insurable interest in real or tangible property that is a condominium that is subject to this chapter, located within the State, and that meets the criteria and requirements set forth in the plan of operation, may be provided property insurance through the association.

(c) Additional insurance coverages may be provided statewide, including but not limited to single-family residences, townhouses, or any other categories of property for which the insurance market is experiencing a failure of the casualty and property insurance market, as determined by the association and approved by the commissioner."

SECTION 6. Section 431:21-109, Hawaii Revised Statutes, is amended to read as follows:

"§431:21-109 Insurance coverages available under plan. [(a)] All properties qualifying for coverage under the plan of operation shall be eligible for the standard fire policy and extended coverage endorsement. The association shall provide additional coverages when directed by the commissioner or when approved by the commissioner. **Nothing in this section shall be construed as authorizing the association to provide hurricane coverage.**

~~[(b) At the written request of any person who is, or is attempting to become, a mortgagor on real property that qualifies for coverage under the plan of operation, the association shall provide coverage for an amount not less than the amount of the mortgage obligation, but no greater than the value of the property being insured; provided that it does not exceed the limits of the plan. The policy shall name the intended mortgagee as the beneficiary for the amount equal to the outstanding balance on the mortgage.~~

~~(c) In the application of subsection (b), the amount covered under the policy shall comply with article 10E.]"~~

SECTION 7. Section 431:21-115, Hawaii Revised Statutes, is amended to read as follows:

"[~~§~~§431:21-115]—Credits for] Recoupment of assessments paid. [A member insurer may offset against its premium tax liability to this State an assessment made with the commissioner's approval to the extent of twenty per cent of the amount of the assessment for each of the five calendar years following the year in which the assessment was paid. In the event a member insurer should cease doing business in this State, all uncredited assessments may be credited against its premium tax liability for the year it ceases doing business.] **(a) Subject to the approval of the commissioner, each member insurer shall annually recoup assessments paid by the member insurer under section 431:21-105(b)(6). The recoupment shall be recovered by means of a surcharge on premiums charged by the member insurer for property and casualty insurance, not including motor vehicle insurance. Any excess recovery by a member insurer shall be credited pro rata to that member insurer's policyholders' premiums in the succeeding year unless there has been a subsequent assessment, in which case the excess shall be used to pay the amount of the subsequent assessment. A member insurer may continue to surcharge premiums until the full assessments are recouped.**

(b) The surcharge required under subsection (a) shall be established by the association and shall not exceed two per cent of the total premiums charged for each policy by the member insurer.

(c) Each member insurer shall provide to the association an accounting of its recoupments. The association shall compile the member insurers' accountings and submit the accountings as part of the association's annual report to the commissioner.

(d) The amount of and reason for any surcharge shall be separately stated on any billing sent to an insured. The surcharge shall not be considered premiums for any other purpose, including the computation of gross premium tax or the determination of producer commissions."

PART III

SECTION 8. Chapter 431P, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§431P-A Recoupment of assessments paid. (a) Subject to the approval of the commissioner, each licensed property and casualty insurer shall annually recoup assessments paid by the licensed property and casualty insurer under sections 431P-5(b)(8)(A) and (B) and 431P-16(d). The recoupment shall be recovered by means of a surcharge on premiums charged by the licensed property and casualty insurer for policies on which the assessment was made. Any excess recovery by a licensed property and casualty insurer shall be credited pro rata to that insurer's policyholders' premiums in the succeeding year unless there has been a subsequent assessment, in which case the excess shall be used to pay the amount of the subsequent assessment. A licensed property and casualty insurer may continue to collect a surcharge on premiums until the full assessments are recouped.

(b) The surcharge required under subsection (a) shall be the same percentage of the total premiums charged for each policy assessed under sections 431P-5(b)(8)(A) and (B) and 431P-16(d).

(c) Each licensed property and casualty insurer shall provide to the fund an accounting of its recoupments. The fund shall compile the licensed property and casualty insurers' accountings and submit the accountings as part of the fund's annual report to the commissioner.

(d) The amount of and reason for any surcharge shall be separately stated on any billing sent to an insured. The surcharge shall not be considered a premium for any other purpose, including the computation of gross premium tax or the determination of producer commissions.

§431P-B Temporary recording fee; establishment, reduction, and cessation by board. (a) Subject to the approval of the commissioner, the board may activate, reduce, or terminate the collection of a temporary recording fee as provided in this section.

(b) The temporary recording fee shall be imposed on each document that is recorded with the bureau of conveyances or filed with the assistant registrar of the land court of the State.

(c) If the board establishes or reactivates the temporary recording fee, the board shall:

- (1) Set the amount of the fee; provided that the amount shall not exceed \$44 per document recorded with the bureau of conveyances or filed with the assistant registrar of the land court of the State; and
- (2) Establish the period of time during which the fee shall be collected; provided that the time period shall not exceed thirty-six months.

(d) The temporary recording fee shall not apply to documents recorded or filed for parcels in the agricultural land use district pursuant to section 205-2.

(e) Notwithstanding the amount or time period established under subsection (c)(1) or (2), the board at any time may:

- (1) Reduce the amount of the temporary recording fee; or
- (2) Terminate the collection of the temporary recording fee.

(f) The temporary recording fee shall be submitted to and collected by the bureau of conveyances or the assistant registrar of the land court of the State. All proceeds realized from the collection of the fee shall be deposited into a separate account of the hurricane reserve trust fund.

(g) The temporary recording fee shall be in addition to any applicable fees under chapter 501 or 502."

SECTION 9. Section 431P-1, Hawaii Revised Statutes, is amended as follows:

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

"Condominium" means real property that:

- (1) Has an association registered with the real estate commission in accordance with chapter 514B, part VI;
- (2) Consists of units as defined in section 514B-3;
- (3) Is used for residential purposes; and
- (4) Is in insurable condition as determined by the board.

"High-rise condominium" means a condominium that has four or more stories that contain units that are or can be occupied by a person."

2. By amending the definition of "eligible property" to read:

"Eligible property" means:

- (1) Real property [~~of one to four units~~] used for residential purposes and [~~which~~] that is in insurable condition, and [~~which~~] that may include tangible personal property located therein or thereon and other structures at the insured location, as provided in the plan of operation or any manual of rules and rates adopted under the plan of operation;
- (2) Real property used for business, commercial, or industrial purposes [~~which~~] that is in insurable condition, and [~~which~~] that may include tangible personal property located therein or thereon, as provided in the plan of operation or any manual of rules and rates adopted under the plan of operation;
- (3) Tangible personal property owned by an occupant of and located in or on real property of the types described in paragraph (1), as provided in the plan of operation or any manual of rules and rates adopted under the plan of operation; provided that the owner of the tangible personal property does not own the real property in or [~~on~~] upon which the tangible personal property is located; [~~and~~]
- (4) Tangible personal property owned by an occupant of and located in or on real property of the types described in paragraph (2) as provided in the plan of operation or any manual of rules and rates adopted under the plan of operation; provided that the owner of the tangible personal property does not own the real property in or [~~on~~] upon which the tangible personal property is located[~~;~~]; and

- (5) A condominium that may include tangible personal property located therein or thereon and other structures at the insured location, as provided in the plan of operation or any manual of rules and rates adopted under the plan of operation.

3. By amending the definition of “licensed property and casualty insurer” to read:

““Licensed property and casualty insurer” means[:

- (1) ~~Any~~ any insurer licensed to transact any one or more classes of insurance authorized in section 431:3-204 where premiums written within ~~[such]~~ the authority are required to be reported in the “Exhibit of Premiums and Losses” for this State in the National Association of Insurance Commissioners fire and casualty annual statement convention blank that is required to be filed with the commissioner under section 431:3-302[; and

- (2) ~~The Hawaii Property Insurance Association created in article 21 of chapter 431].~~”

4. By amending the definition of “policy of hurricane property insurance” to read:

““Policy of hurricane property insurance” means a policy or endorsement of insurance issued by the fund insuring only against damage or loss to eligible property caused by a covered event ~~[in excess of the deductible and up to:~~

- (1) ~~\$750,000 per risk on real property of one to four units used for residential purposes and the personal property located therein or thereon and other structures at the insured location, subject to the limits defined by the plan of operation or any manual of rules and rates adopted under the plan of operation; and~~

- (2) ~~\$500,000 per risk on real and personal property used for business, commercial, or industrial purposes, subject to the limits defined by the plan of operation or any manual of rules and rates adopted under the plan of operation;~~

~~provided that the board may designate an association of property owners or cooperative housing corporation to be a commercial risk; provided that this policy or endorsement shall not include coverage for business interruption and other similar coverages.], subject to the limits and deductibles allowed by the plan of operation or any manual of rules and rates adopted under the plan of operation.~~”

SECTION 10. Section 431P-2, Hawaii Revised Statutes, is amended to read as follows:

“[§431P-2]] Establishment of Hawaii hurricane relief fund. There shall be a Hawaii hurricane relief fund to be placed within the department of commerce and consumer affairs for administrative purposes. The fund shall be a public body and a body corporate and politic. Any applicant for insurance from the fund shall provide proof, to the satisfaction of the board, of the inability to obtain hurricane property insurance from insurers licensed to transact business in the State.”

SECTION 11. Section 431P-5, Hawaii Revised Statutes, is amended to read as follows:

“§431P-5 Powers, duties, and functions. (a) The Hawaii hurricane relief fund shall have the following general powers:

- (1) To sue and be sued;

- (2) To make and alter policies for its organization and internal administration;
 - (3) To adopt rules in accordance with chapter 91 to effectuate the purposes of this chapter;
 - (4) To borrow moneys, including but not limited to moneys from [state ~~or~~] federal or state sources and to issue notes or other obligations of the fund for the purposes of providing funds for any of its purposes as authorized by the legislature from time to time;
 - (5) To pledge, assign, or grant a security interest in all or any part of the moneys, rents, charges, assessments, or other revenue and any proceeds thereof derived by the fund; provided that any pledge, assignment, or grant of security interest shall constitute a lien and security interest on [such] the money, rents, charges, assessments, or other revenue, and any proceeds thereof to the extent and with the priority set forth in the document establishing the pledge, assignment, or security interest, without the necessity for physical delivery, recording, or further act; and provided further that in effectuating any pledge, assignment, or grant of security interest, the fund may do either or both of the following:
 - (A) Transfer possession of collateral to its secured parties; or
 - (B) Execute and cause to be filed at the bureau of conveyances of the State of Hawaii, Uniform Commercial Code financing statements for the purpose of providing notice to third parties of a pledge, assignment, or grant of security interest; provided that any failure to file a financing statement or the filing of a financing statement that contains incomplete or inaccurate information shall not affect the perfected lien and security interest of the pledge, assignment, or grant of security interest; and
 - (6) Enter into contracts as necessary to effectuate the purposes of this chapter.
- (b) In addition to the general powers under subsection (a), the fund shall have the specific power to:
- (1) Adopt and administer a plan of operation in accordance with section 431P-7, and a manual of rules and rates to provide persons having an insurable interest in eligible property with insurance coverage provided by the fund;
 - (2) Authorize the provision of hurricane coverage by the fund for real property and tangible personal property located in or on real property and establish limits of liability for specific coverages within the range of authorized coverage;
 - (3) Adopt actuarially sound rates based on reasonable assumptions relative to expectations of hurricane frequency and severity for all coverage provided under policies or endorsements issued by the fund. Rates adopted shall be subject to approval by the commissioner pursuant to article 14 of chapter 431. Rates adopted shall provide for classification of risks and shall include past and prospective losses and expense experience in this State;
 - (4) Adopt procedures, guidelines, and surcharges applicable to policies of hurricane property insurance issued in connection with an underlying property policy issued by an unauthorized insurer;

- (5) Adopt any form of insurance policy necessary for providing policies of hurricane property insurance by the fund, with the approval of the commissioner;
- (6) Issue policies of hurricane property insurance and pay claims for coverage over the mandatory deductible or other deductible provided in the plan of operation or any manual of rules and rates adopted under the plan of operation;
- (7) ~~[Require every]~~ Contract with one or more licensed property and casualty ~~[insurer]~~ insurers transacting direct property insurance business in this State or an entity specializing in providing insurance administration to act as a servicing facility, and by contract with that ~~[insurer]~~ servicing facility authorize the ~~[insurer]~~ servicing facility to inspect eligible properties, service policies and policyholders of hurricane property insurance, provide claim services, and perform any other duties as authorized by the fund for applicants to the fund and those insured by it;
- (8) (A) Assess all licensed property and casualty insurers the amounts ~~[which,]~~ that, together with the other assets of the fund, are sufficient to meet all necessary obligations of the fund. The assessment shall be made on the insurer's gross direct written premiums for property and casualty insurance in this State for the preceding calendar year. The rate of assessment shall be established by the board and in a year in which a covered event has not occurred [shall be] may be up to a percentage not to exceed 3.75 per cent and shall not include the insurer's gross direct written premiums for motor vehicle insurance in this State; provided that following a covered event, the rate of assessment may be increased to an amount not to exceed five per cent and may include the insurer's gross direct written premiums for motor vehicle insurance in this State. This increase shall remain in effect until ~~[such]~~ the time ~~[as]~~ all claims and other obligations, including but not limited to bonds and notes, arising out of a covered event ~~[shall]~~ have been fully discharged. ~~[An insurer authorized to provide comparable coverage under section 431P-10(b) and which is providing hurricane property insurance in the State shall be assessed an amount that excludes gross direct written premiums for property insurance in this State.]~~ The assessment for a year in which a covered event has not occurred shall be collected quarterly during each calendar year;
- (B) ~~[In the event of]~~ If a loss occurs from a covered event ~~[the fund]~~, in addition to the assessment in subparagraph (A), ~~[shall]~~ assess those insurers ~~[which]~~ that acted as servicing facilities during the twelve months ending at the start of the month preceding the month in which the covered event occurs. The total assessment shall be a fixed percentage of the total coverage provided by the fund under its policies of hurricane property insurance during the month preceding the month in which the covered event occurs. The percentage to be used in calculating the total assessment shall be [as follows]:
 - (i) For calendar year 1998, a percentage as fixed by the board in the plan of operation, but in no event shall the total assessment exceed \$500,000,000;
 - (ii) For calendar year 1999, 1.125 per cent;

- (iii) For calendar year 2000, 1.25 per cent; and
- (iv)] (i) For calendar year 2001~~[-, and each calendar year thereafter,]~~ through calendar year 2025, 1.5 per cent~~[-]; and~~
- (ii) Beginning January 1, 2026, a percentage not to exceed 1.5 per cent as determined by the board.

A separate total assessment shall be made for each covered event. The total assessment shall be allocated to each servicing facility based on the proportion of the total amount of the fund's gross direct written premiums for policies of hurricane property insurance serviced by each servicing facility to the total amount of the fund's gross direct written premiums for policies of hurricane property insurance, in each case, during the twelve months ending at the start of the month preceding the month in which the covered event occurs. Assessments made under this subparagraph and those under subparagraph (A) in a year in which a covered event has occurred are due from each insurer based on assessment procedures established by the fund to meet its obligations to policyholders in a timely manner; and

- (C) ~~[The fund may exempt]~~ Exempt or defer, in whole or in part, the assessment of any insurer if the assessment would cause the insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority in this State;
- (9) Develop a program of incentives to encourage insurers to provide policies of hurricane property insurance ~~[in the event the commissioner authorizes the provision of comparable insurance pursuant to section 431P-10(b) which]~~ that may include but are not limited to exemption of the insurer's gross direct written premium for property insurance from the assessment pursuant to paragraph (8)(A);
- [(10)] ~~Develop a credit based on the difference between premiums written in 1993 and the premiums written in 1992 by each property insurer against the assessment for gross direct written premiums written in 1993;~~
- [(11)] (10) Develop procedures regarding policies written by unauthorized insurers comparable to the assessments, surcharges, and other contributions made by insurers authorized to do business in this State;
- [(12)] (11) Accumulate reserves or funds, including the investment income thereon, to be used for paying expenses, making or repaying loans or other obligations of the fund, providing loss mitigation incentives, and paying valid claims for covered events insured by the fund;
- [(13)] (12) Collect and maintain statistical and other data as may be required by the commissioner;
- [(14)] ~~Exempt mortgage transactions from payments of the special mortgage recording fee and provide for maximum limits on or, uniform reduction of the special mortgage recording fee, pursuant to rules adopted by the board;~~
- (15) ~~Suspend or reactivate the special mortgage recording fee pursuant to resolution of the board;~~
- [(16)] (13) Impose fines for each incident of nonpayment of amounts due to the fund under this chapter; provided that the fines shall not exceed twenty-five per cent of the amount then due;
- [(17)] (14) Create loss mitigation incentives, including but not limited to premium credits, premium rebates, loans, or cash payments;

- (15) Enter into claims financing transactions, including but not limited to reinsurance transactions, debt transactions, and other transactions incorporating elements of reinsurance, insurance, debt, or equity;
- (16) Establish business and corporate entities or organizations pursuant to the purposes of this chapter; ~~and~~
- (17) Receive for deposit into separate accounts within the hurricane reserve trust fund established pursuant to section 431P-16 revenues received from any fee revenue authorized by the legislature for deposit into the hurricane relief trust fund, and any other source of revenue available to the board;
- (18) Notwithstanding any law to the contrary, loan funds to the Hawaii property insurance association established under section 431:21-103; and
- (19) Perform any and all acts reasonably necessary to carry out the purposes of this chapter.”

SECTION 12. Section 431P-5.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Upon written confirmation from the ~~[insurance]~~ commissioner that the director ~~[of finance]~~ has secured \$500,000,000, in the aggregate, in the form of:

- (1) Commitments from either the federal government or an agency of the federal government or a financial institution;
- (2) Revenue bonds other than those issued or to be issued in response to the occurrence of a covered event; or
- (3) A combination of the commitments or bonds[;],

the Hawaii hurricane relief fund shall[;]

- (1) ~~Control~~ control or freeze rates[;] and
- (2) ~~Continue~~ continue accumulating premiums from policies of hurricane property insurance ~~[and the special mortgage recording fee]~~, net of any reinsurance payments, operating expenses, and funds necessary for the development of a comprehensive loss reduction plan.”

2. By amending subsections (c) and (d) to read:

“(c) ~~[In the event of]~~ If a loss from a covered event[;] occurs, the net moneys accumulated shall be used to settle claims and pay current and ongoing expenses of the Hawaii hurricane relief fund. The net accumulated moneys, commitments, and bonds described in subsection (a)(2) shall be used only ~~[in the event]~~ if losses from a covered event exceed the assessment pursuant to section 431P-5(b)(8)(B).

(d) ~~[In the event]~~ If the balance of the net accumulated moneys falls below \$400,000,000, the Hawaii hurricane relief fund shall establish rates, subject to the approval of the ~~[insurance]~~ commissioner, necessary to replenish the account balance to \$500,000,000, as promptly as reasonably practicable. The director ~~[of finance]~~ shall seek to arrange additional commitments whenever the account balance falls below \$400,000,000.”

SECTION 13. Section 431P-7, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The plan of operation ~~[shall]~~:

- (1) ~~[Establish]~~ Shall establish procedures for performance of all powers and duties of the fund;

- (2) ~~[Establish]~~ Shall establish procedures for providing notice to all persons with interests insurable by the fund in the State of the type of insurance available from the fund ~~[in the event]~~ if the fund offers insurance;
- (3) ~~[Provide]~~ Shall provide for and adopt all necessary forms, including insurance policies to be used by and on behalf of the fund, for use by the fund and servicing facilities;
- (4) ~~[Adopt]~~ Shall adopt actuarially sound rates, based on reasonable assumptions relative to expectations of hurricane frequency and severity, to be charged for insurance provided by the fund, in accordance with article 14 of chapter 431;
- (5) ~~[Publish]~~ Shall publish manuals of rules, rates, and rating and classification plans, which shall address mandatory deductibles, limits of coverage, and the classification of risks and rate modifications based on the exposure of insureds~~;~~, subject to the approval of the commissioner;
- (6) ~~[Establish]~~ Shall establish procedures for receiving and servicing applications to the fund;
- (7) ~~[Establish]~~ Shall establish procedures for processing and maintaining records of the fund relating to its financial transactions, its agents, its employees, its operations, and all transactions with any servicing facility;
- (8) ~~[Establish]~~ Shall establish procedures for the collection and remittance of the premiums and return of unearned premiums where applicable;
- (9) ~~[Establish]~~ Shall establish procedures for the payment of valid claims;
- (10) ~~[Establish]~~ Shall establish procedures for prorating available funds pursuant to section 431P-15;
- (11) ~~[Establish]~~ Shall establish procedures for obtaining reinsurance;
- (12) ~~[Establish]~~ Shall establish procedures to borrow funds; ~~[and]~~
- (13) ~~[Develop]~~ Shall develop a plan for the investment of moneys held by the fund ~~[subject to the limitations in article 6 of chapter 431];~~
- (14) Shall require, prior to issuance or renewal of coverage, the applicant for condominium insurance coverage or renewal to:
 - (A) Cause to be completed an inspection of the applicable condominium; provided that the inspection shall be consistent with any inspection and reporting standards established by the board and incorporated into the plan of operation; and
 - (B) Satisfy any relevant requirements established by the board and incorporated into the plan of operation; and
- (15) May prohibit coverage under this chapter for any high-rise condominium for which the fund or its servicing entities or any agents thereof have identified maintenance issues materially affecting the insurability of the high-rise condominium for hurricane property insurance."

SECTION 14. Section 431P-10, Hawaii Revised Statutes, is amended to read as follows:

"§431P-10 Coverage available from the fund; deductible. ~~[(a)—Policies]~~ Coverage limits and deductibles for policies issued by the fund covering eligible property shall [provide a maximum aggregate coverage of up to \$750,000 per risk on real property of one to four units used for residential purposes and

\$500,000 per risk for real property used for business, commercial, or industrial purposes and shall provide for a mandatory deductible. The deductible amount for residential property policies shall be the greater of \$1,000 or one per cent of the insured value or the greater of \$2,000 or two per cent of the insured value; provided that the board may establish higher deductible limits. The deductible amount for commercial property policies shall be the greater of \$5,000 or five per cent of the insured value or an amount equivalent to all the other perils deductible of the companion policy; provided that the board may establish higher deductible limits.

(b) Insurers seeking to provide multi-peril coverage for residential property, including multi-peril coverage of the hurricane peril, subject to the fund's program for incentives and credits, shall submit to the commissioner a written request for permission to write the coverage; provided that in the absence of such authorization, no other policy of residential property insurance or endorsement to a policy of residential property insurance on eligible residential property located in this State shall be issued to provide insurance for damages or losses caused by a covered event if such coverage is less than that offered by the fund. If multi-peril coverage on commercial property is no longer being offered by the fund, any multi-peril coverage on commercial property offered by an insurer shall qualify as a comparable coverage under section 431P-5(b)(8)(A). Multi-peril coverage on residential property which [includes] coverage for hurricane losses offered by an insurer shall qualify as a comparable coverage under section 431P-5(b)(8)(A).] be established in the plan of operation, subject to approval by the commissioner."

SECTION 15. Section 431P-11, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) [The] Except for:

- (1) Applicants who are otherwise able to procure hurricane property insurance from insurers authorized to transact business in the State; and
- (2) Properties that are deemed ineligible pursuant to the plan of operation.

the fund shall not deny any application for hurricane property insurance on any property eligible under subsection (a)."

SECTION 16. Section 431P-16, Hawaii Revised Statutes, is amended to read as follows:

"§431P-16 Establishment of trust funds. (a) The fund shall establish outside the state treasury a hurricane reserve trust fund and any accounts thereunder and any other trust fund or account necessary to carry out the purposes of this chapter. Moneys deposited in the hurricane reserve trust fund and any accounts thereunder or any other trust fund or account shall be held by the fund, as trustee, in a depository as defined in section 38-1 or according to a similar arrangement at the discretion of the board, including, but not limited to, trust or custodial accounts created for the benefit of the fund's secured parties under contractual claims financing arrangements. These moneys may be invested and reinvested in accordance with the plan of operation. Disbursements from the trust funds shall not be subject to chapter 103D and shall be made in accordance with procedures adopted by the board.

(b) ~~The hurricane reserve trust fund shall receive deposits of the special mortgage recording fee established by this chapter. Except as determined~~

by board order, the special mortgage recording fee shall be imposed on each mortgage and each amendment to a mortgage which, in each case, increases the principal amount of the secured debt and which is recorded in the bureau of conveyances of the State under chapter 502 or filed with the assistant registrar of the land court of the State under chapter 501.

The special mortgage recording fee shall be an amount equal to one-tenth of one per cent of the stated principal amount of the debt secured by the mortgage or, in the case of an amendment or refinancing of a mortgage, an amount equal to one-tenth of one per cent of the amount of the increase of the stated principal amount of the secured debt; provided that the board may establish a lower special mortgage recording fee amount pursuant to section 431P-5(b)(14). With respect to an open end revolving loan, the principal amount of the debt on which the special mortgage recording fee is calculated shall be the maximum amount which may be outstanding under the loan at any one time. With respect to a mortgage securing a nonmonetary or inchoate obligation, the principal amount of the debt on which the special mortgage recording fee is calculated shall be the monetary amount which the mortgagee attributes to the obligation. If the debt is stated in a foreign currency, it shall be converted to U.S. dollars using an exchange rate published in a newspaper of general circulation in this State within one week prior to recordation of the mortgage or amendment of mortgage.

The special mortgage recording fee shall be in addition to any applicable fees under chapter 501 or 502. The special mortgage recording fee shall be submitted to and collected by the bureau of conveyances or the assistant registrar of the land court of the State and shall be deposited into the hurricane reserve trust fund. The special mortgage recording fee shall be submitted at the time the mortgage or amendment of mortgage is recorded together with any related forms or certifications required by the bureau of conveyances or the assistant registrar of the land court of the State.

(e)] (b) The Hawaii hurricane relief fund [shall] may implement the assessments of all property and casualty insurers [as] authorized by section 431P-5(b)(8)(A) and (B) and the proceeds from the assessments shall be deposited into the hurricane reserve trust fund or into trust or custodial accounts, created for the benefit of the fund's secured parties, that are held inside or outside the hurricane reserve trust fund[-]; provided that after December 31, 2025, all proceeds realized from the collection of the assessments shall be deposited into a separate trust account within the hurricane reserve trust fund.

[(d)] (c) If the Hawaii hurricane relief fund offers to issue policies of hurricane property insurance, the premiums for the policies shall be deposited into the hurricane reserve trust fund.

[(e)] (d) After each covered event, if the board determines that the moneys in the hurricane reserve trust fund, excluding moneys determined by the board to be needed to continue fund operations following the covered event, will be insufficient to pay claims and other obligations of the fund arising out of that covered event, the Hawaii hurricane relief fund shall levy a surcharge not to exceed seven and one-half per cent a year on premiums charged for all property and casualty insurance policies issued for risks insured in this State. These moneys may be deposited into the hurricane reserve trust fund or into trust or custodial accounts created for the benefit of the fund's secured parties that are

held inside or outside the hurricane reserve trust fund. The surcharge shall remain in effect until all claims and other obligations of the fund, including but not limited to claims under fund policies of hurricane property insurance, claims financing transactions, bonds, notes, and other obligations arising out of that covered event have been fully discharged. The amount and reason for any surcharge made pursuant to this subsection shall be separately stated on any billing sent to an insured. The surcharge shall not be considered premiums for any other purpose including the computation of gross premium tax or the determination of producers' commissions. The fund may establish procedures for insurers to collect the surcharge from customers who hold property or casualty policies.

~~[(f)]~~ (e) Any proceeds, experience refunds, or other return funds under reinsurance shall be deposited into the hurricane reserve trust fund.

~~[(g)]~~ (f) Any proceeds from loans or other moneys from the federal government, any proceeds from bonds issued pursuant to this chapter loaned by the director to the Hawaii hurricane relief fund, any revenues derived from the temporary recording fee pursuant to section 431P-B, and other moneys as the State may make available from time to time shall be deposited into separate accounts of the hurricane reserve trust fund.

~~[(h)]~~ (g) Moneys in the hurricane reserve trust fund or in trust or custodial accounts, created for the benefit of the fund's secured parties, shall be expended by the Hawaii hurricane relief fund or its authorized designee and used solely for the purposes of this chapter.

~~[(i)]~~ (h) Moneys in the hurricane reserve trust fund may be disbursed upon dissolution of the Hawaii hurricane relief fund; provided that:

- (1) The net moneys in the hurricane reserve trust fund shall revert to the state general fund after payments by the fund on behalf of licensed property and casualty insurers or the State that are required to be made pursuant to any federal disaster insurance program enacted to provide insurance or reinsurance for hurricane risks are completed; and
- (2) If ~~[such]~~ the moneys are paid on behalf of licensed property and casualty insurers, payment shall be made in proportion to the premiums from policies of hurricane property insurance serviced by the insurers in the twelve months prior to dissolution of the fund;

~~provided that all interest earned from the principal in the hurricane reserve trust fund shall be transferred and deposited into the general fund each year that the hurricane reserve trust fund remains in existence]."~~

SECTION 17. Section 501-23.5, Hawaii Revised Statutes, is amended to read as follows:

"§501-23.5 Disposition of fees received at the bureau of conveyances. Notwithstanding any other law to the contrary, of the fees received at the bureau of conveyances, the registrar of conveyances shall deposit to the credit of the state general fund \$18 for each document recorded and shall deposit the remaining balance and all fees other than the ~~[special mortgage recording fee established pursuant to section 431P-16]~~ temporary recording fee established pursuant to section 431P-B and conveyance tax collected pursuant to section 247-1 to the credit of the bureau of conveyances special fund established under section 502-8."

SECTION 18. Section 502-25, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Notwithstanding any other law to the contrary, of the fees received at the bureau of conveyances, the registrar of conveyances shall deposit to the credit of the state general fund \$18 for each document recorded and shall deposit the remaining balance and all fees other than the ~~[special mortgage recording fee established pursuant to section 431P-16]~~ temporary recording fee established pursuant to section 431P-B and conveyance tax collected pursuant to section 247-1 to the credit of the bureau of conveyances special fund established under section 502-8.”

PART IV

SECTION 19. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

“CHAPTER FINANCING FOR CONDOMINIUMS PART I. DIRECT FINANCING

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

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

“Community development financial institution” means an entity certified as a community development financial institution by the United States Department of the Treasury’s Community Development Financial Institutions Fund.

“Condominium association” has the same meaning as association as defined in section 514B-3.

“Condominium project” has the same meaning as project as defined in section 514B-3.

“Financial institution” includes a bank, trust company, banking association, savings and loan association, mortgage company, investment bank, credit union, or nontraditional financial institution.

“Loan” includes a line of credit.

“Participating community development financial institution” means a community development financial institution participating in the condominium loan loss reserves program.

“Qualified condominium association” means a condominium association that meets the eligibility requirements under section -6 and rules adopted by the authority.

“Reserve account” means an account established in a participating community development financial institution on approval of the authority in which money is deposited to serve as a reserve to reimburse a participating community development financial institution for losses on loans enrolled in the condominium loan loss reserves program.

§ -2 **Powers; rulemaking.** In addition to any other powers authorized by law, the authority may:

- (1) Contract with any community development financial institution for services, including servicing or administering loans pursuant to this part; and
- (2) Adopt rules pursuant to chapter 91 to effectuate this chapter, including but not limited to rules relating to:

- (A) Determinations of any other maintenance or repairs that qualify for financing or refinancing under this chapter;
- (B) The establishment of interest rates chargeable by the authority for direct loans under this part and by the participating community development financial institutions for loans under part II;
- (C) The establishment of restrictions on the terms, maturities, collateral, and other requirements not inconsistent with this part;
- (D) Procedures for validating a qualified condominium association's compliance with the obligation to increase its replacement reserves balance;
- (E) Determinations of eligibility of a community development financial institution to participate in the condominium loan loss reserves program;
- (F) Eligibility participation criteria for loans issued by an eligible community development financial institution to a qualified condominium association; and
- (G) The authorization of a single community development financial institution or a consortium of community development financial institutions to participate in the condominium loan loss reserves program subject to condominium loan loss reserves program guidelines.

§ -3 Condominium loan program. There is established within the authority the condominium loan program to provide qualified condominium associations with low-cost financing, or refinancing for loans previously obtained, for maintenance or repair projects in accordance with this part.

§ -4 Condominium loan revolving fund. (a) There is established in the state treasury the condominium loan revolving fund, into which shall be deposited:

- (1) Moneys received as repayment of loans and interest payments as provided in this chapter;
- (2) Appropriations made by the legislature to the condominium loan revolving fund; and
- (3) All interest and investment earnings credited to the assets of the fund.

(b) Moneys in the condominium loan revolving fund shall be expended by the authority for:

- (1) The purposes of providing loans and credit enhancements in accordance with this chapter; and
- (2) Paying administrative costs of the condominium loan program.

§ -5 Loans; limitations and conditions. (a) Loans under this chapter shall be for financing, or refinancing previous loans that were used for, the following maintenance or repairs in a condominium project:

- (1) Installing, repairing, or replacing fire sprinklers or other fire safety measures;
- (2) Repairing or replacing the pipes;
- (3) Repairing or replacing the roof; or
- (4) Any other maintenance or repairs the authority deems qualified for the loans.

(b) The loan agreement shall require that the qualified condominium association increase its replacement reserves fund balance over the term of the loan.

(c) Any loan provided under this chapter shall have a term of not more than twenty years. No new loan under this chapter shall be issued after June 30, 2027.

§ -6 Loans; eligibility. The authority may make loans directly to a condominium association that has:

- (1) Received at least one letter from a financial institution declining its eligibility for a loan to address maintenance or insurance coverage issues; and
- (2) Obtained full replacement property and hurricane insurance coverage or intends to do so as a condition of any financing received.

§ -7 Annual reports. The authority shall submit a report to the legislature no later than twenty days prior to the convening of each regular session that details the progress of the condominium loan program, aggregate data on the loans issued under this part, and the balance of the condominium loan revolving fund.

§ -8 Gifts and grants. The authority may accept gifts, grants, and donations from any source for the purposes of this chapter.

PART II. CREDIT ENHANCEMENT THROUGH LOAN LOSS RESERVES

§ -11 Condominium loan loss reserves program. (a) There is established within the authority the condominium loan loss reserves program to incentivize community development financial institutions, in accordance with this part, to provide loans at competitive rates and terms to condominium associations for the purpose of allowing condominium associations to perform maintenance or make necessary repairs.

(b) The authority shall use moneys in the condominium loan revolving fund to make deposits into a participating community development financial institution's reserve account in an amount specified by this part to be a source of moneys the participating community development financial institution may receive as reimbursement for losses attributable to loans in the condominium loan loss reserves program.

§ -12 Participating community development financial institutions; reserve account. (a) To participate in the condominium loan loss reserves program, an eligible community development financial institution shall enter into a participation agreement with the authority that sets out the terms and conditions under which the authority will make contributions to the community development financial institution's reserve account and specifies the criteria for a loan to qualify as a loan under this part.

(b) On approval by the authority and after a community development financial institution enters into a participation agreement with the authority, the authority shall establish a reserve account at a participating community development financial institution making a loan under this part and deposit an amount equal to five per cent of the original loan amount. The reserve account shall be used by the authority to cover any losses arising from a default of the loan made by the participating community development financial institution under this part or as otherwise provided by this part.

(c) When a participating community development financial institution makes a loan enrolled in the condominium loan loss reserves program, the participating community development financial institution shall pay to the authority a fee equal to fifty basis points of the amount deposited into the condominium loan revolving fund to support the loan, which the authority shall deposit into the reserve account, and annually thereafter. The participating community development financial institution may recover from the borrower all or part of the amount the participating community development financial institution is required to pay under this subsection in any manner agreed to by the financial institution and borrower.

(d) For each loan under this part, the participating community development financial institution shall provide executed loan documents to the authority, within the period prescribed by the authority, including the amount of fees received from the borrower.

§ -13 Loans. (a) Except as otherwise provided by this chapter, the authority shall determine the recipient, amount, or interest rate of a loan under this part or the fees or other requirements related to the loan.

(b) To qualify as a loan under this part, a loan shall:

(1) Be made to a condominium association that has:

(A) Received at least one letter from a financial institution declining the condominium association's eligibility for a loan to address maintenance or insurance coverage issues; and

(B) Obtained full replacement property and hurricane insurance coverage or intends to do so as a condition of any financing received;

(2) Meet the limitations and conditions under section -5; and

(3) Meet other criteria established by the authority by rules adopted pursuant to chapter 91.

(c) For a line of credit to qualify for participation in the condominium loan loss reserves program, a line of credit shall:

(1) Be an account at a participating community development financial institution under which the community development financial institution agrees to lend money to a qualified condominium association from time to time to finance one or more projects that are authorized by this chapter; and

(2) Contain the same restrictions, to the extent possible, that are placed on a loan that is not a line of credit.

(d) A loan under this part may be sold on the secondary market under conditions as may be determined by the participating community development financial institution with the consent of the authority.

(e) When enrolling a loan in the condominium loan loss reserves program, a participating community development financial institution may specify an amount to be covered under the condominium loan loss reserves program that is less than the amount allowed under section -12(b).

§ -14 Limitations on amounts retained in reserve accounts. The maximum aggregate amount the authority may retain on deposit in a reserve account shall not exceed five per cent of the aggregate outstanding principal balance of enrolled loans. On a regular basis, no less than annually, the authority shall withdraw from a reserve account the amounts in excess of the limit and deposit that amount into the condominium loan revolving fund. A withdrawal of money authorized under this section shall not reduce an active reserve account to an amount that is less than the aggregate amount allowed under this section.

§ -15 State's rights with respect to reserve account. (a) All of the money in a reserve account established under this part shall be the property of the State.

(b) The State shall be entitled to earn interest on the amount of contributions made by the authority, borrower, and participating community development financial institution to a reserve account under this part. On a regular basis, no less than annually, the authority shall withdraw from a reserve account the amount of the interest earned by the State. The authority shall deposit the amount withdrawn under this section into the condominium loan revolving fund.

(c) The authority shall withdraw from the participating community development financial institution's reserve account the total amount in the account and any interest earned on the account and deposit the amount into the condominium loan revolving fund when:

- (1) A participating community development financial institution is no longer eligible to participate in the condominium loan loss reserves program or a participation agreement entered into under this part expires without renewal by the authority or institution; and
- (2) The participating community development financial institution has no outstanding loans under this part.

§ -16 Participating community development financial institution's annual reports. A participating community development financial institution shall submit an annual report to the authority. The report shall:

- (1) Provide information regarding outstanding principal balances of the loans under this part, loan losses, and any other information on loans under this part the authority considers appropriate;
- (2) Include a copy of the participating community development financial institution's most recent financial statement; and
- (3) Include information regarding the condominium associations with loans under this part.

§ -17 Authority's annual report; audits. (a) The authority shall submit to the legislature an annual status report on the condominium loan loss reserves program's activities.

(b) The condominium loan revolving fund shall be audited at least annually by a firm of independent certified public accountants selected by the authority and provide the results of the audit to the department of business, economic development, and tourism and the legislature.

§ -18 State liability prohibited. The State shall not be liable to a participating community development financial institution for payment of the principal, interest, or any late charges on a loan made by a participating community development financial institution to a qualified condominium association under this part."

SECTION 20. The director of finance is authorized to issue reimbursable general obligation bonds in the sum of \$20,000,000 or so much thereof as may be necessary and the same sum or so much thereof as may be necessary is appropriated for fiscal year 2025-2026 for deposit into the condominium loan revolving fund.

SECTION 21. There is appropriated out of the condominium loan revolving fund the sum of \$20,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 to implement the condominium loan program.

The sum appropriated shall be expended by the Hawaii green infrastructure authority, on behalf of the department of business, economic development, and tourism, to carry out the purposes of this part; provided that the director of business, economic development, and tourism, upon the director's determination that it is advisable to transfer funds from the condominium loan revolving fund, shall reimburse the general fund from principal and interest payments collected on loans issued by the authority, and any other funds available to the authority, for payment of debt service on reimbursable general obligation bonds authorized and issued under section 20 of this Act.

SECTION 22. There is appropriated out of the hurricane reserve trust fund the sum of \$5,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 for deposit into the condominium loan revolving fund.

The sum appropriated shall be expended by the Hawaii green infrastructure authority on behalf of the director of business, economic development, and tourism, for payment of debt service on reimbursable general obligation bonds authorized and issued under section 20 of this Act.

PART V

SECTION 23. The director of finance is authorized to issue reimbursable general obligation bonds in the sum of \$30,000,000 or so much thereof as may be necessary and the same sum or so much thereof as may be necessary is appropriated for fiscal year 2025-2026 for deposit into the hurricane reserve trust fund; provided that the existing fund balance in the hurricane reserve trust fund shall be committed before reimbursable general obligation bonds are deposited into the trust fund.

SECTION 24. There is appropriated out of the hurricane reserve trust fund the sum of \$30,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 for the purpose of providing working capital to finance any permitted purpose under this Act.

The sum appropriated shall be expended by the department of commerce and consumer affairs for the purposes of this Act; provided that the insurance commissioner, upon the insurance commissioner's determination that it is advisable to transfer funds from the hurricane reserve trust fund, shall reimburse the general fund from premiums collected on insurance policies issued by the Hawaii hurricane relief fund, and any other funds available to the Hawaii hurricane relief fund, for payment of debt service on reimbursable general obligation bonds authorized and issued under section 23 of this Act.

PART VI

SECTION 25. (a) The insurance commissioner shall conduct a study to identify or develop a long-term solution to stabilize the property insurance market in the State. The insurance commissioner shall include in the study:

- (1) Recommendations for capitalizing the Hawaii property insurance association and Hawaii hurricane relief fund;
- (2) Recommendations for monitoring the stability of the property insurance market in the State;
- (3) A determination of the efficacy of the changes implemented pursuant to this Act;

- (4) An evaluation of the feasibility of establishing a mutual or captive insurance model to address the affordability and availability of property insurance in the State, including solutions to address the needs of condominium associations and individual residential condominium property owners; and
 - (5) Recommendations on a mechanism to ensure that condominium properties are maintained and repaired in a timely manner to ensure that the condominium properties remain in insurable condition.
- (b) The insurance commissioner shall submit reports of the insurance commissioner's findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular sessions of 2026 and 2027.

SECTION 26. 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 2025-2026 for the insurance commissioner to conduct a study pursuant to this part.

The sum appropriated shall be expended by the insurance division of the department of commerce and consumer affairs for the purposes of this part.

PART VII

SECTION 27. In codifying the new sections added by section 8, and referenced in sections 16, 17, and 18 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 28. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 29. This Act shall take effect on July 1, 2025; provided that:

- (1) The condominium loan revolving fund shall be abolished on June 30, 2047;
- (2) Any remaining balance in the condominium loan revolving fund as of June 30, 2047, shall lapse to the credit of the general fund; and
- (3) Any moneys received after June 30, 2047, for the repayment of loans under the condominium loan program, including any interest on the loan principal, shall be deposited into the general fund.

(Approved July 7, 2025.)

Note

- 1. Edited pursuant to HRS §23G-16.5.

ACT 297

H.B. NO. 613

A Bill for an Act Relating to Homeless Youth.

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

SECTION 1. Act 130, Session Laws of Hawaii 2022 (Act 130), established a safe spaces for youth pilot program within the department of human services. Act 130 will be repealed on June 30, 2025. The office of youth services

has worked on planning and developing the safe spaces for youth pilot program and, with appropriations, recommends the pilot program become permanent, and is ready to open the first state-funded shelter for young adults on the island of Hawaii.

The purpose of this Act is to:

- (1) Make the safe spaces for youth pilot program a permanent program within the office of youth services; and
- (2) Provide funding for a permanent safe spaces for youth program in the office of youth services.

SECTION 2. Chapter 352D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§352D- Safe spaces for youth program; establishment; reports. (a) There is established within the office of youth services a safe spaces for youth program, which shall provide, subject to the availability of funds, safe spaces in each county for youth and young adults experiencing homelessness or at risk of homelessness.

(b) The program shall collaborate with all departments of the State and its political subdivisions that offer services for the purpose of ensuring the well-being of youth and young adults in Hawaii, including the department of education, department of corrections and rehabilitation, department of health, department of human services, department of land and natural resources, department of law enforcement, state office on homelessness and housing solutions, county police departments and other agencies, and judiciary, to coordinate the identification of youth and young adults who are experiencing homelessness, and placement of these youth and young adults at a shelter for homeless youth or young adults.

(c) The office of youth services may enter into contracts with nonprofit organizations to provide services for youth or young adults experiencing homelessness or who are at risk of homelessness. Any nonprofit organization contracted under this subsection shall have the knowledge, experience, and qualifications, including licenses as needed for child caring institutions, and other requirements to operate a shelter for homeless youth or young adults experiencing homelessness or at risk of homelessness. Youth under the age of eighteen shall not be sheltered with young adults age eighteen to twenty-four.

(d) Notwithstanding any other law to the contrary, a shelter for homeless youth or young adults contracted under subsection (c) may admit a youth into the shelter’s care for up to ninety days without the consent of the youth’s parent or guardian.

(e) The office shall submit a report pertaining to the safe spaces for youth program to the legislature no later than twenty days prior to the convening of each regular session.

(f) The office may adopt rules pursuant to chapter 91 necessary to carry out the purposes of this section.

(g) For the purposes of this section, “shelter for homeless youth or young adults” means a facility that operates to receive youth or young adults twenty-four hours a day, seven days a week, and provide youth or young adults with services, including:

- (1) Overnight lodging and supervision;
- (2) Hot meals and hot showers;

- (3) Access to medical and behavioral health services; and
- (4) Education and employment support.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$871,016 or so much thereof as may be necessary for fiscal year 2025-2026 and \$1,841,016 or so much thereof as may be necessary for fiscal year 2026-2027 for a permanent safe spaces for youth program within the office of youth services.

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

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved July 7, 2025.)

Note

- 1. Edited pursuant to HRS §23G-16.5.

ACT 298

S.B. NO. 1231

A Bill for an Act Relating to Parentage.

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

SECTION 1. The legislature finds that the State’s existing parentage laws need to be updated to include current concepts of families, parenthood, conception, gestation, and parental rights. The legislature further finds that the Uniform Parentage Act of 2017, among other things, ensures the equal treatment of children born to same-gender couples, adds an additional status of functional parent as a legal parent, and includes provisions that reflect developments in surrogacy and assisted reproductive technology.

Accordingly, the purpose of this Act is to adopt portions of the Uniform Parentage Act of 2017 to update existing law.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
UNIFORM PARENTAGE ACT
PART I. GENERAL PROVISIONS**

§ -101 **Short title.** This chapter may be cited as the Uniform Parentage Act.

§ -102 **Definitions.** As used in this chapter:
“Acknowledged parent” means an individual who has established a parent-child relationship under part IV.

“Adjudicated parent” means an individual who has been adjudicated to be a parent of a child by a court with jurisdiction.

“Alleged genetic parent” means an individual who is alleged to be, or alleges that the individual is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. “Alleged genetic parent” does not include a presumed parent; an individual whose parental rights have been terminated or declared not to exist; or a donor.

“Assisted reproduction” means a method of causing pregnancy other than sexual intercourse. “Assisted reproduction” includes intrauterine or intracervical insemination, donation of gametes, donation of embryos, in vitro fertilization and transfer of embryos, and intracytoplasmic sperm injection.

“Birth” includes but is not limited to stillbirth.

“Birthing center” means any facility, other than a hospital or facility associated with a hospital, that provides maternity services.

“Birthing hospital” means any hospital with licensed obstetric-care units or any hospital licensed to provide obstetric services.

“Child” means an individual of any age whose parentage may be determined under this chapter.

“Child support enforcement agency” means the state agency created pursuant to chapter 576D.

“Combined relationship index” means the product of all tested relationship indices.

“Determination of parentage” means establishment of a parent-child relationship by a judicial or administrative proceeding or signing of a valid acknowledgment of parentage under part IV.

“Donor” means an individual who provides gametes or embryos intended for use in assisted reproduction, whether or not for consideration. “Donor” does not include a parent under part VIII, an intended parent under part IX, or an individual who gives birth to a child conceived by assisted reproduction, except as otherwise provided in part IX.

“Embryo” means the fertilized product of a sperm and egg, including the zygote stage of early embryo development after fertilization.

“Ethnic or racial group” means for the purpose of genetic testing, a recognized group that an individual identifies as the individual’s ancestry or part of the individual’s ancestry or that is identified by other information.

“Fertility clinic” means a medical facility that specializes in diagnosing and treating infertility and the use of assisted reproductive technology.

“Functional parent” means an individual who meets the criteria set out in section -603(d).

“Gamete” means sperm, egg, or any part of a sperm or egg.

“Genetic parent” means an individual whose relationship to a child has been determined by genetic testing or based on a statement by the physician who oversaw the in vitro process by which the embryo was created and transferred.

“Genetic testing” means an analysis of genetic markers to identify or exclude a genetic relationship.

“Hypothesized genetic relationship” means an asserted genetic relationship between an individual and a child.

“Individual” means a natural person of any age.

“Intended parent” means an individual, married or unmarried, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction or by entering into a surrogacy agreement.

“Parent” means an individual who has established a parent-child relationship under section -301.

“Parentage” or “parent-child relationship” means the legal relationship between a child and a parent of the child.

“Presumed parent” means an individual who under section -303 is presumed to be a parent of a child, unless the presumption is overcome in a judicial proceeding, a valid denial of parentage is made under part VI, or a court adjudicates the individual to be a parent.

“Probability of parentage” means, for the ethnic or racial group to which an individual alleged to be a parent belongs, the probability that a hypothesized genetic relationship is supported, compared to the probability that a genetic relationship is supported between the child and a random individual of the ethnic or racial group used in the hypothesized genetic relationship, expressed as a percentage incorporating the combined relationship index and a prior probability.

“Record” means information that is written or printed, or that is stored in an electronic or other medium and is retrievable in a perceivable form.

“Relationship index” means a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random individual of the ethnic or racial group used in the hypothesized genetic relationship.

“Sign” means, with present intent to authenticate or adopt a record, to execute or adopt a tangible symbol, or to attach or logically associate with the record an electronic symbol, sound, or process.

“Signatory” means an individual who signs a record.

“Transfer” means a procedure for assisted reproduction by which an embryo or sperm is placed within the reproductive tract of the individual who will give birth to the child.

“Witnessed” means that at least one individual who is authorized to sign has signed a record to verify that the individual personally observed a signatory sign the record.

§ -103 Uniformity of application and construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

PART II. JURISDICTION

§ -201 Jurisdiction; venue. (a) Without limiting the jurisdiction of any other court, the family court shall have jurisdiction over an action brought under this chapter, chapter 576B, or chapter 583A. The action may be joined with an action for divorce, annulment, separate maintenance, or support.

(b) An individual who has sexual intercourse, undergoes or consents to assisted reproductive technology, or consents to an assisted reproductive or surrogacy technology agreement in this State thereby submits to the jurisdiction of the courts of this State as to an action brought under this chapter with respect to a child who may have been conceived by that act of intercourse or assisted reproductive technology, regardless of where the child is born. A court of this State with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or a guardian or conservator of the individual, if the conditions prescribed in section 576B-201 are satisfied. In addition to any other method provided by statute, personal jurisdiction over a resident and nonresident individual may be acquired by personal service within or outside this State or by service by certified or registered mail, postage prepaid, with return receipt requested.

(c) In addition to any other method of service provided by statute or court rule, if the respondent is not found within the circuit, service may be effectuated by certified or registered mail, with request for a return receipt and direction to deliver to addressee only. The return receipt signed by the respondent shall be prima facie evidence that the respondent accepted delivery of the complaint and summons on the date set forth on the receipt. For service effectuated by certified or registered mail, an electronic copy or facsimile of the signature of the served individual or certified mailers provided by the United States Postal Service shall constitute valid proof of service on the individual. Actual receipt by the respondent of the complaint and summons sent by certified or registered mail shall be the equivalent to personal service on the respondent by an authorized process server as of the date of the receipt.

(d) If it appears that the respondent has refused to accept service by certified or registered mail or is concealing the respondent's self or evading service, or the petitioner does not know the address or residence of the respondent and has not been able to ascertain the same after reasonable and due inquiry and search, the court may authorize notice of the parentage action and the time and date of hearing by publication or by any other manner that is reasonably calculated to give the party actual notice of proceedings and an opportunity to be heard, including the following:

- (1) When publication is authorized, the summons shall be published once a week for four consecutive weeks in a publication of general circulation in the circuit. The publication of general circulation shall be designated by the court in the order for publication of the summons. Notice by publication shall have the same force and effect as the individual having been personally served with the summons; provided that the date of the last publication shall be set no less than twenty-one days before the return date stated in the summons. Proof of service shall be satisfied by an affidavit or declaration by the authorized representative for the publication that the notice was given in the manner prescribed by the court;
 - (2) When posting to an online publication website is authorized, proof of service shall be satisfied by an affidavit or declaration by the authorized representative for the publication that the notice was given in the manner prescribed by the court;
 - (3) When service by electronic mail or posting to a social networking account is authorized, proof of service shall be satisfied by an affidavit or declaration by the process server that the notice was given in the manner prescribed by the court; and
 - (4) When service is made by posting to a public bulletin board, proof of service shall be satisfied by an affidavit or declaration by the process server that the notice was given in the manner prescribed by the court.
- (e) The action may be brought in the county in which:
- (1) The child, or any parent, alleged genetic parent, functional parent, or presumed parent resides or is found;
 - (2) The child was born;
 - (3) Proceedings for probate of the parent's estate have been or could be commenced, if a parent is deceased; or
 - (4) Assisted reproductive technology was performed, or as specified in an assisted reproduction or surrogacy agreement, if any.

§ -202 Parentage determinations from other states and territories.

Parentage determinations from other states and territories, whether established through voluntary acknowledgment or through administrative or judicial processes, shall be treated the same as a parentage adjudication in this State. A determination addressing only parentage in another state shall not preclude a court in this State from addressing other related issues.

§ -203 Who may bring action; when action may be brought; process, warrant, bond. (a) A child or guardian ad litem of the child, an individual who is the child's parent under this chapter, an individual whose parentage of the child is to be adjudicated, a personal representative of a deceased parent of the child, a personal representative of a deceased individual who otherwise would be entitled to maintain a proceeding, or the child support enforcement agency may bring an action for the purpose of declaring the existence or nonexistence of a parent-child relationship in accordance with the following:

- (1) If the child is the subject of an adoption proceeding, an action may be brought:
 - (A) Within thirty days after the date of the child's birth in any case when a parent relinquishes the child for adoption during the thirty-day period; or
 - (B) Any time before the date of execution by a parent of a valid consent to the child's adoption, or before placement of the child with adoptive parents;
- (2) If the child has not become the subject of an adoption proceeding, within three years after the child reaches the age of majority or any time after that for good cause; provided that any period of time during which the individual whose parentage is to be adjudicated is absent from the State or is openly cohabitating with a parent of the child or is contributing to the support of the child, shall not be computed;
- (3) This section shall not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time otherwise provided by law relating to distribution and closing of decedents' estates or to the determination of heirship; and
- (4) A personal representative for purposes of this section may be appointed by the court upon a filing of an ex parte motion by one of the parties entitled to file a parentage action. Probate requirements need not be met. Appointment of a personal representative in this section shall be limited to representation in proceedings under this chapter.

(b) When an action is brought under this section, process shall issue in the form of a summons and an order directed to the individual whose parentage of the child is to be adjudicated, requiring each party to appear and to show cause why the action should not be brought. The court, in its discretion, may waive a hearing on an uncontested parentage complaint submitted by an individual who gave birth to a child, an alleged genetic parent of the child, a presumed parent of the child, or a functional parent of the child with proof provided by affidavit.

If, at any stage of the proceedings, there appears probable cause to believe that the individual whose parentage of the child is to be adjudicated will fail to appear in response to the summons or will flee the jurisdiction of the court, the court may issue a warrant directed to the sheriff, deputy sheriff, or any police officer within the circuit, requiring the individual to be arrested and brought for

pretrial proceedings before the family court. Upon the pretrial proceedings, the court may require the individual to enter into bond with good sureties to the State in a sum to be fixed by the court for each individual's appearance and the trial of the proceeding in the family court. If the individual whose parentage of the child is to be adjudicated fails to give the bond required, the court may immediately commit that individual to the custody of the chief of police of the county, there to remain until that individual enters into the required bond or otherwise is discharged by due process of law. If the individual whose parentage of the child is to be adjudicated fails to appear in any proceeding under this chapter, any bond for that individual's appearance in any proceeding under this chapter shall be forfeited; provided that the trial of, or other proceedings in, the action shall proceed as though that individual were present, and the court shall make orders as it deems proper upon the findings as though that individual were in court.

In case of forfeiture of any appearance bond, the money collected upon the forfeiture shall be applied in payment of the judgment against the individual if they are adjudicated to be a parent under this chapter.

(c) Regardless of its terms, an agreement, other than an agreement approved by the court in accordance with section 17-502(a)(2), between a parent and the individual whose parentage of the child is to be adjudicated shall not bar an action under this section.

(d) Except as otherwise provided in section 17-910, if an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth except service of process and the taking of depositions to perpetuate testimony.

(e) Subject to the requirements of section 17-303(a), with respect to a child who was not conceived through assisted reproduction, where a married individual has not had sexual contact with the married individual's spouse nor resided in the same house with the spouse for at least three hundred days before the birth of the child and the spouse cannot be contacted after due diligence, the court may accept an affidavit by the married individual, attesting to the married individual's diligent efforts to contact the married individual's spouse and providing clear and convincing evidence to rebut the presumption of the parentage of the subject child, and upon the court's satisfaction, notice of the spouse may be waived and the spouse need not be made a party in the parentage proceedings. The court, after receiving evidence, may also enter a finding of non-parentage of the spouse.

(f) With respect to a child who was not conceived through assisted reproduction, where a married individual has not had sexual contact with the married individual's spouse nor resided in the same house with the spouse for at least three hundred days before the birth of the child, and the biological parent is known, parentage in the married spouse may be disestablished by submission of affidavits of both spouses and the biological parent stating the name and birth date of the child and acknowledgment that the spouse is not the parent and that the biological parent should be adjudicated as the legal parent.

§ -204 Representation of child; action if public assistance moneys are paid; child support enforcement agency. The child may be made a party to the action and may be represented by the child's general guardian or a guardian ad litem appointed by the court. The child's parent shall not represent the child as guardian or otherwise. Subject to section 17-203, each individual presumed to be a parent under section 17-303 and the child support enforcement agency, if

public moneys are or have been paid for the support of the subject child, shall be made parties, or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard.

PART III. PARENT-CHILD RELATIONSHIP

§ -301 **Establishment of parent-child relationship.** A parent-child relationship is established between an individual and a child if:

- (1) The individual gives birth to the child, except as otherwise provided in part IX;
- (2) There is a presumption under section -303 of the individual's parentage of the child, unless the presumption is overcome in a judicial proceeding or a valid denial of parentage is made under part VI;
- (3) The individual is adjudicated as a parent of the child under part V;
- (4) The individual adopts the child;
- (5) The individual acknowledges parentage of the child under part IV, unless the acknowledgment is rescinded under section -403(f) or successfully challenged under part IV or V;
- (6) The individual's parentage of the child is established under part VIII; or
- (7) The individual's parentage of the child is established under part IX.

§ -302 **Relationship not dependent on marriage.** A parent-child relationship extends equally to every child and parent, regardless of the marital status of the parent.

§ -303 **Presumption of parentage.** (a) An individual is presumed to be a parent of a child if:

- (1) Except as otherwise provided under part IX or the law of this State other than this chapter:
 - (A) The prospective presumed parent and the individual who gave birth to the child are married to each other and the child is born during the marriage, regardless of whether the marriage is or could be declared invalid and regardless of the gender of the two individuals;
 - (B) The prospective presumed parent and the individual who gave birth to the child were married to each other and the child is born no later than three hundred days after the marriage is terminated by death, divorce, or annulment, or after a decree of separation, regardless of whether the marriage is or could be declared invalid; or
 - (C) The prospective presumed parent and the individual who gave birth to the child married each other after the birth of the child, regardless of whether the marriage is or could be declared invalid, the prospective presumed parent at any time asserted parentage of the child, and:
 - (i) The assertion is in an acknowledgment of parentage as defined in part IV that is filed with the department of health; or

- (ii) The prospective presumed parent agreed to be and is named as a parent of the child on the birth certificate of the child;
- (2) The individual resided in the same household with the child before the child reached the age of majority and openly held out the child as the individual's child; or
- (3) Pursuant to section -702, the prospective presumed parent submits to court-ordered genetic testing and the results, as stated in a report prepared by the testing laboratory, do not exclude the possibility of the prospective presumed parent's parentage of the child; provided that the results of the testing disclose:
 - (A) The individual has at least a ninety-nine per cent probability of parentage, using a prior probability of 0.50 as calculated by using the combined relationship index obtained in the testing; and
 - (B) A combined relationship index of at least one hundred to one.
- (b) A presumption of parentage under this section may be overcome, and competing claims to parentage may be resolved, only by an adjudication under part V or VI or a valid denial of parentage under part VI.

PART IV. VOLUNTARY ESTABLISHMENT OF PARENTAGE

§ -401 Acknowledgment of parentage. An individual who gave birth to a child and an alleged genetic parent of the child, intended parent under part VIII, or presumed parent may sign an acknowledgment of parentage to establish the parentage of the child.

§ -402 Execution of acknowledgment of parentage. (a) An acknowledgment of parentage under section -401 shall:

- (1) Be in a record signed by the individual who gave birth to the child and by the other individual seeking to establish a parent-child relationship; provided that the signatures shall be attested by a notarial officer or witnessed;
- (2) State that the child whose parentage is being acknowledged does not have:
 - (A) A presumed parent other than the individual seeking to establish the parent-child relationship; and
 - (B) Another acknowledged parent or adjudicated parent, or individual who is a parent of the child under part VIII or IX other than the individual who gave birth to the child; and
- (3) State that the signatories understand that the acknowledgment is the equivalent of an adjudication of parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred two years after the effective date of the acknowledgment.
- (b) An acknowledgment of parentage shall be void if, at the time of signing:
 - (1) An individual, other than the individual seeking to establish parentage, is a presumed parent; or

- (2) An individual, other than the individual who gave birth to the child or the individual seeking to establish parentage, is an acknowledged parent or adjudicated parent or a parent under part VIII or IX.

§ -403 Expedited process of parentage. (a) To expedite the establishment of parentage, each public or private birthing hospital or birthing center, the child support enforcement agency, midwives, and the department of health shall provide parents the opportunity to voluntarily acknowledge the parentage of a child during the period immediately before or following the child's birth; provided that an individual who is a presumed parent under section -303(a)(1)(C) or (2) may only submit that individual's voluntary acknowledgment directly to the department of health. The voluntary acknowledgment of parentage shall be in writing and shall consist of a single form signed under oath, by the individual who gave birth to the child, the individual seeking to establish a parent-child relationship, and a witness. The voluntary acknowledgment of parentage form shall include the social security numbers, dates of birth, places of birth, and ethnic backgrounds of each signatory. An electronic version of the voluntary acknowledgment of parentage form may be used.

(b) Before the signing of the voluntary acknowledgment of parentage form, designated staff members of a facility at which a voluntary acknowledgment may be submitted shall provide to both the individual who gave birth to the child and the other signatory, if either are present at the facility:

- (1) Written materials regarding parentage establishment;
- (2) Forms necessary to voluntarily acknowledge parentage;
- (3) Oral, video, audio, or written descriptions of the alternatives to, the legal consequences of, and the rights and responsibilities of acknowledging parentage, including, if one parent is a minor, any right afforded due to minority status; and
- (4) The opportunity to speak with staff, either by telephone or in person, who are trained to clarify information and answer questions about parentage establishment.

(c) The completed voluntary acknowledgment forms shall clearly identify the name and position of the staff member who provides information to the parents regarding parentage establishment. The provision by designated staff members of the facility of the information required by this section shall not constitute the unauthorized practice of law. Birthing hospital and birthing center staff, midwives, child support enforcement agency staff, and department of health staff shall not be subject to civil, criminal, or administrative liability for a negligent act or omission relative to the accuracy of the information provided or for filing the declaration with the appropriate state or local agencies. Each facility shall send to the department of health the original acknowledgment of parentage form, or an electronic version, containing the social security numbers, dates of birth, places of birth, and ethnic backgrounds of both signatories, with any other information required by the department of health so that the birth certificate issued includes the names of the signatories. The birth certificate shall be promptly recorded by the department of health.

(d) The child support enforcement agency shall:

- (1) Provide to any individual or facility the necessary:
 - (A) Materials and forms and a written description of the rights and responsibilities related to voluntary acknowledgment of parentage; and

- (B) Training, guidance, and written instructions regarding voluntary acknowledgment of parentage;
- (2) Annually assess each facility's parentage establishment program; and
- (3) Determine if a voluntary acknowledgment has been filed with the department of health whenever it receives an application for parentage establishment services.
- (e) Notwithstanding sections 338-17.7 and 338-18(b), the department of health shall disclose to the child support enforcement agency, upon request, all voluntary acknowledgment of parentage forms on file with the department of health.
- (f) The signed voluntary acknowledgment of parentage shall constitute a legal finding of parentage, subject to the right of any signatory to rescind the acknowledgment:
 - (1) Within sixty days of signature; or
 - (2) Before the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a support order to which the signatory is a party,

whichever is sooner.

(g) Following the sixty-day period pursuant to subsection (f), a signed voluntary acknowledgment of parentage may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof on the challenger. The legal responsibilities of any signatory arising from the acknowledgment, including child support obligations, shall not be suspended during the challenge, except for good cause shown.

(h) The courts and office of child support hearings of this State shall give full faith and credit to affidavits for the voluntary acknowledgment of parentage signed in any other state and made in compliance with the law of that state, and these affidavits shall constitute legal findings of parentage subject to subsections (f) and (g).

(i) Judicial and administrative proceedings shall not be required or permitted to ratify an unchallenged acknowledgment of parentage. A voluntary acknowledgment of parentage signed by the individuals and filed with the department of health shall be the basis for establishing and enforcing a support obligation through a judicial or administrative proceeding.

PART V. PROCEEDING TO ADJUDICATE PARENTAGE

§ -501 Pretrial hearings. (a) As soon as practicable after an action to declare the existence or nonexistence of a parent-child relationship has been brought, an informal hearing shall be held. The public shall be barred from the hearing. A record of the proceeding or any portion thereof shall be kept if any party requests, or the court orders. Rules of evidence need not be observed.

(b) The court, in its discretion, may waive a hearing on an uncontested parentage complaint submitted by an individual who gave birth to a child, an alleged genetic parent of the child, a presumed parent of the child, or a functional parent of the child with proof provided by affidavit.

§ -502 Pretrial recommendations. (a) On the basis of the information produced at the pretrial hearing held pursuant to section -501, the judge conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the parent-child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest of the child

pursuant to section 571-46(b). On the basis of the evaluation, an appropriate recommendation for settlement shall be made to the parties, which may include any of the following:

- (1) That the action be dismissed with or without prejudice;
 - (2) That the matter be compromised by an agreement among the birth parent and the individual who is seeking to have parentage adjudicated, and the child, in which the individual seeking to be adjudicated to be a parent is not adjudicated to be a parent but in which a defined economic obligation is undertaken in favor of the child and, if appropriate, in favor of the parent, subject to approval by the judge conducting the hearing. In reviewing the obligation undertaken by the individual whose parentage is to be adjudicated in a compromise agreement, the judge conducting the hearing shall consider the best interest of the child, in light of the factors enumerated in section 576D-7(a), discounted by the improbability, as it appears to the judge, of establishing the parentage or non-parentage of the individual whose parentage is to be adjudicated in a trial of the action; or
 - (3) That the individual whose parentage is to be adjudicated voluntarily acknowledges parentage of the child.
- (b) If the parties accept a recommendation made in accordance with subsection (a), judgment shall be entered accordingly.
- (c) If a party refuses to accept the final recommendation made under subsection (a) and genetic tests have not been taken, the court may order the parties to submit to genetic tests, if practicable. Thereafter the judge shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action shall be set for trial.
- (d) A guardian ad litem appointed for the child may accept or refuse to accept a recommendation under this section.
- (e) The pretrial hearing may be terminated and the action set for trial if the judge conducting the hearing finds it unlikely that all parties would accept a recommendation the judge may make under subsection (a) or (c).

§ -503 Civil action. (a) An action under this chapter shall be a civil action governed by the Hawaii family court rules or the Hawaii rules of civil procedure. The individual who gave birth to the child and the individual whose parentage is to be adjudicated shall be competent to testify and may be compelled to testify; provided that no criminal prosecution, other than a prosecution for perjury, shall afterwards be commenced against the individual who gave birth to the child or the individual whose parentage is to be adjudicated on account of any transaction, matter, or thing concerning which they may testify or produce evidence under this chapter, documentary or otherwise. Part VII shall apply in any action brought under this chapter.

(b) Testimony relating to sexual access to the individual who gave birth to the child by an unidentified person at any time or by an identified person at a time other than the probable time of conception of the child shall be inadmissible in evidence, unless offered by the individual who gave birth to the child.

(c) Notwithstanding the limitation on the admission of evidence stated in subsection (b), evidence offered with respect to an individual who is not subject to the jurisdiction of the court concerning sexual intercourse or assisted reproduction with the individual who gave birth to the child at or about the probable time of conception of the child shall be admissible in evidence only if the individual

offering the evidence has undergone and made available to the court genetic tests, including genetic tests the results of which do not exclude the possibility of the individual's parentage of the child.

§ -504 Judgment or order. (a) The judgment or order of the court determining the existence or nonexistence of the parent-child relationship shall be determinative for all purposes.

(b) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued pursuant to section -510.

(c) The judgment or order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. Upon neglect or refusal to give this security, or upon default of a parent or a parent's surety in compliance with the terms of the judgment, the court may order the forfeiture of the security and the application of the proceeds thereof toward the payment of any sums due under the terms of the judgment and may also sequester a parent's personal estate, and the rents and profits of a parent's real estate, and may appoint a receiver thereof, and may cause a parent's personal estate, including any salaries, wages, commissions, or other moneys owed to the parent and the rents and profits of the parent's real estate, to be applied toward the meeting of the terms of the judgment, to the extent that the court, from time to time, deems just and reasonable. The judgment or order may direct a parent to pay the reasonable expenses of the pregnancy and childbirth, including but not limited to medical insurance premiums, such as for MedQuest, that cover the periods of pregnancy and childbirth. The court may further order the noncustodial parent to reimburse the custodial parent, the child, or any public agency for reasonable expenses incurred before entry of judgment, including support, maintenance, education, and funeral expenses expended for the benefit of the child.

(d) Support judgments or orders ordinarily shall be for periodic payments that may vary in amount. In the best interest of the child, a lump sum payment or the purchase of an annuity may be ordered in lieu of periodic payments of support. The court may limit the obligor parent's liability for past support of the child to the proportion of the expenses already incurred that the court deems just.

(e) In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, a court enforcing the obligation of support shall use the guidelines established under section 576D-7. Provision may be made for the support, maintenance, and education of an adult or minor child and an incompetent adult child, regardless of whether the petition is made before or after the child has attained the age of majority.

(f) Whenever a parent of a child is a minor, unmarried, and not able to provide full support, the court may order one or both parents of the minor to support the child until the minor reaches the age of majority, is otherwise emancipated, or is financially able to fully support the child, whichever occurs first. For the purposes of this subsection:

- (1) The judgment or order for support shall be made against the parent or parents of the minor to the extent that the minor is unable to support the child;

- (2) The resources, standard of living, and earning ability of the parent or parents of the minor shall be considered under subsection (d) in determining the amount of support; and
- (3) The parent or parents of the minor shall be an obligor under this chapter and chapter 571 and any action against the obligor to collect support may be pursued against the parent or parents of the minor.

§ -505 Costs. The court may order reasonable fees of counsel, experts, and the child's guardian ad litem, and other costs of the action and pretrial proceedings, including genetic tests, subject to section -703, to be paid by the parties in proportions and at times determined by the court.

§ -506 Enforcement of judgment or order. (a) If existence of the parent-child relationship is declared, or parentage or a duty of support has been acknowledged or adjudicated under this chapter or under prior law, the obligation of a parent may be enforced in the same or other proceedings by the other parent, the child, the public authority that has furnished or may furnish the reasonable expenses of pregnancy, childbirth, education, support, or funeral, or by any other individual, including a private agency, to the extent the individual has furnished or is furnishing these expenses.

(b) The court may order support payments to be made to a parent or an adult child, or through the child support enforcement agency as its rules permit, or through an individual, corporation, or agency designated to administer support payments for the benefit of the child under the supervision of the court.

(c) Wilful failure to obey the judgment or order of the court shall be a civil contempt of the court. All remedies for the enforcement of judgments shall apply to this chapter. When a court of competent jurisdiction issues an order compelling a parent to furnish support, including child support, medical support, or other remedial care, for the parent's child, it shall constitute prima facie evidence of a civil contempt of court upon proof that:

- (1) The order was made, filed, and served on the parent or proof that the parent was present in court at the time the order was pronounced; and
- (2) The parent did not comply with the order.

An order of civil contempt of court based on prima facie evidence under this subsection shall clearly state that the failure to comply with the order of civil contempt of court may subject the parent to a penalty that may include imprisonment or, if imprisonment is immediately ordered, the conditions that must be met for release from imprisonment. A party may also prove civil contempt of court by means other than prima facie evidence under this subsection.

§ -507 Modification of judgment or order. (a) The court shall have continuing jurisdiction to modify or revoke a judgment or order:

- (1) For future education and support; and
- (2) With respect to matters listed in section -504(c) and (d) and -506(b); provided that a court entering a judgment or order for the payment of a lump sum or the purchase of an annuity under section -504(d) may specify that the judgment or order may not be modified or revoked.

(b) In those cases where child support payments are to continue due to the adult child's pursuance of education, the child support enforcement agency, at least three months before the adult child's nineteenth birthday, shall send notice by regular mail to the adult child and the custodial parent that prospective child

support will be suspended unless proof is provided by the custodial parent or adult child, to the child support enforcement agency, before the child's nineteenth birthday, that the child is presently enrolled as a full-time student in school or has been accepted into and plans to attend a post-high school university, college, or vocational school as a full-time student for the next semester. If the custodial parent or adult child fails to do so, prospective child support payments may be automatically suspended by the child support enforcement agency, hearings officer, or court. In addition, if applicable, the child support enforcement agency, hearings officer, or court may issue an order terminating existing assignments against the responsible parent's income and income assignment orders.

(c) The need to provide for the child's health care needs through health insurance or other means shall be a basis for petitioning for a modification of the support order.

§ -508 Hearings and records; confidentiality. (a) Notwithstanding any other law concerning public hearings and records, unless the court orders otherwise, any hearing or trial in a case filed on or before January 1, 2021, under chapter 584, before its repeal, and any hearing or trial held to establish parentage under part VIII or IX shall be held in closed court without admittance of any individual other than those individuals necessary to the action or proceeding. All papers and records pertaining to the action or proceeding, whether part of the permanent record of the court or of a file of the department of health or elsewhere shall not be open to inspection by any individual other than the parties to the proceeding, the child who is the subject of the proceeding, their attorneys, and the department of health, unless consent is given by the court and all interested persons, or inspection is authorized by an order of the court for good cause shown. The individual seeking to inspect the document may be required to pay the expense of preparing a copy of the document to be inspected.

(b) Upon parentage being established, the confidentiality requirement shall not extend to the judgment and all subsequently filed documents that are used in good faith for support and medical expenses, insurance, or enforcement purposes; provided that the confidentiality requirement shall continue to apply to any references to a non-adjudicated alleged or presumed parent.

§ -509 Court filings; minutes of proceedings; posting requirement. The judiciary shall post on its website the titles of all court filings and the minutes of court proceedings in cases brought under this chapter except for actions filed pursuant to part VIII or IX; provided that the judiciary shall redact information that has been made confidential by any statute, rule of court, or court order; provided further that, on request of a party and for good cause, the court may close a proceeding and records to the public; provided further that the titles of all court filings for the case and the contents of a final order shall be available for public inspection, with other papers and records available for public inspection, only with the consent of the parties or by court order.

§ -510 Birth records. (a) Upon order of a court of this State or upon request or order of a court of another state, or following acknowledgment as provided in section -401, the department of health shall prepare a new birth certificate consistent with the findings of the court or in cases of acknowledgment under section -401, consistent with the acknowledgment, and shall substitute the new birth certificate for the original birth certificate.

(b) The fact that a parent-child relationship was declared or acknowledged after the child's birth shall not be ascertainable from the new birth certificate, but the actual place and date of birth shall be shown.

(c) Unless the court orders otherwise, the evidence upon which the new birth certificate was made and the original birth certificate shall not be open to inspection by any individual other than the parties to the proceeding, the child who is the subject of the birth certificate, their attorneys, and the department of health. A court shall only authorize an individual to inspect the evidence upon which the new birth certificate was made for good cause shown. The individual seeking to inspect the document may be required to pay the expense of preparing a copy of the document to be inspected.

§ -511 Parentage judgment, acknowledgment, support order; social security number. The social security number of any individual who is subject to a parentage judgment or acknowledgment, or a support order issued under this chapter, shall be placed in the records relating to the matter in compliance with any other court rule or law.

§ -512 Filing of acknowledgments and adjudications with department of health. All voluntary acknowledgments and adjudications of parentage by judicial process shall be filed with the department of health for comparison with information in the state case registry established pursuant to section 576D-6(a)(12). Filing of the adjudications of parentage shall be the responsibility of the natural parent or individual or agency as the court shall direct.

PART VI. SPECIAL RULES FOR PROCEEDINGS

§ -601 Adjudicating parentage of child with alleged genetic parent. (a) A proceeding to determine whether an alleged genetic parent who is not a presumed parent is a parent of a child may be commenced:

- (1) Before the child becomes an adult; or
- (2) After the child becomes an adult, but only if the child initiates the proceeding.

(b) Except as otherwise provided by law, this subsection shall apply in a proceeding described in subsection (a) if the individual who gave birth to the child is the only other individual with a claim to parentage of the child. The court shall adjudicate an alleged genetic parent to be a parent of the child if the alleged genetic parent:

- (1) Is identified under section -705 as a genetic parent of the child and the identification is not successfully challenged under section -705;
- (2) Admits parentage in a pleading, when making an appearance, or during a hearing; the court accepts the admission; and the court determines the alleged genetic parent to be a parent of the child;
- (3) Declines to submit to genetic testing ordered by the court or the child support enforcement agency, in which case the court may adjudicate the alleged genetic parent to be a parent of the child even if the alleged genetic parent denies a genetic relationship with the child;
- (4) Is in default after service of process and the court determines the alleged genetic parent to be a parent of the child; or
- (5) Is neither identified nor excluded as a genetic parent by genetic testing and, based on other evidence, the court determines the alleged genetic parent to be a parent of the child.

(c) If in a proceeding involving an alleged genetic parent at least one other individual in addition to the individual who gave birth to the child has a claim to parentage of the child, the court shall adjudicate parentage under section -607, unless a valid denial of parentage is filed in accordance with section -608.

§ -602 Adjudicating parentage of child with presumed parent. (a)

A proceeding to determine whether a presumed parent is a parent of a child may be commenced:

- (1) Before the child becomes an adult; or
- (2) After the child becomes an adult, but only if the child initiates the proceeding.
- (b) A presumption of parentage under section -303 cannot be overcome after the child attains two years of age unless the court determines:
 - (1) The presumed parent is not a genetic parent, never resided with the child, and never held out the child as the presumed parent's child; or
 - (2) The child has more than one presumed parent.
- (c) Except as otherwise provided by law, the following rules shall apply in a proceeding to adjudicate a presumed parent's parentage of a child if the individual who gave birth to the child is the only other individual with a claim to parentage of the child:
 - (1) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child;
 - (2) If the presumed parent is identified under section -705 as a genetic parent of the child and that identification is not successfully challenged under section -705, the court shall adjudicate the presumed parent to be a parent of the child; and
 - (3) If the presumed parent is not identified under section -705 as a genetic parent of the child and the presumed parent or the individual who gave birth to the child challenges the presumed parent's parentage of the child, the court shall adjudicate the parentage of the child in the best interest of the child based on the factors under sections -607(a) and -607(b).
- (d) If in a proceeding to adjudicate a presumed parent's parentage of a child, another individual in addition to the individual who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage under section -607, unless a valid denial of parentage is filed in accordance with section -608.

§ -603 Adjudicating claim of functional parentage of a child. (a)

A proceeding to establish parentage of a child under this section may be commenced only by an individual who:

- (1) Is alive when the proceeding is commenced; and
- (2) Claims to be a functional parent of the child.
- (b) An individual who claims to be a functional parent of a child shall commence a proceeding to establish parentage of a child under this section:
 - (1) Before the child attains eighteen years of age; and
 - (2) While the child is alive.
- (c) The following rules shall govern standing of an individual who claims to be a functional parent of a child to maintain a proceeding under this section:

- (1) The individual shall file an initial verified pleading alleging specific facts that support the claim to parentage of the child asserted under this section. The verified pleading shall be served on all parents and legal guardians of the child and any other party to the proceeding;
- (2) An adverse party, parent, or legal guardian may file a pleading in response to the pleading filed under paragraph (1). A responsive pleading shall be verified and must be served on parties to the proceeding; and
- (3) Unless the court finds a hearing is necessary to determine disputed facts material to the issue of standing, the court shall determine, based on the pleadings under paragraphs (1) and (2), whether the individual has alleged facts sufficient to satisfy by a preponderance of the evidence the requirements of subsection (d). If the court holds a hearing under this subsection, the hearing shall be held on an expedited basis.
- (d) In a proceeding to adjudicate parentage of an individual who claims to be a functional parent of the child, if there is only one other individual who is a parent or has a claim to parentage of the child, the court shall adjudicate the individual who claims to be a functional parent to be a parent of the child if the individual demonstrates by clear and convincing evidence that:
 - (1) The individual resided with the child as a regular member of the child's household for a significant period;
 - (2) The individual engaged in consistent caretaking of the child;
 - (3) The individual undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;
 - (4) The individual held out the child as the individual's child;
 - (5) The individual established a bonded and dependent relationship with the child that is parental in nature;
 - (6) Another parent of the child fostered or supported the bonded and dependent relationship required under paragraph (5); and
 - (7) Continuing the relationship between the individual and the child is in the best interest of the child.
- (e) Subject to other limitations in this part, if in a proceeding to adjudicate parentage of an individual who claims to be a functional parent of the child, there is more than one other individual who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection (d) are satisfied, the court shall adjudicate parentage under section -607, unless a valid denial of parentage is filed in accordance with section -608.

§ -604 Adjudicating parentage of child with acknowledged parent. (a) If a child has an acknowledged parent, a proceeding to challenge the acknowledgment of parentage, brought by a signatory to the acknowledgment, shall be governed by section -403(g).

(b) If a child has an acknowledged parent, the following rules shall apply in a proceeding to challenge the acknowledgment of parentage brought by an individual, other than the child, who has standing under section -203 and was not a signatory to the acknowledgment:

- (1) The individual shall commence the proceeding no later than two years after the effective date of the acknowledgment, unless good cause is shown;

- (2) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child pursuant to section 571-46(b); and
- (3) If the court permits the proceeding, the court shall adjudicate parentage under section -607.

§ -605 Adjudicating parentage of child with adjudicated parent. (a)

If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by an individual who was a party to the adjudication or received notice under section -201, shall be governed by the rules governing a collateral attack on a judgment.

(b) If a child has an adjudicated parent, the following rules shall apply to a proceeding to challenge the adjudication of parentage brought by an individual, other than the child, who has standing under section -203 and was not a party to the adjudication and did not receive notice under section -201:

- (1) The individual shall commence the proceeding no later than two years after the effective date of the adjudication, unless good cause is shown;
- (2) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child pursuant to section 571-46(b); and
- (3) If the court permits the proceeding, the court shall adjudicate parentage under section -607.

§ -606 Adjudicating parentage of a child of assisted reproduction. (a)

An individual who is a parent under part VIII or the individual who gave birth to the child may bring a proceeding to adjudicate parentage. If the court determines the individual is a parent under part VIII, the court shall adjudicate the individual to be a parent of the child.

(b) In a proceeding to adjudicate an individual's parentage of a child under this section, if another individual other than the individual who gave birth to the child is a parent under part VIII, the court shall adjudicate the individual's parentage of the child under section -607.

§ -607 Adjudicating competing claims of parentage. (a)

Except as otherwise provided by law, in a proceeding to adjudicate competing claims of, or challenges under section -601, -602, -603, -604, -605, or -606 to, parentage of a child by two or more individuals, the court shall adjudicate parentage in the best interest of the child, based on:

- (1) The age of the child;
- (2) The length of time during which each individual assumed the role of parent of the child;
- (3) The nature of the relationship between the child and each individual;
- (4) The harm to the child if the relationship between the child and each individual is not recognized;
- (5) The basis for each individual's claim to parentage of the child; and
- (6) Other equitable factors arising from the disruption of the relationship between the child and each individual or the likelihood of other harm to the child.

(b) If an individual challenges parentage based on the results of genetic testing, in addition to the factors listed in subsection (a), the court shall consider:

- (1) The facts surrounding the discovery that the individual might not be a genetic parent of the child; and
- (2) The length of time between the time that the individual was placed on notice that the individual might not be a genetic parent and the commencement of the proceeding.
- (c) The court may adjudicate a child to have more than two parents under this chapter if the court finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child shall not require a finding of unfitness of any parent or individual seeking an adjudication of parentage. In determining detriment to the child, the court shall consider all relevant factors, including the harm if the child is removed from a stable placement with an individual who has fulfilled the child's physical needs and psychological needs for care and affection and has assumed the role for a substantial period.

§ -608 Denial of parentage. An alleged genetic parent or presumed parent may sign a denial of parentage in a record filed with the court. The denial of parentage shall be valid only if:

- (1) Another individual other than the individual who gave birth to the child agrees to have that other individual's parentage of the child established under this part, and the agreement is in an affidavit filed with the court;
- (2) The signature of the alleged genetic parent or presumed parent is attested by a notarial officer or witnesses; and
- (3) The alleged genetic parent or presumed parent has not previously:
 - (A) Completed a valid acknowledgment of parentage, unless the previous acknowledgment was rescinded under section -403(f) or challenged successfully under section -403(g); or
 - (B) Been adjudicated to be a parent of the child.

PART VII. GENETIC TESTING

§ -701 Scope of part; limitation on use of genetic testing. (a) This part shall govern genetic testing of an individual in a proceeding to adjudicate parentage, whether the individual:

- (1) Voluntarily submits to testing; or
- (2) Is tested under an order of the court or the child support enforcement agency.
- (b) Genetic testing shall not be used to:
 - (1) Challenge the parentage of an individual who is a parent under part VIII or IX; or
 - (2) Establish the parentage of an individual who is a donor.

§ -702 Authority to order or deny genetic testing. (a) Except as otherwise provided in this part or part V, in a proceeding under this chapter to determine parentage, the court shall order the child and any other individual to submit to genetic testing if a request for testing is supported by the sworn statement of a party:

- (1) Alleging a reasonable possibility that the individual is the child's genetic parent; or

(2) Denying genetic parentage of the child and stating facts establishing a reasonable possibility that the individual is not a genetic parent.

(b) The child support enforcement agency may order genetic testing only if there is no presumed parent, acknowledged parent, or adjudicated parent of a child other than the individual who gave birth to the child.

(c) The court or the child support enforcement agency shall not order in utero genetic testing.

(d) If two or more individuals are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

(e) Genetic testing of an individual who gave birth to a child shall not be a condition precedent to testing of the child and an individual whose genetic parentage of the child is being determined. If the individual who gave birth to the child is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each individual whose genetic parentage of the child is being adjudicated.

(f) In a proceeding to adjudicate the parentage of a child having a presumed parent or an individual who claims to be a parent under section -602, or to challenge an acknowledgment of parentage, the court may deny a motion for genetic testing of the child and any other individual after considering the factors in section -607(a) and (b).

(g) If an individual requesting genetic testing is barred under section -402(a), -403(g), -604(b), or -605(b) from establishing the individual's parentage, the court shall deny the request for genetic testing.

(h) An order under this section for genetic testing shall be enforceable by contempt.

§ -703 Requirements for genetic testing. (a) Genetic testing shall be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by:

(1) The AABB, formerly known as the American Association of Blood Banks, or a successor to its functions; or

(2) An accrediting body designated by the Secretary of the United States Department of Health and Human Services.

(b) A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each individual undergoing genetic testing.

(c) Based on the ethnic or racial group of an individual undergoing genetic testing, a testing laboratory shall determine the databases from which to select frequencies for use in calculating a relationship index. If an individual or the child support enforcement agency objects to the laboratory's choice, the following rules shall apply:

(1) No later than thirty days after receipt of the report of the test, the objecting individual or the child support enforcement agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory;

(2) The individual or the child support enforcement agency objecting to the laboratory's choice under this subsection shall:

(A) If the requested frequencies are not available to the laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or

- (B) Engage another laboratory to perform the calculations; and
- (3) The laboratory may use its own statistical estimate if there is a question as to which ethnic or racial group is appropriate. The laboratory shall calculate the frequencies using statistics, if available, for any other ethnic or racial group requested.
- (d) If, after recalculation of the relationship index under subsection (c) using a different ethnic or racial group, genetic testing under section -705 does not identify an individual as a genetic parent of a child, the court may require an individual who has been tested to submit to additional genetic testing to identify a genetic parent.

§ -704 Report of genetic testing. (a) In any hearing or trial brought under this chapter, a report of the facts and results of genetic tests ordered by the court under this chapter shall be admissible in evidence by affidavit of the person whose name is signed to the report, attesting to the procedures followed in obtaining the report. A report of the facts and results of genetic tests shall be admissible as evidence of parentage without the need for foundation testimony or other proof of authenticity or accuracy, unless objection is made.

(b) Documentation from a testing laboratory of the following information shall be sufficient to establish a reliable chain of custody and allow the results of genetic testing to be admissible without testimony:

- (1) The name and photograph of each individual whose specimen has been taken;
- (2) The name of the individual who collected each specimen;
- (3) The place and date each specimen was collected;
- (4) The name of the individual who received each specimen in the testing laboratory; and
- (5) The date each specimen was received.

(c) An alleged genetic parent or party to the parentage action who objects to the admission of the report concerning the genetic test results shall file a motion no later than twenty days after receiving a copy of the report and shall show good cause as to why a witness is necessary to lay the foundation for the admission of the report as evidence. The court may, sua sponte or at a hearing on the motion, determine whether a witness shall be required to lay the foundation for the admission of the report as evidence. The right to call witnesses to rebut the report shall be reserved to all parties.

§ -705 Report of genetic testing. (a) Subject to a challenge under subsection (b), an individual is identified under this chapter as a genetic parent of a child if genetic testing complies with this part and the results of the testing disclose:

- (1) The individual has at least a ninety-nine per cent probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and
- (2) A combined relationship index of at least one hundred to one.
- (b) An individual identified under subsection (a) as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of this part that:
 - (1) Excludes the individual as a genetic parent of the child; or

- (2) Identifies another individual as a possible genetic parent of the child other than the individual:

- (A) Who gave birth to the child; or
- (B) Identified under subsection (a).

(c) If more than one individual other than the individual who gave birth is identified by genetic testing as a possible genetic parent of the child, the court shall order each individual to submit to further genetic testing to identify a genetic parent.

(d) If an original test result is contested, the court shall order further genetic testing with payment of the testing to be advanced and paid for by the contesting party.

§ -706 Genetic testing when specimen not available. (a) Subject to subsection (b), if a genetic-testing specimen is not available from an alleged genetic parent of a child, an individual seeking genetic testing demonstrates good cause, and the court finds that the circumstances are just, the court may order any of the following individuals to submit specimens for genetic testing:

- (1) A parent of the alleged genetic parent;
- (2) A sibling of the alleged genetic parent;
- (3) Another child of the alleged genetic parent and the individual who gave birth to the other child; and
- (4) Another relative of the alleged genetic parent necessary to complete genetic testing.

(b) To issue an order under this section, the court shall find that a need for genetic testing outweighs the legitimate interests of the individual sought to be tested.

§ -707 Deceased individual. If an individual seeking genetic testing demonstrates good cause, the court may order genetic testing of a deceased individual.

PART VIII. ASSISTED REPRODUCTION

§ -801 Scope of part. This part shall not apply to the birth of a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement under part IX.

§ -802 Parental status of donor. A donor is not a parent of a child conceived by assisted reproduction.

§ -803 Parentage of child of assisted reproduction. An individual who consents under section -804 to assisted reproduction by another individual with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child.

§ -804 Consent to assisted reproduction. (a) Except as otherwise provided in subsection (b), the consent described in section -803 shall be in a record signed by an individual giving birth to a child conceived by assisted reproduction and the other individual who intends to be a parent of the child.

(b) Failure to consent in a record as required by subsection (a), before, on, or after the birth of the child shall not preclude the court from finding consent to parentage if:

- (1) The individual giving birth to a child or the other individual proves by clear and convincing evidence the existence of an express agreement entered into before conception that the individual giving birth and the other individual intended they both would be parents of the child; or
- (2) The individual giving birth to the child and the other individual for the first two years of the child's life, including any period of temporary absence, resided together in the same household with the child and both openly held out the child as the individual's child; provided that if an individual dies or becomes incapacitated before the child attains two years of age or the child dies before the child attains two years of age, the court may find consent under this subsection to parentage if a party proves by clear and convincing evidence that the individual giving birth to the child and the other individual intended to reside together in the same household with the child and both intended the individual would openly hold out the child as the individual's child, but the individual was prevented from carrying out that intent by death or incapacity.

§ -805 Limitation on spouse's dispute of parentage. (a) Except as otherwise provided in subsection (b), an individual who, at the time of the child's birth, is the spouse of an individual who gave birth to the child by assisted reproduction may not challenge the individual's own parentage of the child unless:

- (1) No later than two years after the birth of the child or the date of which the individual first learns of the birth of the child, whichever is later, the individual commences a proceeding to adjudicate the individual's parentage of the child; and
- (2) The court finds the individual did not consent to the assisted reproduction, before, on, or after the birth of the child, or withdrew consent under section -807.

(b) A proceeding to adjudicate a spouse's parentage of a child born by assisted reproduction may be commenced at any time if the court determines:

- (1) The spouse neither provided a gamete for, nor consented to, the assisted reproduction;
- (2) The spouse and the individual who gave birth to the child have not cohabited since the probable time of assisted reproduction; and
- (3) The spouse never openly held out the child as the spouse's child.

(c) This section shall apply to a spouse's dispute of parentage even if the spouse's marriage is declared invalid after assisted reproduction occurs.

§ -806 Effect of certain legal proceedings regarding marriage. If a marriage of an individual who gives birth to a child conceived by assisted reproduction is terminated through divorce or dissolution, subject to legal separation or separate maintenance, declared invalid, or annulled before transfer of gametes or embryos to said individual, a former spouse of said individual is not a parent of the child unless the former spouse consented in a record that the former spouse would be a parent of the child if assisted reproduction were to occur after a divorce, dissolution, legal separation, separate maintenance, declaration of invalidity, or annulment, and the former spouse did not withdraw consent under section -807.

§ -807 Withdrawal of consent. (a) An individual who consents under section -804 to assisted reproduction may withdraw consent any time before a transfer by giving notice in a record of the withdrawal of consent to the individual who agreed to give birth to a child conceived by assisted reproduction

and to any fertility clinic or health care provider facilitating the assisted reproduction. Failure to give notice to the fertility clinic or health care provider shall not affect a determination of parentage under this part.

(b) An individual who withdraws consent under subsection (a) is not a parent of the child under this part.

§ -808 Parental status of deceased individual. (a) If an individual who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the birth of the child, the individual's death shall not preclude the establishment of the individual's parentage of the child if the individual otherwise would be a parent of the child under this chapter.

(b) If an individual who consented in a record to assisted reproduction by an individual who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased individual is a parent of a child conceived by the assisted reproduction only if:

- (1) Either:
 - (A) The individual consented in a record that if assisted reproduction were to occur after the death of the individual, the individual would be a parent of the child; or
 - (B) The individual's intent to be a parent of a child conceived by assisted reproduction after the individual's death is established by clear and convincing evidence; and
- (2) Either:
 - (A) The embryo is in utero no later than thirty-six months after the individual's death; or
 - (B) The child is born no later than forty-five months after the individual's death.

PART IX. SURROGACY AGREEMENT

A. General Provisions

§ -901 Definitions. As used in this part:

"Genetic surrogate" means an individual who is capable of carrying a pregnancy to term and giving birth to a child, who is not an intended parent and who agrees to become pregnant through assisted reproduction using the individual's own gamete, under a genetic surrogacy agreement as provided in this part.

"Gestational surrogate" means an individual who is capable of carrying a pregnancy to term and giving birth to a child, who is not an intended parent and who agrees to become pregnant through assisted reproduction using gametes that are not the individual's own, under a gestational surrogacy agreement as provided in this part.

"Surrogacy agreement" means an agreement between one or two intended parents and an individual who is capable of carrying a pregnancy to term and giving birth to a child and who is not an intended parent in which the individual agrees to become pregnant through assisted reproduction and provides that any intended parent is a parent of a child conceived under the agreement. Unless otherwise specified, "surrogacy agreement" refers to both a gestational surrogacy agreement and a genetic surrogacy agreement.

§ -902 Eligibility to enter gestational or genetic surrogacy agreement.

(a) To execute a surrogacy agreement to act as a gestational surrogate or genetic surrogate, an individual who is capable of carrying a pregnancy to term and giving birth to a child shall:

- (1) Have attained twenty-one years of age;
- (2) Previously have given birth to at least one child;
- (3) Complete a medical evaluation related to the surrogacy arrangement by a licensed medical doctor;
- (4) Complete a mental health consultation by a licensed mental health professional; and
- (5) Have independent legal representation of the individual's choice throughout the surrogacy arrangement regarding the terms of the surrogacy agreement and the potential legal consequences of the surrogacy agreement.

(b) To execute a surrogacy agreement, each intended parent, whether or not genetically related to the child, shall have:

- (1) Attained twenty-one years of age; and
- (2) Independent legal representation of the intended parent's or parents' choice throughout the surrogacy arrangement regarding the terms of the surrogacy agreement and the potential legal consequences of the surrogacy agreement; provided that the intended parents may be jointly represented if desired.

§ -903 Requirements of gestational or genetic surrogacy agreement;

process. (a) A surrogacy agreement shall be executed in compliance with the following rules:

- (1) At least one party shall be a resident of the State or, if no party is a resident of the State, at least one medical evaluation or procedure or mental health consultation under the surrogacy agreement shall occur in the State and each party to the agreement shall consent to the jurisdiction of the courts of the State;
- (2) A surrogate and each intended parent shall meet the requirements of section -902;
- (3) Each intended parent, the surrogate, and the surrogate's spouse, if any, shall be parties to the surrogacy agreement;
- (4) The surrogacy agreement shall be in a record signed by each party listed in paragraph (3);
- (5) The surrogate and each intended parent shall acknowledge, in a record, receipt of a copy of the surrogacy agreement;
- (6) The signature of each party to the surrogacy agreement shall be attested by a notarial officer or witnessed in accordance with the laws of the jurisdiction in which the surrogacy agreement is signed;
- (7) The surrogate, surrogate's spouse, if any, and the intended parent or parents shall have independent legal representation throughout the surrogacy arrangement regarding the terms of the surrogacy agreement and the potential legal consequences of the surrogacy agreement, and each counsel shall be identified in the surrogacy agreement; provided that the surrogate and the surrogate's spouse, if any, may be jointly represented if so desired, and the intended parent or parents may be jointly represented if so desired;

- (8) The intended parent or parents shall pay for independent legal representation for the surrogate and surrogate's spouse, if any; and
- (9) The surrogacy agreement shall be executed before a medical procedure, including the taking of medication, occurs related to the surrogacy agreement, other than the medical evaluation and mental health consultation required by section -902.

§ -904 Requirements of gestational or genetic surrogacy agreement; content. (a) A surrogacy agreement shall comply with the following requirements:

- (1) A surrogate shall agree to attempt to become pregnant by means of assisted reproduction;
- (2) Except as otherwise provided in sections -910, -913, and -914, the surrogate and the surrogate's spouse or former spouse, if any, shall have no claim to parentage of a child conceived by assisted reproduction under the agreement;
- (3) The surrogate's spouse, if any, shall acknowledge and agree to comply with the obligations imposed on the surrogate by the agreement;
- (4) Except as otherwise provided in sections -910, -913, and -914, the intended parent, or, if there are two intended parents, each one jointly and severally, immediately upon birth shall be the exclusive parent or parents of the child, regardless of the number of children born or the gender or mental or physical condition of each child;
- (5) Except as otherwise provided in sections -910, -913, and -914, the intended parent or, if there are two intended parents, each parent jointly and severally, immediately upon birth shall assume physical and legal custody of, and responsibility for the financial support of the child, regardless of the number of children born or the gender or mental or physical condition of each child;
- (6) The surrogacy agreement shall provide for payment by the intended parent or parents of reasonable legal, medical, and ancillary expenses, including:
 - (A) Premiums for a health insurance policy that covers medical treatment and hospitalization for the person acting as surrogate unless otherwise mutually agreed upon by the parties, pursuant to the terms of the surrogacy agreement;
 - (B) Payment of all uncovered medical expenses;
 - (C) Payment of legal fees for the legal representation of the person acting as surrogate and the person's spouse, if any;
 - (D) Payment of life insurance premiums, pursuant to the terms of the surrogacy agreement; and
 - (E) Any other reasonable financial arrangements mutually agreed upon by the parties, including any applicable reimbursement and compensation schedule, pursuant to the terms of the surrogacy agreement;
- (7) The intended parent or parents shall be liable for the surrogacy-related expenses of the individual acting as surrogate, including expenses for health care provided for assisted reproduction, prenatal care, labor, and delivery and for the medical expenses of the resulting child that are not paid by insurance. This paragraph

shall not be construed to supplant any health insurance coverage that is otherwise available to the person acting as surrogate or an intended parent for the coverage of health care costs. This paragraph shall not change the health insurance coverage of the person acting as surrogate or the responsibility of the insurance company to pay benefits under a policy that covers a person acting as surrogate;

- (8) The surrogacy agreement shall permit the surrogate to make all health and welfare decisions regarding themselves and their pregnancy. This chapter shall not enlarge or diminish the surrogate's constitutional or other legal right to terminate the pregnancy;
- (9) The surrogacy agreement shall include information about each party's right under this part to terminate the surrogacy agreement;
- (10) The surrogacy agreement shall address confidentiality between the parties to the surrogacy agreement; and
- (11) The surrogacy agreement shall address whether the intended parents will complete a mental health consultation by a licensed mental health professional.
- (b) A surrogacy agreement may provide for:
 - (1) Payment of consideration, and payment or reimbursement of reasonable expenses, to the surrogate; and
 - (2) Reimbursement of specific expenses if the agreement is terminated under this part.
- (c) A right created under a surrogacy agreement shall not be assignable and there shall be no third-party beneficiary of the surrogacy agreement other than the child.

§ -905 Surrogacy agreement; effect of subsequent change of marital status.

- (a) Unless a surrogacy agreement expressly provides otherwise:
 - (1) The marriage of a surrogate after the surrogacy agreement is signed by all parties shall not affect the validity of the surrogacy agreement, the surrogate's spouse's consent to the surrogacy agreement is not required, and the surrogate's spouse shall not be a presumed parent of a child conceived by assisted reproduction under the surrogacy agreement; and
 - (2) The divorce, dissolution, annulment, declaration of invalidity, or legal separation of the surrogate after the surrogacy agreement is signed by all parties shall not affect the validity of the surrogacy agreement.
- (b) Unless a surrogacy agreement expressly provides otherwise:
 - (1) The marriage of an intended parent after the surrogacy agreement is signed by all parties shall not affect the validity of a surrogacy agreement, the consent of the spouse of the intended parent is not required, and the spouse of the intended parent shall not be, based on the surrogacy agreement alone, a parent of a child conceived by assisted reproduction under the surrogacy agreement; and
 - (2) The divorce, dissolution, annulment, declaration of invalidity, or legal separation of an intended parent after the surrogacy agreement is signed by all parties shall not affect the validity of the surrogacy agreement and, except as otherwise provided in section -913, the intended parents are the parents of the child.

§ -906 Exclusive, continuing jurisdiction. During the period after the execution of a surrogacy agreement until ninety days after the birth of a child conceived by assisted reproduction under the surrogacy agreement, a court of the State conducting a proceeding under this chapter shall have exclusive, continuing jurisdiction over all matters arising out of the agreement. This section shall not give the court jurisdiction over a child custody or child support proceeding if jurisdiction is not otherwise authorized by a law of this State other than this chapter.

B. Special Rules of Gestational Surrogacy Agreement

§ -907 Termination of gestational surrogacy agreement. (a) A party to a gestational surrogacy agreement may terminate the surrogacy agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the surrogacy agreement at any time before a subsequent embryo transfer.

(b) Unless a gestational surrogacy agreement provides otherwise, on termination of the surrogacy agreement under subsection (a), the parties shall be released from the surrogacy agreement, except that each intended parent shall remain responsible for expenses that are reimbursable under the surrogacy agreement and incurred by the gestational surrogate through the date of termination.

(c) Except in a case involving fraud, neither a gestational surrogate nor the surrogate's spouse or former spouse, if any, shall be liable to the intended parent or parents for a penalty or liquidated damages for terminating a gestational surrogacy agreement under this section.

§ -908 Parentage under gestational surrogacy agreement. (a) Except as otherwise provided in subsection (c), section -909(b), or section -911, upon birth of a child conceived by assisted reproduction under a gestational surrogacy agreement, each intended parent shall be, by operation of law, a parent of the child.

(b) Except as otherwise provided in subsection (c) or section -911, neither a gestational surrogate nor the surrogate's spouse or former spouse, if any, is a parent of the child.

(c) If a child is alleged to be a genetic child of the individual who agreed to be a gestational surrogate, the court shall order genetic testing of the child. If the child is a genetic child of said individual who agreed to be a gestational surrogate, parentage shall be determined based on parts I through VII.

(d) Except as otherwise provided in subsection (c), section -909(b), or section -911, if, due to a clinical or laboratory error, a child conceived by assisted reproduction under a gestational surrogacy agreement is not genetically related to either intended parent or to a donor who donated gametes to the intended parent or parents, each intended parent, and not the gestational surrogate and the surrogate's spouse or former spouse, if any, is a parent of the child, subject to any other claim of parentage.

§ -909 Gestational surrogacy agreement; parentage of deceased intended parent. (a) Section -908 shall apply to an intended parent even if the intended parent dies during the period between the transfer of a gamete or embryo and the birth of the child.

(b) Except as otherwise provided in section -911, an intended parent is not a parent of a child conceived by assisted reproduction under a gestational surrogacy agreement if the intended parent dies before the transfer of a gamete or embryo unless:

- (1) The agreement provides otherwise; and
- (2) The transfer of a gamete or embryo occurs no later than thirty-six months after the death of the intended parent, or the birth of the child occurs no later than forty-five months after the death of the intended parent.

§ -910 Gestational surrogacy agreement; order of parentage. (a) Except as otherwise provided in section -908(c) or -911, before, on, or after the birth of a child conceived by assisted reproduction under a gestational surrogacy agreement, a party to the agreement may commence a proceeding in the appropriate court for an order or judgment:

- (1) Declaring that each intended parent is a parent of the child and ordering that parental rights and duties vest immediately on the birth of the child exclusively in each intended parent;
- (2) Declaring that the gestational surrogate and the surrogate's spouse or former spouse, if any, are not the parents of the child;
- (3) Designating the content of the birth record in accordance with chapter 338, and directing the department of health to designate each intended parent as a parent of the child;
- (4) To protect the privacy of the child and the parties, declaring that unless the court orders otherwise, the court record, including a petition and any other document related to a surrogacy agreement filed with the court under this chapter shall be sealed and shall not be open to inspection by any individual other than the parties to the proceeding, a child conceived by assisted reproduction under the agreement, their attorneys, and the department of health; provided that the court shall only authorize an individual to inspect the sealed records for good cause shown; provided further that the individual seeking to inspect the document may be required to pay the expense of preparing a copy of the document to be inspected;
- (5) If necessary, that the child be surrendered to the intended parent or parents; and
- (6) For other relief the court determines necessary and proper.

(b) The court may issue an order or judgment under subsection (a) before the birth of the child. The court shall stay enforcement of the order or judgment until the birth of the child.

(c) Neither the State nor the department of health shall be a necessary party to a proceeding under subsection (a).

§ -911 Effect of gestational surrogacy agreement. (a) A gestational surrogacy agreement that complies with sections -902, -903, and -904 shall be enforceable.

(b) If a child was conceived by assisted reproduction under a gestational surrogacy agreement that does not comply with sections -902, -903, and -904, the court shall determine the rights and duties of the parties to the surrogacy agreement consistent with the intent of the parties at the time of execution of the surrogacy agreement. Each party to the surrogacy agreement and any individual who at the time of the execution of the surrogacy agreement was

a spouse of a party to the surrogacy agreement shall have standing to maintain a proceeding to adjudicate an issue related to the enforcement of the surrogacy agreement.

(c) Except as expressly provided in a gestational surrogacy agreement or subsection (d) or (e), if the surrogacy agreement is breached by the gestational surrogate or one or more intended parents, the non-breaching party is entitled to the remedies available at law or in equity.

(d) Specific performance is not a remedy available for breach by a gestational surrogate of a provision in the surrogacy agreement that the gestational surrogate undergo an embryo transfer, terminate or not terminate a pregnancy, or submit to medical procedures.

(e) Except as otherwise provided in subsection (d), if an intended parent is determined to be a parent of the child, specific performance is a remedy available for breach:

- (1) Of the surrogacy agreement by a gestational surrogate or gestational surrogate's spouse that prevents the intended parent from exercising immediately on the birth of the child the full rights of parentage; or
- (2) By the intended parent that prevents the intended parent's acceptance, immediately on the birth of the child conceived by assisted reproduction under the agreement, of the duties of parentage.

C. Special Rules for Genetic Surrogacy Agreement

§ -912 Requirements to validate a genetic surrogacy agreement. (a) Except as otherwise provided in section -915, to be enforceable, a genetic surrogacy agreement shall be validated by the family court. A proceeding to validate the surrogacy agreement shall be commenced before assisted reproduction related to the surrogacy agreement is initiated.

(b) The court shall issue an order validating a genetic surrogacy agreement if the court finds that:

- (1) Sections -902, -903, and -904 are satisfied; and
- (2) All parties entered into the surrogacy agreement voluntarily and understand its terms.

(c) An individual who terminates a genetic surrogacy agreement under section -913 shall file notice of the termination with the court. On receipt of the notice, the court shall vacate any order issued under subsection (b). An individual who terminates a genetic surrogacy agreement under this section but does not notify the court of the termination of the agreement shall be subject to sanctions.

§ -913 Termination of genetic surrogacy agreement. (a) A party to a genetic surrogacy agreement may terminate the surrogacy agreement as follows:

- (1) An intended parent who is a party to the surrogacy agreement may terminate the surrogacy agreement at any time before a gamete or embryo transfer by giving notice of termination in a record to all other parties. If a gamete or embryo transfer does not result in a pregnancy, a party may terminate the surrogacy agreement at any time before a subsequent gamete or embryo transfer. The notice of termination shall be attested by a notarial officer or witnessed; and

- (2) A genetic surrogate who is a party to the agreement may withdraw consent to the surrogacy agreement any time before seventy-two hours after the birth of a child conceived by assisted reproduction under the surrogacy agreement. To withdraw consent, the genetic surrogate shall execute a notice of termination in a record stating the surrogate's intent to terminate the surrogacy agreement. The notice of termination shall be attested by a notarial officer or witnessed and be delivered to each intended parent any time before seventy-two hours after the birth of the child.
- (b) On termination of the genetic surrogacy agreement under subsection (a), the parties shall be released from all obligations under the surrogacy agreement except that each intended parent shall remain responsible for all expenses incurred by the surrogate through the date of termination that are reimbursable under the surrogacy agreement. Unless the surrogacy agreement provides otherwise, the surrogate shall not be entitled to and shall refund to intended parents within ten days after withdrawal of consent any non-expense-related compensation paid for serving as a surrogate.
- (c) Except in a case involving fraud, neither a genetic surrogate nor the surrogate's spouse or former spouse, if any, shall be liable to the intended parent or parents for a penalty or liquidated damages for terminating a genetic surrogacy agreement under this section.

§ -914 Parentage under validated genetic surrogacy agreement. (a) Unless a genetic surrogate exercises the right under section -913 to terminate a genetic surrogacy agreement, each intended parent is a parent of a child conceived by assisted reproduction under a surrogacy agreement validated under section -912.

(b) Unless a genetic surrogate exercises the right under section -913 to terminate the genetic surrogacy agreement, on proof of a court order issued under section -912 validating the surrogacy agreement, the court shall make an order:

- (1) Declaring that each intended parent is a parent of a child conceived by assisted reproduction under the surrogacy agreement and ordering that parental rights and duties vest exclusively in each intended parent;
- (2) Declaring that the gestational surrogate and the surrogate's spouse or former spouse, if any, are not parents of the child;
- (3) Designating the contents of the birth certificate in accordance with chapter 338 and directing the department of health to designate each intended parent as a parent of the child;
- (4) To protect the privacy of the child and the parties, declaring that unless the court orders otherwise, the court record, including a petition and any other document related to a surrogacy agreement filed with the court under this chapter shall be sealed and shall not be open to inspection by any individual other than the parties to the proceeding, a child conceived by assisted reproduction under the agreement, their attorneys, and the department of health; provided that the court shall only authorize an individual to inspect the sealed records for good cause shown; provided further that the individual seeking to inspect the document may be required to pay the expense of preparing a copy of the document to be inspected;

(5) If necessary, that the child be surrendered to the intended parent or parents; and

(6) For other relief the court determines necessary and proper.

(c) If a genetic surrogate terminates a genetic surrogacy agreement under section -913(a)(2), parentage of the child conceived by assisted reproduction under the surrogacy agreement shall be determined under parts I through VII.

(d) If a child born to a genetic surrogate is alleged not to have been conceived by assisted reproduction, the court shall order genetic testing to determine the genetic parentage of the child. If the child was not conceived by assisted reproduction, parentage shall be determined under parts I through VII. Unless the genetic surrogacy agreement provides otherwise, if the child was not conceived by assisted reproduction, the surrogate is not entitled to any non-expense-related compensation paid for serving as a surrogate.

(e) Unless a genetic surrogate exercises the right under section -913 to terminate the genetic surrogacy agreement, if an intended parent fails to file notice required under section -913(a), the genetic surrogate or the department of health may file with the court, no later than sixty days after the birth of a child conceived by assisted reproduction under the surrogacy agreement, notice that the child has been born to the genetic surrogate. Unless the genetic surrogate has properly exercised the right under section -913 to withdraw consent to the surrogacy agreement, on proof of a court order issued under section -912 validating the surrogacy agreement, the court shall order that each intended parent is a parent of the child.

§ -915 Effect of non-validated genetic surrogacy agreement. (a) A genetic surrogacy agreement, whether or not in a record, that is not validated under section -912 shall be enforceable only to the extent provided in this section and section -917.

(b) If all parties agree, a court may validate a genetic surrogacy agreement after assisted reproduction has occurred but before the birth of a child conceived by assisted reproduction under the agreement.

(c) If a child conceived by assisted reproduction under a genetic surrogacy agreement that is not validated under section -912 is born and the genetic surrogate, consistent with section -913(a)(2), withdraws their consent to the surrogacy agreement before seventy-two hours after the birth of the child, the court shall adjudicate the parentage of the child under parts I through VII.

(d) If a child conceived by assisted reproduction under a genetic surrogacy agreement that is not validated under section -912 is born and a genetic surrogate does not withdraw their consent to the surrogacy agreement, consistent with section -913(a)(2), before seventy-two hours after the birth of the child, the genetic surrogate is not automatically a parent and the court shall adjudicate parentage of the child based on the best interest of the child, taking into account the factors in section -607(a) and the intent of the parties at the time of the execution of the surrogacy agreement.

(e) The parties to a genetic surrogacy agreement shall have standing to maintain a proceeding to adjudicate parentage under this section.

§ -916 Genetic surrogacy agreement; parentage of deceased intended parent. (a) Except as otherwise provided in section -914 or -915, on birth of a child conceived by assisted reproduction under a genetic surrogacy agreement, each intended parent is, by operation of law, a parent of the child,

notwithstanding the death of an intended parent during the period between the transfer of a gamete or embryo and the birth of the child.

(b) Except as otherwise provided in section -914 or -915, an intended parent is not a parent of a child conceived by assisted reproduction under a genetic surrogacy agreement if the intended parent dies before the transfer of a gamete or embryo unless:

- (1) The surrogacy agreement provides otherwise; and
- (2) The transfer of the gamete or embryo occurs no later than thirty-six months after the death of the intended parent, or the birth of the child occurs no later than forty-five months after the death of the intended parent.

§ -917 Breach of genetic surrogacy agreement. (a) Subject to section -913(b), if a genetic surrogacy agreement is breached by a genetic surrogate or one or more intended parents, the non-breaching party shall be entitled to the remedies available at law or in equity.

(b) Specific performance is not a remedy available for breach by a genetic surrogate of a requirement of a validated or non-validated genetic surrogacy agreement that the surrogate undergo insemination or embryo transfer, terminate or not terminate a pregnancy, or submit to medical procedures.

(c) Except as otherwise provided in subsection (b), specific performance is a remedy available for breach:

- (1) Of a validated genetic surrogacy agreement by a genetic surrogate of a requirement that prevents an intended parent from exercising the full rights of parentage seventy-two hours after the birth of the child; or
- (2) By an intended parent that prevents the intended parent's acceptance of duties of parentage seventy-two hours after the birth of the child."

SECTION 3. Section 26-14.6, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

"(f) Effective July 1, 1990, the functions, authority, and obligations, together with the limitations imposed thereon and the privileges and immunities conferred thereby, exercised by a "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy", under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9, 353-11, 356D-54, 356D-94, 383-71, 445-37, 482E-4, 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, [584-6,] ____-203, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to the same extent by the department of public safety; and effective January 1, 2024, those functions, authority, and obligations shall be exercised to the same extent by the department of law enforcement."

SECTION 4. Section 338-12, Hawaii Revised Statutes, is amended to read as follows:

"§338-12 Evidentiary character of certificates. Certificates filed within thirty days after the time prescribed therefor shall be prima facie evidence of the facts therein stated. Data pertaining to [the father] a parent of a child is prima facie evidence if:

- (1) The alleged ~~[father]~~ parent is:
 - (A) The ~~[husband]~~ spouse of the ~~[mother;]~~ other parent; or
 - (B) The acknowledged ~~[father]~~ parent of the child; or
- (2) The ~~[father and child]~~ parent-child relationship has been established under chapter ~~[584.]~~ _____. Data pertaining to the alleged ~~[father]~~ parent acknowledging ~~[paternity]~~ parentage of the child ~~[is]~~ shall be admissible as evidence of ~~[paternity]~~ parentage in any family court proceeding, including proceedings under chapter ~~[584.]~~ _____.”

SECTION 5. Section 338-15, Hawaii Revised Statutes, is amended to read as follows:

“§338-15 Late or altered certificates. A person born in the State may file or amend a certificate after the time prescribed, upon submitting proof as required by rules adopted by the department of health. Certificates registered after the time prescribed for filing by the rules of the department of health shall be registered subject to any evidentiary requirements that the department adopts by rule to substantiate the alleged facts of birth. The department may amend a birth certificate to change or establish the identity of a registrant’s parent only pursuant to a court order from a court of appropriate jurisdiction or pursuant to a legal establishment of parenthood pursuant to chapter ~~[584.]~~ _____. Amendments that change or establish the identity of a registrant’s parent that are made in accordance with this section shall not be considered corrections of personal records pursuant to chapter 92F.”

SECTION 6. Section 338-21, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) All children born to parents not married to each other, irrespective of the marriage of either natural parent to another, on:

 - (1) ~~[on the]~~ The marriage of the natural parents with each other~~;~~;
 - (2) ~~[on the]~~ The voluntary, written acknowledgments of ~~[paternity]~~ parentage under oath signed by the ~~[natural father and the natural mother;]~~ birthing parent and alleged genetic parent, presumed parent, or intended parent under part VIII of chapter _____; or
 - (3) ~~[on establishment]~~ Establishment of the ~~[parent and child]~~ parent-child relationship under chapter ~~[584.]~~ _____,

are entitled to the same rights as those born to parents married to each other and shall take the name so stipulated by their parents or, if the parents do not agree on the name, shall take the name specified by a court of competent jurisdiction to be the name that is in the best interests of the child. The original certificate of birth shall contain the name so stipulated. The child or children or the parents thereof may petition the department of health to issue a new original certificate of birth, and not a duplicate of the original certificate that has been amended, altered, or modified, in the new name of the child, and the department shall issue the new original certificate of birth. As used in this section, “name” includes the first name, middle name, or last name.”
2. By amending subsection (d) to read:

“(d) Nothing in this section shall be construed to limit the power of the courts to order the department of health to prepare new certificates of birth under section ~~[584-23:]~~ _____-510.”

SECTION 7. Section 532-6, Hawaii Revised Statutes, is amended to read as follows:

“§532-6 To child born to parents not married to each other. Every child born to parents not married to each other at the time of the child’s birth and for whom the ~~[parent and child]~~ parent-child relationship has not been established pursuant to chapter [584] ____ shall be considered as an heir to the child’s mother, and shall inherit ~~[her]~~ the mother’s estate, in whole or in part, as the case may be, in like manner as if the child had been born in lawful wedlock.”

SECTION 8. Section 560:2-121, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “child of assisted reproduction” to read:

““Child of assisted reproduction” means a child conceived by means of assisted reproduction by an individual other than a gestational ~~[carrier]~~ surrogate under section 560:2-127.”

2. By amending the definition of “genetic father” to read:

““Genetic father” means the individual whose sperm fertilized the egg of a child’s genetic mother; provided that if the ~~[father-child]~~ parent-child relationship is established by the presumption of ~~[paternity]~~ parentage under chapter [584.] ____, “genetic father” means only the individual for whom that relationship is established.”

SECTION 9. Section 560:2-126, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§560:2-126]]—Child~~ Individual conceived by assisted reproduction ~~[other than a child]~~ but not born to gestational [carrier.] or genetic surrogate. [(a)—In this section:

“**Birth mother**” means an individual, other than a gestational carrier under section 560:2-127, who gives birth to a child of assisted reproduction. “Birth mother” is not limited to an individual who is the child’s genetic mother.

“**Third-party donor**” means an individual who produces eggs or sperm used for assisted reproduction, whether or not for consideration. “Third-party donor” does not include:

- (1) A spouse who provides sperm or eggs that are used for assisted reproduction by a gestational spouse;
 - (2) The birth mother of a child of assisted reproduction; or
 - (3) An individual who has been determined under subsection (e) or (f) to have a parent-child relationship with a child of assisted reproduction.
- (b) A parent-child relationship shall not be deemed to exist between a child of assisted reproduction and a third-party donor.
- (c) A parent-child relationship shall be deemed to exist between a child of assisted reproduction and the child’s birth mother.
- (d) Except as otherwise provided in subsections (i) and (j), a parent-child relationship shall be deemed to exist between a child of assisted reproduction and the spouse of the child’s birth mother if the spouse provided the sperm that the birth mother used during the spouse’s lifetime for assisted reproduction.
- (e) A birth certificate identifying an individual other than the birth mother as the other parent of a child of assisted reproduction shall presumptively establish a parent-child relationship between the child and that individual.

(f) — Except as otherwise provided in subsections (g), (i), and (j), and unless a parent-child relationship is established under subsection (d) or (e), a parent-child relationship shall be deemed to exist between a child of assisted reproduction and an individual other than the birth mother who consented to assisted reproduction by the birth mother with the intent to be treated as the other parent of the child. Consent to assisted reproduction by the birth mother with intent to be treated as the other parent of the child shall be established if the individual:

- (1) Signed a record, before or after the child's birth, that, considering all the facts and circumstances, evidences the individual's consent; or
- (2) In the absence of a signed record under paragraph (1):
 - (A) Functioned as a parent of the child no later than two years after the child's birth;
 - (B) Intended to function as a parent of the child no later than two years after the child's birth but was prevented from carrying out that intent by death, incapacity, or other circumstances; or
 - (C) Intended to be treated as a parent of a posthumously conceived child, if that intent is established by clear and convincing evidence.

(g) — For the purpose of subsection (f)(1), neither an individual who signed a record more than two years after the birth of the child, nor a relative of that individual who is not also a relative of the birth mother, inherits from or through the child unless the individual functioned as a parent of the child before the child reached eighteen years of age.

(h) — For the purpose of subsection (f)(2):

- (1) If the birth mother is married and no divorce proceeding is pending, or in a reciprocal beneficiary relationship, in the absence of clear and convincing evidence to the contrary, the birth mother's spouse or reciprocal beneficiary shall be deemed to satisfy subsection (f)(2)(A) or (B); and
- (2) If the birth mother is a surviving spouse and at the death of the birth mother's deceased spouse no divorce proceeding was pending, or is the surviving reciprocal beneficiary, in the absence of clear and convincing evidence to the contrary, the birth mother's deceased spouse or reciprocal beneficiary shall be deemed to satisfy subsection (f)(2)(B) or (C).

(i) — If a married couple is divorced before placement of eggs, sperm, or embryos, a child resulting from the assisted reproduction shall not be treated as a child of the birth mother's former spouse, unless the former spouse consented in a record that, if assisted reproduction were to occur after divorce, the child would be treated as the former spouse's child.

(j) — If, in a record, an individual withdraws consent to assisted reproduction before placement of eggs, sperm, or embryos, a child resulting from the assisted reproduction shall not be treated as a child of that individual, unless the individual subsequently satisfies subsection (f).

(k) — If, under this section, an individual is a parent of a child of assisted reproduction who is conceived after the individual's death, the child shall be treated as in gestation at the individual's death for purposes of section 560:2-104(b)(2) if the child is:

- (1) In utero no later than thirty-six months after the individual's death;
or
- (2) Born no later than forty-five months after the individual's death.]

Except as otherwise provided under section 560:2-127, parentage of an individual conceived by assisted reproduction shall be determined under part VIII of chapter , other than section -808(b)(2)."

SECTION 10. Section 560:2-127, Hawaii Revised Statutes, is amended to read as follows:

"[§560:2-127]—Child] Individual born to gestational [earrier.] or genetic surrogate. [(a)—In this section:

"Gestational agreement" means an enforceable or unenforceable agreement for assisted reproduction in which an individual agrees to carry a child to birth for an intended parent, intended parents, or an individual described in subsection (e).

"Gestational carrier" means an individual who is not an intended parent who gives birth to a child under a gestational agreement. **"Gestational carrier"** is not limited to an individual who is the child's genetic mother.

"Gestational child" means a child born to a gestational carrier under a gestational agreement.

"Intended parent" means an individual who entered into a gestational agreement providing that the individual will be the parent of a child born to a gestational carrier by means of assisted reproduction. **"Intended parent"** is not limited to an individual who has a genetic relationship with the child.

(b) A parent-child relationship shall be deemed to be conclusively established by a court order designating the parent or parents of a gestational child.

(c) A parent-child relationship between a gestational child and the gestational child's carrier shall not be deemed to exist unless the gestational carrier is:

- (1) Designated as a parent of the child in a court order, as described in subsection (b); or
- (2) The child's genetic mother and a parent-child relationship does not exist under this section with an individual other than the gestational carrier.

(d) In the absence of a court order under subsection (b), a parent-child relationship shall be deemed to exist between a gestational child and an intended parent who:

- (1) Functioned as a parent of the child no later than two years after the child's birth; or
- (2) Died while the gestational carrier was pregnant if:
 - (A) There were two intended parents, and the other intended parent functioned as a parent of the child no later than two years after the child's birth;
 - (B) There were two intended parents, the other intended parent also died while the gestational carrier was pregnant, and a relative of either deceased intended parent or the spouse, reciprocal beneficiary, or surviving spouse or reciprocal beneficiary of a relative of either deceased intended parent functioned as a parent of the child no later than two years after the child's birth; or
 - (C) There was no other intended parent and a relative of the deceased intended parent, or the spouse, reciprocal beneficiary, or surviving spouse or reciprocal beneficiary of a relative of

~~the deceased intended parent, functioned as a parent of the child no later than two years after the child's birth.~~

(e) ~~In the absence of a court order under subsection (b), a parent-child relationship shall be deemed to exist between a gestational child and an individual whose sperm or eggs were used after the individual's death or incapacity to conceive a child under a gestational agreement entered into after the individual's death or incapacity if the individual intended to be treated as the parent of the child. The individual's intent may be shown by:~~

- ~~(1) A record signed by the individual that, considering all the facts and circumstances, evidences the individual's intent; or~~
- ~~(2) Other facts and circumstances establishing the individual's intent by clear and convincing evidence.~~

~~(f) Except as otherwise provided in subsection (g), and unless there is clear and convincing evidence of a contrary intent, an individual shall be deemed to have intended to be treated as the parent of a gestational child for purposes of subsection (e)(2) if:~~

- ~~(1) The individual, before death or incapacity, deposited the sperm or eggs that were used to conceive the child;~~
- ~~(2) When the individual deposited the sperm or eggs, the individual was married, and no divorce proceeding was pending; and~~
- ~~(3) The individual's spouse or reciprocal beneficiary, or surviving spouse or reciprocal beneficiary, functioned as a parent of the child no later than two years after the child's birth.~~

~~(g) The presumption under subsection (f) shall not apply if there is:~~

- ~~(1) A court order under subsection (b); or~~
- ~~(2) A signed record that satisfies subsection (e)(1).~~

~~(h) If, under this section, an individual is a parent of a gestational child who is conceived after the individual's death, the child shall be treated as in gestation at the individual's death for purposes of section 560:2-104(b)(2) if the child is:~~

- ~~(1) In utero no later than thirty-six months after the individual's death;~~
- ~~or~~
- ~~(2) Born no later than forty-five months after the individual's death.~~

~~(i) This section shall not affect other laws of this State governing the enforceability or validity of a gestational agreement.] Parentage of an individual conceived by assisted reproduction and born to a gestational or genetic surrogate shall be determined under part IX of chapter _____, other than sections _____-909(b)(2) and _____-916(b)(2).~~

SECTION 11. Section 571-14, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Except as provided in sections 603-21.5 and 604-8, the court shall have exclusive original jurisdiction:

- (1) To try any offense committed against a child by the child's parent or guardian or by any other person having the child's legal or physical custody, and any violation of section 302A-1135, 707-726, 707-727, 709-902, 709-903, 709-903.5, 709-904, 709-905, or 709-906, [~~or 302A-1135,~~] whether or not included in other provisions of this paragraph or paragraph (2);
- (2) To try any adult charged with:
 - (A) Deserting, abandoning, or failing to provide support for any person in violation of law;

- (B) An offense, other than a felony, against the person of the defendant's ~~[husband or wife;]~~ spouse;
 - (C) Any violation of an order issued pursuant to chapter 586; or
 - (D) Any violation of an order issued by a family court judge[-];
- ~~[In any case within paragraph (1) or (2), the court, in its discretion, may waive its jurisdiction over the offense charged;]~~
- (3) In all proceedings under chapter 580, and in all proceedings under chapter ~~[584;]~~ ____;
 - (4) In proceedings under chapter 575, the Uniform Desertion and Non-support Act, and under chapter 576B, the Uniform Interstate Family Support Act;
 - (5) For commitment of an adult alleged to be mentally defective or mentally ill;
 - (6) In all proceedings for support between parent and child or between ~~[husband and wife;]~~ spouses;
 - (7) In all proceedings for pre-trial detention or waiver of jurisdiction over an adult who was a child at the time of an alleged criminal act as provided in section 571-13 or 571-22;
 - (8) In all proceedings under chapter 586, Domestic Abuse Protective Orders; and
 - (9) For the protection of vulnerable adults under chapter 346, part X[-];
- ~~[He] provided that in any case within paragraph (1) or (2), the court, in its discretion, may waive its jurisdiction over the offense charged; provided further that in any case within paragraph (3), (4), or (6), the attorney general, through the child support enforcement agency, may exercise concurrent jurisdiction as provided in chapter 576E."~~

SECTION 12. Section 571-50, Hawaii Revised Statutes, is amended to read as follows:

"§571-50 Modification of decree, rehearing. (a) Except as otherwise provided by this chapter, any decree or order of the court may be modified at any time.

(b) At any time during supervision of a child the court may issue notice or other appropriate process to the child if the child is of sufficient age to understand the nature of the process, to the parents, and to any other necessary parties to appear at a hearing on a charge of violation of the terms of supervision, for any change in or modification of the decree or for discharge. The provisions of this chapter relating to process, custody, and detention at other stages of the proceeding shall be applicable.

(c) A parent, guardian, custodian, or next friend of any child whose status has been adjudicated by the court, or any adult affected by a decree of the court, at any time may petition the court for a rehearing on the ground that new evidence, which was not known or not available through the exercise of due diligence at the time of the original hearing and ~~[which]~~ that might affect the decree, has been discovered. Upon a satisfactory showing of this evidence, the court shall order a new hearing and make any disposition of the case that the facts and the best interests of the child warrant.

(d) A parent, guardian, or next friend of a child whose legal custody has been transferred by the court to an institution, facility, agency, or person may petition the court for modification or revocation of the decree, on the ground that the legal custodian has wrongfully denied application for the release of the child or has failed to act upon it within a reasonable time, or has

acted in an arbitrary manner not consistent with the welfare of the child or the public interest. An institution, facility, agency, or person vested with legal custody of a child may petition the court for a renewal, modification, or revocation of the custody order on the ground that the change is necessary for the welfare of the child or in the public interest. The court may dismiss the petition if on preliminary investigation it finds the petition without substance. If the court is of the opinion that the decree should be reviewed, it shall conduct a hearing on notice to all parties concerned, and may enter an order continuing, modifying, or terminating the decree.

(e) Notwithstanding the foregoing provisions of this section, the court's authority with respect to the review, rehearing, renewal, modification, or revocation of decrees, judgments, or orders entered in the hereinbelow listed classes of proceedings shall be limited by any specific limitations set forth in the statutes governing these proceedings or in any other specifically applicable statutes or rules. These proceedings are as follows:

- (1) Annulment, divorce, separation, and other proceedings under chapter 580;
- (2) Adoption proceedings under chapter 578;
- (3) ~~[Paternity]~~ Parentage proceedings under chapter ~~[584]~~ ____;
- (4) Termination of parental rights proceedings under this chapter; and
- (5) State hospital commitment proceedings under chapter 334.

(f) A decree, judgment, or order committing a child to the care of the director of human services shall be reviewable under this section at the instance of others other than duly authorized representatives of the department only after a lapse of thirty days following the date of the decree, judgment, or order, and thereafter only at intervals of ~~[not]~~ no less than one year.

(g) Notwithstanding this section, the court shall not conduct a rehearing of any petition, filed under section 571-11(1), ~~[which,]~~ that, following a hearing, has been denied or dismissed."

SECTION 13. Section 571-52.6, Hawaii Revised Statutes, is amended to read as follows:

"§571-52.6 Child support order, judgment, or decree; accident and health or sickness insurance coverage. Each order, judgment, or decree under this chapter or chapter 576B, 580, or ~~[584]~~ ____ ordering a person to pay child support shall include the following provisions:

- (1) Both the obligor and the obligee are required to file with the state case registry, through the child support enforcement agency, upon entry of the child support order and to update as appropriate, information on the identity and location of the party, including social security number, residential and mailing addresses, telephone number, driver's license number if different from social security number, and name, address, and telephone number of the party's employer; and
- (2) The liability of that person for accident and health or sickness insurance coverage when available at reasonable cost."

SECTION 14. Section 571-84, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The court shall maintain records of all cases brought before it. Except as provided in sections 571-84.6 and ~~[584-20.5]~~ ____-509, in proceedings under section 571-11 and in ~~[paternity]~~ parentage proceedings under chapter ~~[584]~~ ____, the following records shall be withheld from public inspection: the court docket, petitions, complaints, motions, and other papers filed in any case; transcripts of testimony taken by the court; and findings, judgments, orders,

decrees, and other papers other than social records filed in proceedings before the court. The records other than social records shall be open to inspection: by the parties and their attorneys, by an institution or agency to which custody of a minor has been transferred, and by an individual who has been appointed guardian; with consent of the judge, by persons having a legitimate interest in the proceedings from the standpoint of the welfare of the minor; and, pursuant to order of the court or the rules of court, by persons conducting pertinent research studies, and by persons, institutions, and agencies having a legitimate interest in the protection, welfare, treatment, or disposition of the minor.”

SECTION 15. Section 571-84.5, Hawaii Revised Statutes, is amended to read as follows:

“§571-84.5 Support order, decree, judgment, or acknowledgment; social security number. The social security number of any individual who is a party to a divorce decree, or subject to a support order or ~~[paternity]~~ parentage determination, or has made an acknowledgment of ~~[paternity]~~ parentage issued under this chapter or chapter 576B, 580, or [584] ____ shall be placed in the records relating to the matter.”

SECTION 16. Section 571-87, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The maximum allowable fee shall not exceed the following schedule:

- (1) Cases arising under chapters ~~[[587A] and]~~ 346, part X[;], and 587A:
 - (A) Predisposition.....\$3,000;
 - (B) Postdisposition review hearing.....\$1,000;
- (2) Cases arising under chapters 560, 571, 580, and [584] ____\$3,000.

Payments in excess of any maximum provided for under paragraphs (1) and (2) may be made whenever the court in which the representation was rendered certifies, based upon representations of extraordinary circumstances, attested to by the applicant, that the amount of the excess payment is necessary to provide fair compensation in light of those circumstances, and the payment is approved by the administrative judge of that court.”

SECTION 17. Section 571-92, Hawaii Revised Statutes, is amended to read as follows:

“§571-92 Application. This part shall only apply to actions under chapters 580 and [584:] ____, Nothing in this part shall supersede any provision of any existing state or federal law. The provisions in this part shall be interpreted consistently with other relevant laws and the standard of “best interest of the child” shall remain paramount.”

SECTION 18. Section 574-3, Hawaii Revised Statutes, is amended to read as follows:

“§574-3 Children born to parents not married to each other. The registrar of births shall register any child born to parents not married to each other at the time of the child’s birth and where either the natural parents have not married each other or where the ~~[parent and child]~~ parent-child relationship has not been established pursuant to chapter [584:] ____, as having both a family name and given name chosen by the ~~[mother:]~~ individual who gave birth to the child, unless the child is born to a gestational surrogate or genetic surrogate pursuant to part IX, in which case, the child’s name shall be chosen by the intended parent or parents.”

SECTION 19. Section 576B-401, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The tribunal may issue a temporary child support order if the tribunal determines that the order is appropriate and the individual ordered to pay is:

- (1) A presumed ~~[father]~~ parent of the child;
- (2) Petitioning to have ~~[paternity]~~ parentage adjudicated;
- (3) Identified as the ~~[father]~~ parent of the child through genetic testing;
- (4) An alleged ~~[father]~~ parent who has declined to submit to genetic testing;
- (5) Shown by clear and convincing evidence to be the ~~[father]~~ parent of the child;
- (6) An acknowledged ~~[father]~~ parent as provided by section ~~[584-3.5]~~ -403;
- (7) ~~The [mother of]~~ individual who gave birth to the child; or
- (8) An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.”

SECTION 20. Section 576B-402, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In a proceeding to determine parentage, a responding tribunal of this State shall apply chapter ~~[584]~~ _____ and the rules of this State on choice of law.”

SECTION 21. Section 576E-2, Hawaii Revised Statutes, is amended to read as follows:

“§576E-2 Attorney general; powers. Notwithstanding any other law to the contrary, the attorney general, through the agency and the office, shall have concurrent jurisdiction with the court in all proceedings in which a support obligation is established, modified, or enforced, including but not limited to proceedings under chapters 571, 576B, 580, ~~[584, and 576B.]~~ _____ and _____. The attorney general, through the agency and the office, may establish, modify, suspend, terminate, and enforce child support obligations and collect or enforce spousal support using the administrative process provided in this chapter on all cases for which the department has a responsibility under Title IV-D of the Social Security Act, including but not limited to welfare and nonwelfare cases in which the responsible parent is subject to the department’s jurisdiction, regardless of the residence of the children for whom support is sought. These powers shall include but not be limited to the power to:

- (1) Conduct investigations into the ability of parties to pay support and into nonpayment of support;
- (2) Administer oaths, issue subpoenas, and require production of books, accounts, documents, and evidence;
- (3) Establish, modify, suspend, terminate, or enforce a child support order and to collect or enforce a spousal support order in conjunction with a child support order;
- (4) Determine that a party has not complied with a court or administrative order of support and make recommendations to the court or other agency with respect to contempt or other appropriate proceedings;
- (5) Establish arrearage;

- (6) Establish an order for child support for periods ~~[which]~~ that public assistance was provided to the child or children by the department of human services;
- (7) Order and enforce assignment of future income under ~~[section 576E-16;]~~ chapter 571, ~~[and]~~ section 576D-14~~[:]~~, and section 576E-16;
- (8) Exercise the powers and authority described in this section, notwithstanding the existence of a prior court or administrative order of support issued by another state or foreign jurisdiction, except as modified or limited by this chapter;
- (9) Determine that an obligor owes past-due support with respect to a child receiving assistance under a state program funded under Title IV-A of the Social Security Act, including Aid to Families with Dependent Children and Temporary Assistance to Needy Families and petition the court to issue an order that requires the obligor to pay such support in accordance with a plan approved by the court or, if the obligor is subject to a plan and is not incapacitated, participate in work activities, as defined in title 42 [U.S.C. §607(d);] United States Code 607(d), as the court deems appropriate;
- (10) Order genetic testing pursuant to chapter ~~[584]~~ _____ for the purpose of establishing ~~[paternity;]~~ parentage, with payment of costs to be made by the agency, subject to recoupment by the State from ~~[the father or the mother;]~~ a parent, if appropriate, if ~~[paternity]~~ parentage is established, and to also order additional testing in any case if an original test result is contested, upon request and advance payment by the contestant;
- (11) Exercise the powers and authority described in this section, notwithstanding the existence of a prior court or administrative order of support issued by another state or foreign jurisdiction, except as modified or limited by this chapter and chapter 576B; and
- (12) Delegate the powers and authority described in this section to hearings officers and employees of the agency.”

SECTION 22. Section 580-47, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Upon granting a divorce, or thereafter if, in addition to the powers granted in subsections (c) and (d), jurisdiction of those matters is reserved under the decree by agreement of both parties or by order of court after finding that good cause exists, the court may make any further orders that appear just and equitable (1) compelling the parties or either of them to provide for the support, maintenance, and education of the children of the parties; (2) compelling either party to provide for the support and maintenance of the other party; (3) finally dividing and distributing the estate of the parties, real, personal, or mixed, whether community, joint, or separate; and (4) allocating, as between the parties, the responsibility for the payment of the debts of the parties whether community, joint, or separate, and the ~~[attorney’s]~~ attorneys’ fees, costs, and expenses incurred by each party by reason of the divorce. In making these further orders, the court shall take into consideration: the respective merits of the parties, the relative abilities of the parties, the condition in which each party will be left by the divorce, the burdens imposed upon either party for the benefit of the children of the parties, the concealment of or failure to disclose income or an asset, or violation of a restraining order issued under

section 580-10(a) or (b), if any, by either party, and all other circumstances of the case. In establishing the amounts of child support, the court shall use the guidelines established under section 576D-7. Provision may be made for the support, maintenance, and education of an adult or minor child and for the support, maintenance, and education of an incompetent adult child regardless of whether the petition is made before or after the child has attained the age of majority. In those cases where child support payments are to continue due to the adult child's pursuance of education, the agency, at least three months before the adult child's nineteenth birthday, shall send notice by regular mail to the adult child and the custodial parent that prospective child support will be suspended unless proof is provided by the custodial parent or adult child to the child support enforcement agency, before the child's nineteenth birthday, that the child is presently enrolled as a full-time student in school or has been accepted into and plans to attend as a full-time student for the next semester a post-high school university, college, or vocational school. If the custodial parent or adult child fails to do so, prospective child support payments may be automatically suspended by the child support enforcement agency, hearings officer, or court upon the child reaching the age of nineteen years. In addition, if applicable, the agency, hearings officer, or court may issue an order terminating existing assignments against the responsible parent's income and income assignment orders.

In addition to any other relevant factors considered, the court, in ordering spousal support and maintenance, shall consider the following factors:

- (1) Financial resources of the parties;
- (2) Ability of the party seeking support and maintenance to meet the party's needs independently;
- (3) Duration of the marriage;
- (4) Standard of living established during the marriage;
- (5) Age of the parties;
- (6) Physical and emotional condition of the parties;
- (7) Usual occupation of the parties during the marriage;
- (8) Vocational skills and employability of the party seeking support and maintenance;
- (9) Needs of the parties;
- (10) Custodial and child support responsibilities;
- (11) Ability of the party from whom support and maintenance is sought to meet the party's own needs while meeting the needs of the party seeking support and maintenance;
- (12) Other factors that measure the financial condition in which the parties will be left as the result of the action under which the determination of maintenance is made; and
- (13) Probable duration of the need of the party seeking support and maintenance.

The court may order support and maintenance to a party for an indefinite period or until further order of the court; provided that in the event the court determines that support and maintenance shall be ordered for a specific duration wholly or partly based on competent evidence as to the amount of time that will be required for the party seeking support and maintenance to secure adequate training, education, skills, or other qualifications necessary to qualify for appropriate employment, whether intended to qualify the party for a new occupation, update or expand existing qualification, or otherwise enable or enhance the employability of the party, the court shall order support and maintenance for a period sufficient to allow completion of the training, education, skills, or other activity, and shall allow, in addition, sufficient time for the party to secure appropriate employment."

SECTION 23. Section 607-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) **PART I**

Action or proceeding, general:

- (1) Civil action or special proceeding, unless another item in part I applies \$200
- (1a) Petition for conversion of nonjudicial foreclosure to judicial foreclosure \$250
- (2) Appeal to a circuit court \$100
- (3) Transfer of action to circuit court from district court, in addition to district court fees \$125

Trusts:

- (4) Proceeding for (A) appointment of trustee; (B) appointment of successor; (C) resignation of trustee; (D) instructions; (E) approval of investment; (F) approval of sale, mortgage, lease, or other disposition of property; (G) approval of compromise of claim, for each such matter \$100
- (5) Proceeding for (A) removal of trustee; (B) order requiring accounting; (C) invalidation of action taken by trustee; (D) termination of trust, for each such matter \$100
- (6) Accounting, this fee to be paid for each account filed and to include the settlement of the account \$10
- (7) Vesting order no charge under part I
- (8) Allowance of fees of trustees, attorneys, or other fees for services incurred in a proceeding for which a fee has been paid under this section no charge under part I
- (8a) Registration of a trust, or release of registration, under chapter 560 \$3
- (9) Any other proceeding relating to a trust \$15

Conservatorship:

- (10) Proceeding for (A) appointment; (B) appointment of successor; (C) resignation; (D) instructions, unless included in one of the foregoing proceedings; (E), (F), (G) approval of any matter listed in (E), (F), or (G) of item (4) in relation to a trust, for each such matter \$100
- (11) Proceeding of the nature listed in (A), (B), (C), or (D) of item (5) in relation to a trust, for each such matter \$15
- (12) Accounting, same as provided by item (6) in relation to a trust . \$10
- (13) Any other proceeding relating to a conservatorship no charge under part I

Guardianship:

- (13a) Guardianship, including all matters of the nature listed in items (4) to (9), whether in family or circuit court \$100

Probate (decedents' estates). These fees include all matters of the nature listed in items (4) to (9), without additional charge:

- (14) Probate, administration, domiciliary foreign personal representative, or ancillary administration, this fee to be paid once only for each decedent's estate \$100

Family court cases:

- (15) Matrimonial action (annulment, divorce, separation, or separate maintenance) \$100
- (16) Adoption \$100
- (17) Guardianship, including all matters of the nature listed in items (4) to (9) As provided in item [13a] (13a)

- (18) Termination of parental rights, except determinations of ~~[father and child]~~ parent-child relationship pursuant to section [584-6] -203 no charge under part I
- (19) Determinations of ~~[father and child]~~ parent-child relationship pursuant to section [584-6] -203 \$100
- (20) Any other family court proceeding, except motions or other pleadings in matrimonial, adoption, determinations of ~~[father and child]~~ parent-child relationship pursuant to section [584-6,] -203, and guardianship actions, but including without limitation custody proceedings even if in the form of an habeas corpus proceeding \$15”

SECTION 24. Section 607-5.6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In addition to the fees prescribed under section 607-5 for a matrimonial action where either party has a minor child, or a family court proceeding under chapter [584,] , the court shall collect a surcharge of \$50 at the time of filing the initial complaint or petition. In cases where the surcharge has been initially waived, the court may collect the surcharge subsequent to the filing with ~~[such]~~ the surcharge to be assessed from either party or apportioned between both parties.”

SECTION 25. Section 634-37, Hawaii Revised Statutes, is amended to read as follows:

“**§634-37 Presumption of notice and service of process in child support cases.** Whenever notice and service of process is required for child support enforcement proceedings subsequent to an order issued pursuant to chapter 571, 576B, 576E, 580, or [584,] , upon a showing that diligent effort has been made to ascertain the location of a party, notice and service of process shall be presumed to be satisfied upon delivery of written notice to the most recent residential or employer address on file with the state case registry pursuant to section 571-52.6.”

SECTION 26. Chapter 584, Hawaii Revised Statutes, is repealed.

SECTION 27. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 28. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 29. This Act shall take effect on January 1, 2026.

(Approved July 7, 2025.)

SECTION 1. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§321- Alcohol and drug abuse division; homeless triage and treatment center program; establishment. (a) The department shall establish a homeless triage and treatment center program within the alcohol and drug abuse division that focuses on serving homeless individuals and individuals at risk of homelessness with substance abuse issues or mental illness.

(b) The homeless triage and treatment center program shall:

- (1) Provide access to emergency food, shelter, housing navigation, and supportive services;
- (2) Collaborate with existing homeless outreach and case management services;
- (3) Provide medical assessments;
- (4) Provide substance abuse treatment and detoxification services;
- (5) Provide behavioral health services; and
- (6) Provide trauma-informed, cultural-based life skills groups for participants to maximize engagement and retention.

(c) The alcohol and drug abuse division shall work in cooperation with local hospitals, rehabilitation facilities, law enforcement agencies, and homeless service providers in establishing the homeless triage and treatment center program.

(d) The alcohol and drug abuse division may contract with facilities that provide comprehensive triage services to homeless individuals suffering from substance abuse issues or mental illness to carry out the homeless triage and treatment center program.”

SECTION 2. Section 334-171, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There shall be established within the department a crisis intervention and diversion services program to redirect persons, including homeless 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 program may include intensive mobile outreach services. The department shall collaborate with law enforcement agencies, courts, mental health providers, and the community for the execution and implementation of these services. Any appropriation for the crisis intervention and diversion services program shall be used only for services contracted directly between the department and the service provider.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to implement this Act.

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

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved July 7, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

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 Act 86, Session Laws of Hawaii 2024, established a crisis intervention and diversion services program within the department of health to expand existing services and divert those with mental health issues to appropriate health care services. This program, along with the new behavioral health crisis center at the Iwilei resource center, connects individuals, including those who are homeless or at risk of homelessness, to appropriate crisis services and other community resources. While these programs have proven successful, often the scope of the programs is not enough to cover all areas of the State.

The legislature further finds that homelessness is a significant issue on Oahu, with a noticeable presence of unsheltered individuals, some of whom suffer from issues relating to drugs, alcohol, or mental illness and do not have access to the appropriate services for help.

Therefore, the purpose of this Act is to expand the crisis intervention and diversion services program by establishing two crisis intervention and diversion services sites on Oahu.

SECTION 2. Section 334-171, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There shall be established within the department a crisis intervention and diversion services program to redirect persons experiencing mental health disorders ~~[and]~~ or co-occurring mental health and substance use disorders, or both, who are at risk for involvement, or currently involved, with the criminal justice system to the appropriate health care system and services. The program shall establish at least two crisis intervention and diversion services sites on the island of Oahu; provided that of the two sites on Oahu, one site shall be located in an area for which data shows disproportionate numbers of individuals with mental health disorders or co-occurring mental health and substance use disorders, or both. The program may include the use of intensive mobile treatment services. The department shall collaborate with law enforcement agencies, courts, mental health providers, and the community for the execution and implementation of these services.”

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

SECTION 4. This Act shall take effect on July 1, 2025.

(Approved July 7, 2025.)

A Bill for an Act Relating to Settlement of Claims Related to the Maui Wildfires.

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

SECTION 1. The legislature finds that the payment of state moneys to a fund established to pay claims related to the devastating 2023 Maui wildfires,

as those claims are compromised and settled, serves a public purpose and is for the public health, safety, and general welfare of the State for the following reasons:

- (1) The 2023 Maui wildfires had a devastating impact on the residents of Maui, resulting in real and personal property damage, personal injury, wrongful death, emotional distress and inconvenience, and economic loss;
- (2) Establishing a trust fund to allow the State to respond with compassion and support for those affected by the 2023 Maui wildfires, ensuring that victims or their personal representatives are provided with fair and just compensation on a timely basis, is in the public interest;
- (3) Contributing state funds to be used along with contributions from others, including the county of Maui, Hawaiian Electric, Kamehameha Schools, Charter Communications/Spectrum, Hawaiian Telcom, and West Maui Land Company, for the compromise and settlement of claims against the State and others related to the 2023 Maui wildfires to compensate those who have suffered real and personal property damage, personal injury, wrongful death, emotional distress and inconvenience, or economic loss in the 2023 Maui wildfires is in the public interest;
- (4) Settling claims related to the 2023 Maui wildfires is an efficient mechanism to address the urgent and exceptional situation caused by the 2023 Maui wildfires, and will offer a unique ability to help those in need;
- (5) The complexity and challenges of tort litigation, including the length of time needed to resolve lawsuits, make it prudent to provide an alternative to litigation through the State's contribution to the Maui wildfires settlement agreements that will allow for the early compromise and settlement of claims and expedite the compensation process for those impacted by the 2023 Maui wildfires;
- (6) It is in the public interest to encourage swift and fair resolution to claims arising from the 2023 Maui wildfires, thus alleviating the burden on the judicial system and fostering community support, unity, and recovery in the aftermath of the 2023 Maui wildfires; and
- (7) Individuals receiving compensation pursuant to the Maui wildfires settlement agreements shall release the State and other parties that contribute to the Maui wildfires settlement agreements from further liability and shall voluntarily waive their rights to pursue damages through litigation for real and personal property damage, personal injury, wrongful death, emotional distress and inconvenience, and economic loss, contributing to a more efficient resolution process.

The legislature further finds that the Maui wildfires settlement agreements reached in November 2024 aim to resolve lawsuits related to the 2023 Maui wildfires. Under the proposed terms of the Maui wildfires settlement agreements, the seven defendants - the State of Hawaii, county of Maui, Hawaiian Electric, Kamehameha Schools, Charter Communications/Spectrum, Hawaiian Telcom, and West Maui Land Company - collectively agreed to pay \$4,037,000,000 to provide compensation to the approximately two thousand two hundred affected parties who filed lawsuits. The State's contribution is approximately \$807,500,000, to be paid over four years. The State's settlement amount is in addition to the State's \$65,000,000 contribution to the One Ohana Fund for wildfire assistance.

The allocation of funds and the determination of individual compensation amounts have yet to be finalized.

Further, the Hawaii supreme court recently decided in *In re Petition for the Coordination of Maui Fire Cases* that property and casualty insurance companies may only recover payments made to policyholders for 2023 Maui wildfire damages using a statutory lien. This limitation on the subrogation remedies available to insurers allows the settlement to proceed as planned.

Consequently, the legislature finds that authorizing the expenditure of public moneys as the State's payment to the compromise and settlement of claims arising from the 2023 Maui wildfires will provide a means of compensation to any individual or personal representative of a deceased individual who suffered real and personal property damage, personal injury, wrongful death, emotional distress and inconvenience, or economic loss as a result of the 2023 Maui wildfires, and will offer 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. The State's contribution to the settlement of claims will be distributed pursuant to the Maui wildfires settlement agreements.

Further, the legislature finds that the Maui wildfires settlement trust fund is recognized as a trust fund, where the claimants of the Maui wildfires settlement hold a vested beneficial interest that was established by a legislative appropriation that restricts the use of the trust fund exclusively for settling claims arising from the 2023 Maui wildfires and covering its administrative costs.

Accordingly, the purpose of this Act is to:

- (1) Establish the Maui wildfires settlement trust fund to be administered by the attorney general; and
- (2) Appropriate funds to fund the settlement of claims related to the 2023 Maui wildfires.

SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§28- Maui wildfires settlement trust fund. (a) There shall be established in the state treasury the Maui wildfires settlement trust fund, which shall be administered by the attorney general, and into which shall be deposited:

- (1) Appropriations made by the legislature to the trust fund;
- (2) All interest accruing from the investment of moneys in the trust fund; and
- (3) Loans made to the trust fund.

(b) Moneys in the Maui wildfires settlement trust fund shall be used for the following purposes:

- (1) Payment of eligible claims pursuant to the Maui wildfires settlement agreements; and
- (2) Payment of administrative costs relating to the Maui wildfires settlement agreements.

(c) The Maui wildfires settlement trust fund shall be terminated upon payment of all claims and costs relating to settlement of claims under the Maui wildfires settlement agreements. Upon termination, moneys in the trust fund shall revert back to the State and shall lapse to the general fund; provided that any moneys advanced to the trust fund as a loan shall be repaid without interest.

(d) The director of finance may loan moneys to the Maui wildfires settlement trust fund from the general, special, or revolving funds of the State that, in the director of finance's judgment, are in excess of the amounts necessary for the State's requirements and will not impede or hamper the necessary financial operations of the State. The loans shall be without interest. All loans shall be repaid upon demand of the director of finance.

(e) Upon approval of the governor, the attorney general may expend up to the balance in the trust fund for costs as authorized by this section.

(f) Any individual who receives compensation from the Maui wildfires settlement trust fund under this section shall execute a release that releases the State from any and all liabilities arising out of the Maui wildfires.

(g) The department of the attorney general shall submit a report to the legislature no later than thirty days prior to the convening of each regular session that shall include their receipts and disbursements of the Maui wildfires settlement trust fund for the prior fiscal year.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$400,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the sum of \$407,500,000 or so much thereof as may be necessary for fiscal year 2026-2027 to be deposited into the Maui wildfires settlement trust fund to fund the State’s contribution to the settlement of claims related to the 2023 Maui wildfires and for the payment of administrative expenses relating to the Maui wildfires settlement agreements.

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

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved July 8, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 302

H.B. NO. 1064

A Bill for an Act Relating to Fire Protection.

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

SECTION 1. The legislature finds that in the aftermath of the 2023 Maui wildfires, the department of the attorney general initiated an investigation and retained the independent, third-party Fire Safety Research Institute, part of UL Research Institutes, to assess the performance of state and county agencies in preparing for and responding to the 2023 Maui wildfires. The investigation led to three reports – a “Phase 1” comprehensive timeline report, a “Phase 2” incident analysis report, and a “Phase 3” forward-looking report.

The “Phase 3” forward-looking report organized these findings and provided a prioritized list of action items of changes to be made to improve Hawaii’s response to wildfires for the State and all counties. The report calls for changes and improvements to the office of the state fire marshal, which was established by Act 209, Session Laws of Hawaii 2024 – among them, bolstering statutory authority of the office of the state fire marshal to address the wide spectrum of fire safety issues, delineating responsibilities and reporting structures between the state fire marshal and the state fire council, and creating an organizational structure to immediately address the State’s fire-safety priorities effectively.

Accordingly, the purpose of this Act is to:

- (1) Effectuate the recommendations of the “Phase 3” forward-looking report;
- (2) Establish a state fire marshal selection commission; and

- (3) Place the office of the state fire marshal under the department of law enforcement.

SECTION 2. Chapter 132, Hawaii Revised Statutes, is amended by designating sections 132-1 to 132-19 as part I and inserting a title before section 132-1 to read as follows:

“PART I. GENERAL PROVISIONS”

SECTION 3. Chapter 132, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . OFFICE OF THE STATE FIRE MARSHAL

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

“Defensible space” means a natural or human-made area in which material capable of supporting the spread of fire has been treated, cleared, or modified to slow the rate and intensity of advancing wildfires and allowing space for fire suppression operations to occur.

“Office” means the office of the state fire marshal.

“Structure hardening” means the installation, replacement, or retrofitting of building materials, systems, or assemblies used in the exterior design and construction of existing structures with the primary purpose of reducing risk to structures from wildfire and in compliance with the provisions of the state fire code relating to structure or home hardening.

§132-B Office of the state fire marshal; established. (a) The office of the state fire marshal shall be established within the department of law enforcement for administrative purposes. The office shall be headed by the state fire marshal.

(b) The state fire marshal may organize and reorganize the administrative structure of the office as the state fire marshal considers appropriate to properly conduct the work of the office.

(c) The state fire marshal may divide the functions of the office into administrative divisions. The state fire marshal may appoint an individual to administer each division. Each individual appointed under this subsection shall be well-qualified by technical training and experience in the functions to be performed by the individual.

§132-C Powers and duties generally. (a) The office shall:

- (1) Review and assess the fire risk of the State;
- (2) Coordinate fire protection efforts among local agencies for the State;
- (3) Review and propose amendments to the state fire code, in consultation with and in consideration of recommendations provided by the state fire council for the state fire council’s consideration in its adoption of or amendments to the state fire code;
- (4) Review the emergency resources that are available in the State to be deployed to address fires;
- (5) Work with state and county law enforcement agencies for enforcement of the state fire code; provided that law enforcement agencies shall have primary law enforcement jurisdiction;
- (6) Upon request of a county official having enforcement responsibility and a showing of unusual fire hazard or other special circumstances, investigate and make appropriate recommendations. The state fire

marshal may investigate or cause an investigation to be made to determine the probable cause, origin, and circumstances of any fire and shall classify the findings as the state fire marshal may find appropriate to promote fire protection and prevention. The state fire marshal shall coordinate and consult with county authorities in the event that the state fire marshal needs to summon witnesses related to a fire investigation;

- (7) Conduct inspections of state buildings and facilities to ensure fire safety compliance;
 - (8) Oversee the training and certification of fire inspectors and investigators in the State; and
 - (9) Maintain records of all fires in the State, including the causes and circumstances.
- (b) The office shall adopt rules pursuant to chapter 91 necessary to implement this part.

§132-D Discretionary powers. The office may:

- (1) Establish headquarters and county offices of the office at places the office of the governor considers advisable for the protection of the State;
- (2) Allow the state fire marshal and deputy state fire marshals to operate authorized emergency vehicles as defined by section 291C-1;
- (3) Use land and buildings for the accommodation of office employees and office vehicles and equipment;
- (4) Contract or otherwise cooperate with any person or public agency for the procurement of necessary services or property, subject to chapter 103D where applicable, including by entering into lease agreements and taking title to real property as necessary for the performance of the duties of the office;
- (5) As an emergency services agency, control and regulate the acquisition, operation, use, maintenance, and disposal of, and access to, motor vehicles and equipment for official state fire business;
- (6) Accept and transfer gifts, grants, donations, and funds from any source, including services and property, to carry out the duties of the office;
- (7) Provide training, or enter into contracts to obtain training services, in fire suppression and fire safety inspection, to departments and agencies that issue licenses;
- (8) Explore additional opportunities to reduce wildfire risk, including engaging with:
 - (A) The insurance commissioner, as defined in section 431:2-102, regarding insurance policy coverage provisions, underwriting standards, insurance rates, and any other insurance-related topic relevant to enhancing the protection of property from wildfire at a reasonable cost;
 - (B) Electric utilities regarding further actions to protect public safety, reduce risk to electric company customers, and promote electrical system resilience to wildfire damage; and
 - (C) Federal agencies to expand opportunities for cost-share partnerships for wildfire mitigation and develop strategies for improvements to federal fire management policies applicable to the State;

- (9) Oversee the development and maintenance of a comprehensive statewide wildfire hazard map that displays wildfire hazard zones; and
- (10) Perform any other duties necessary to discharge its duties under this part.

§132-E Preparation of statistical reports. Every two years, the state fire marshal shall prepare statistical reports on the history and condition of state fire defenses and an analysis of contributing factors of fire causes for the period of the report. The reports shall be posted on the office's website and publicly available upon request, subject to a fee not to exceed the cost of printing and distribution. The reports compiled under this section shall include a compilation or summary of the county fire chiefs' records prepared pursuant to section 132-1(a), in addition to any other sources the state fire marshal deems appropriate.

§132-F Powers and duties relating to wildfire readiness. The office shall increase the State's wildfire readiness capacity to the extent that the office of the governor receives funding for the increase, by means including:

- (1) Increasing the number of fire prevention personnel and fire administrative support personnel to address planning, communications, training, deployment, and safety;
- (2) Implementing innovative technologies and modernizing systems to expedite fire resource deployment in an efficient and safe manner;
- (3) Entering into contracts or agreements with federal or state agencies, counties, other states, corporations, and authorities, having jurisdiction for fire prevention, suppression, coordination, and response; and
- (4) Coordinating with the Hawaii emergency management agency.

§132-G Utilization of firefighting resources. The state fire marshal, in consultation with the Hawaii emergency management agency, shall provide advice and counsel to the governor on the most practical utilization of the firefighting resources of the State.

§132-H State fire marshal; terms of employment. (a) The state fire marshal shall be the administrator of the office. If a state fire marshal has not already been appointed by the state fire council by June 30, 2025, as set forth in Act 209, Session Laws of Hawaii 2024, the state fire marshal shall be appointed by the governor from a list of three names submitted by the state fire council. The state fire marshal shall 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. If a vacancy occurs, the state fire council shall meet expeditiously to submit a list of three names to the governor for a new state fire marshal to serve the remainder of the unexpired term.

(b) The state fire marshal shall be qualified to direct the technical and executive work of the office and shall have education or training related to the programs of the office and significant experience in managing fire protection or related programs.

§132-I Deputies and assistants. The state fire marshal shall appoint two deputy state fire marshals, exempt from chapters 76 and 89, whose duties shall be to assist in implementing this chapter. The office may also employ other assistants and employees, subject to chapter 76, and incur other expenses as the

state fire marshal may deem necessary to effectively administer the office. Each deputy state fire marshal shall be well-qualified by technical training and experience in the functions to be performed by the individual. The state fire marshal may remove any deputy state fire marshal for cause.

§132-J Salary. The salary of the state fire marshal and deputy state fire marshal shall be equal to the salary of the director and deputy director of human resources development, respectively.

§132-K Recordkeeping. The office shall keep a record of all fires occurring in the State and of all facts concerning the same, including statistics as to the extent of the fires and the damage caused, whether the losses were covered by insurance, and if so, in what amount. All the records shall be public, except information protected from disclosure pursuant to chapter 92F. The records compiled under this section shall be a compilation of the county fire chiefs' records prepared pursuant to section 132-1(a).

§132-L Community risk reduction program. (a) The office may develop and administer a community risk reduction program that:

- (1) Emphasizes education and methods for the prevention of wildfire risk;
 - (2) Encourages cost-effective hardening and retrofitting of structures that creates fire-resistant homes, businesses, and public buildings; and
 - (3) Facilitates vegetation management, the creation and maintenance of defensible space, and other fuel modification activities that provide neighborhood or community-wide benefits against wildfire.
- (b) The counties may opt into the community risk reduction program to provide resources and localized knowledge of the community.
- (c) The office or counties may contract with educational or other non-profit entities to assist with the administration of the community risk reduction program.

§132-M State fire marshal; biennial report; deadline; contents. (a) Beginning with the regular session of 2027, no later than twenty days before the convening in each odd-numbered year of a regular session, the office shall submit to the legislature a report regarding the activities of the state fire marshal and the counties in implementing this chapter.

- (b) The report shall include, at a minimum:
- (1) A status report concerning:
 - (A) Community risk reduction; and
 - (B) The establishment, administration, and enforcement of defensible space requirements;
 - (2) The amount of moneys expended during the previous fiscal biennium for:
 - (A) Community risk reduction;
 - (B) The establishment, administration, and enforcement of defensible space requirements; and
 - (C) Fire suppression; and
 - (3) Any recommendations for the state fire marshal for legislative action, including but not limited to current or future resource and funding needs for:
 - (A) Community risk reduction; and

- (B) The establishment, administration, and enforcement of defensible space requirements.

§132-N Provision of uniforms, response apparatus, motor vehicles, and all emergency supplies and equipment; uniform design. (a) The office shall provide office employees with standard uniforms, response apparatus, motor vehicles, and all other emergency supplies and equipment necessary to carry out the duties of the office.

(b) The state fire marshal shall specify a pattern and distinctive design for the uniforms described in subsection (a).

(c) The state fire marshal may enter into agreements with other governmental agencies for the purpose of resource sharing of response apparatus, motor vehicles, and all other emergency supplies and equipment necessary to carry out the fire safety and prevention laws of the State.

§132-O Minimum defensible space requirements; duties of the state fire marshal; enforcement powers of the counties; assistance to the counties. (a) With regard to minimum defensible space requirements, the state fire marshal:

- (1) Shall consult with the state fire council to establish minimum defensible space requirements;
- (2) Shall establish requirements that are consistent with and do not exceed the standards pertaining to defensible space in generally accepted evidence-based codes and standards;
- (3) May consider best practices specific to the State and traditional and customary practices relating to defensible space to establish the requirements;
- (4) Shall periodically reexamine generally accepted evidence-based codes and standards and update the requirements to reflect the current best practices, which may be conducted in consultation with the state fire council;
- (5) Shall enforce the requirements that are applicable to state lands within the jurisdiction of a county;
- (6) Shall adopt rules governing administration of the requirements;
- (7) May develop, in consultation with the state fire council, a graduated fine structure for the counties' use in assessing civil penalties on property owners for noncompliance with the requirements;
- (8) Shall consult with stakeholders, such as the counties, on implementation of the requirements; and
- (9) May adopt rules concerning requirements by the counties as described in subsection (b).

(b) Each county fire chief may adopt and enforce local requirements for defensible space that are greater than the minimum defensible space requirements established by the state fire marshal. Any local requirements that a county fire chief adopts for defensible space shall be defensible space standards selected from the framework set forth in generally accepted evidence-based codes or standards or other best practices suited to the State.

(c) The office may provide financial, administrative, technical, or other assistance to a county to facilitate the administration and enforcement of the minimum defensible space requirements within the jurisdiction of the county. The county shall expend financial assistance provided by the state fire marshal under this subsection to give priority to the creation of defensible space:

- (1) On lands where members of socially and economically vulnerable communities, persons with limited proficiency in English, and persons of lower income reside;

- (2) For critical or emergency infrastructure; and
- (3) For schools, hospitals, and facilities that serve seniors.”

SECTION 4. Chapter 132, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§132- State fire marshal selection commission; established. (a) Beginning January 1, 2026, there is established the state fire marshal selection commission, which shall be placed within the department of law enforcement for administrative purposes.

- (b) The state fire marshal selection commission:
 - (1) Shall have the authority to appoint and may remove the state fire marshal;
 - (2) May receive complaints from citizens on the office of the fire marshal and the state fire marshal;
 - (3) Shall evaluate and conduct an annual performance review of the state fire marshal;
 - (4) Shall post its agenda and minutes on a website;
 - (5) Shall be subjected to the state sunshine laws under chapter 92; and
 - (6) May adopt rules pursuant to chapter 91.
- (c) The state fire marshal selection commission shall consist of the following seven members:

- (1) Three members who shall be appointed by the governor subject to advice and consent of the senate and shall be voting members; provided that for the initial year, one member shall serve a one-year term, one member shall serve a two-year term, and one member shall serve a three-year term; provided further that after the initial term, each of the members may serve up to two consecutive terms for up to eight years with each term being four years;
- (2) One member who shall be appointed by the speaker of the house and shall be a voting member; provided that the member shall serve an initial term of four years and may serve up to two consecutive terms for up to eight years with each term being four years;
- (3) One member who shall be appointed by the president of the senate and shall be a voting member; provided that the member shall serve an initial term of four years; provided further that the member may serve up to two consecutive terms for up to eight years with each term being four years;
- (4) The chair of the Hawaii state fire council or the chair’s designee, who shall be an ex officio, nonvoting member; and
- (5) The adjutant general of the Hawaii national guard or the adjutant general’s designee, who shall be an ex officio, nonvoting member.
- (d) All members of the state fire marshal selection commission, both voting and nonvoting, shall elect a chairperson and a vice chairperson of the commission; provided that the chairperson is not an ex officio member.
- (e) Any action taken by the state fire marshal selection commission shall be approved by a simple majority of its members; provided that a majority of the members of the commission shall constitute a quorum to do business.
- (f) The members of the state fire marshal selection commission shall serve without compensation but shall be reimbursed for necessary expenses, including travel expenses, reasonably incurred in the performance of their duties.
- (g) Notwithstanding this section, if a state fire marshal has already been appointed by the state fire council by June 30, 2025, as set forth in Act 209, Session Laws of Hawaii 2024, the state fire marshal selection commission’s

authority to appoint the state fire marshal shall begin upon the expiration of the incumbent state fire marshal's term."

SECTION 5. Section 76-16, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The civil service to which this chapter applies shall comprise all positions in the State now existing or hereafter established and embrace all personal services performed for the State, except the following:

- (1) Commissioned and enlisted personnel of the Hawaii National Guard 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 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 or bicultural school-home assistants, school psychologists, psychological examiners, speech pathologists, athletic health care trainers, alternative school work study assistants, alternative school 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]~~ 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 corrections and rehabilitation, with the approval of the governor; two administrative 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] 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 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] 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 or project development director, policy director, special assistant to the director, and limited English proficiency project 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;
- (36) In the social services division of the department of human services, the business technology analyst;
- (37) The executive director and staff of the 911 board;
- [(38)] Senior software developers in the department of taxation;
- [(39)] In the department of law enforcement, five Commission on Accreditation for Law Enforcement Agencies, Inc., coordinator positions;
- [(40)] The state fire marshal[;] and deputy state fire marshal in the office of the state fire marshal; and
- [(41)] 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 6. Section 132-1, Hawaii Revised Statutes, is amended to read as follows:

"§132-1 County fire chiefs; powers and duties. (a) Records. The fire chief of each county shall keep in the county fire chief's office a record of all fires occurring in the county and of all facts concerning the same, and shall make ~~[such]~~ compilations and statistical investigations ~~[as the fire chief may deem proper,]~~ on an annual basis, all of which shall be kept as permanent records in the fire chief's office. All records shall be public, except that any evidence in any investigation may, in the discretion of the county fire chief, be withheld from the public.

(b) Investigations, generally. The fire chief of each county shall:

- (1) Investigate the cause, origin, and circumstances of fires;
- (2) Supervise and make or cause to be made ~~[periodically],~~ on a bi-ennial basis, a thorough inspection record of all property ~~[which]~~

that might constitute a fire hazard within the county[;] pursuant to subsection (c);

(3) Summon and compel the attendance of witnesses and production of evidence and hold hearings and make orders in any matter under the fire chief's jurisdiction; and

(4) Cooperate with ~~[any and]~~ all other governmental officers or agencies having jurisdiction in the matters.

(c) On January 1 of each year, the fire chief of each county shall transmit the records and statistical investigations compiled pursuant to subsection (a) to the office of the state fire marshal. On January 1 of each alternating year, the fire chief of each county shall transmit the inspection record of property that may constitute a fire hazard within their county compiled pursuant to subsection (b)(2) to the office of the state fire marshal."

SECTION 7. Section 132-4, Hawaii Revised Statutes, is amended to read as follows:

"§132-4 Investigation of fires; criminal prosecutions. The fire chief of the county in which any fire occurs shall immediately investigate the cause, origin, and circumstances of fire by which property has been destroyed or damaged and so far as possible determine whether the fire was the result of carelessness or design. A county fire chief may request the office of the state fire marshal to assist with the investigation of a fire as provided in section 132-C.

If after any investigation the county fire chief is of the opinion that the evidence in relation to the fire indicates that a crime has been committed, the fire chief shall present the evidence to the prosecuting ~~[officer]~~ attorney of the county in which the supposed offense was committed, with the request that the prosecuting ~~[officer]~~ attorney institute ~~[such]~~ criminal proceedings as the evidence may warrant.

If the office of the state fire marshal is of the opinion that the evidence in relation to a fire indicates that a crime has been committed, the office of the state fire marshal shall coordinate with the relevant county fire chief to present the evidence to the prosecuting attorney of the county in which the supposed offense was committed."

SECTION 8. Section 132-4.5, Hawaii Revised Statutes, is amended to read as follows:

"[§132-4.5]] Investigation of fires; immunity for information received from insurers. (a) The fire chief of each county or the state fire marshal may require any insurer in writing to release information relating to any investigation the insurer has made concerning a loss or potential loss due to fire of suspicious or incendiary origin which information shall include but not be limited to:

(1) An insurance policy relating to ~~[such]~~ the loss;

(2) Policy premium records;

(3) History of previous claims; and

(4) Other relevant material relating to ~~[such]~~ the loss or potential loss.

(b) If any insurer has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the insurer shall furnish the county fire chief or state fire marshal with all relevant material acquired during its investigation of the fire loss, cooperate with and take ~~[such]~~ action as may be required of it by the county fire chief~~;~~ or state fire marshal, and permit any person ordered by the court to inspect any of its records pertaining to the policy and the loss. ~~[Such]~~ The insurer may request the county fire chief or state fire marshal to release information relating to any investigation the fire chief or

state fire marshal has made concerning any ~~[such]~~ fire loss of suspicious or incendiary origin.

(c) In the absence of fraud, malice, or criminal act, no insurer or person who furnishes information on its behalf, shall be liable for damages in a civil action or be subject to criminal prosecution for any oral or written statement made that is necessary to supply information required pursuant to this section.

(d) The county fire chief or state fire marshal receiving any information furnished pursuant to this section shall hold the information in confidence until ~~[such time as]~~ its release is required in furtherance of a criminal or civil proceeding.

(e) The county fire chief, in person or by officers or members of the fire chief's fire department, or the state fire marshal, in person or by deputies or employees of the office of the state fire marshal, may be required to testify as to any information in the fire chief's or state fire marshal's possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against any insurance company for the fire loss."

SECTION 9. Section 132-5, Hawaii Revised Statutes, is amended to read as follows:

"§132-5 Right of entry for inspection; unlawful to obstruct. The county fire chief ~~[or]~~, the chief's designees, the state fire marshal, or the state fire marshal's designees, at all reasonable hours may enter any buildings, structures, or premises within the fire chief's or state fire marshal's jurisdiction, respectively, except the interior of private dwellings, to make any inspection, investigation, or examination that is authorized to be made under this chapter. The county fire chief ~~[or]~~, the chief's designees, the state fire marshal, or the state fire marshal's designees may enter any private dwelling whenever the fire chief ~~[or]~~, the chief's designees, the state fire marshal, or the state fire marshal's designees have reason to believe that dangerous conditions creating a fire hazard exist in the dwelling. The county fire chief ~~[or]~~, the chief's designees, the state fire marshal, or the state fire marshal's designees may enter any private dwelling when a fire has occurred in the dwelling. It shall be unlawful to obstruct, hinder, or delay any person having the right to make the inspection, investigation, or examination in the performance of duty.

The county fire chief ~~[or]~~, the chief's designees ~~[are authorized to make an inspection of]~~, the state fire marshal, or the state fire marshal's designees may inspect all buildings and facilities, except state-owned airport facilities, the frequency of which shall be made in accordance with section 132-6, and shall make a report to the authorities responsible for the maintenance of any building or facility when it is found that a building or facility does not meet minimum standards of fire and safety protection."

SECTION 10. Section 132-6, Hawaii Revised Statutes, is amended to read as follows:

"§132-6 Duties of county fire chiefs; periodic inspections; orders to remove fire hazards; appeals. (a) Each county fire chief, in person or by officers or members of the fire chief's fire department designated by the fire chief for that purpose, shall inspect all buildings, premises, and public thoroughfares, except the interiors of private dwellings and ~~[state-owned airport]~~ state facilities, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of any law, ordinance, rule, or order relating to fire hazard or to the prevention of fires.

(b) The inspection shall be made[~~ed~~]:

(1) ~~At least once each year at all public schools; and~~

- (2) ~~At~~ at least once every five years, or as often as deemed practicable or necessary by the county fire chief, at all other buildings and premises to provide fire prevention and pre-fire planning within the jurisdiction of the county fire chief.

The ~~[State] office of the state fire marshal~~ shall conduct fire and safety inspections at all ~~[state-owned airport]~~ state facilities at least once a year.

(c) A written report of each inspection shall be kept on file in the office of the county fire chief.

(d) A copy of any report showing a change in the hazard or any violation of law, ordinance, rule, or order relating to the fire hazard upon any risk, shall be given by the county fire chief to any rating bureau making written request of the fire chief therefor.

(e) Each county fire chief ~~[is]~~ shall be vested with the power and jurisdiction over, and shall have supervision of, every building and premises in the county as may be necessary to enforce any law, ordinances, rule,¹ and order relating to protection from fire loss; provided that this provision shall not in any manner limit the jurisdiction or authority ~~[which]~~ that any other county official may have over ~~[such]~~ the building or premises under any other law or ordinance. Whenever as a result of inspection or upon complaint or otherwise the county fire chief determines that a law, ordinance, rule, or order relating to protection from fire loss has been violated or that a condition exists ~~[which]~~ that creates an unreasonable risk of fire loss, the fire chief shall prepare and serve upon the owner, occupant, or other person responsible for the building or premises a written order setting forth the nature of the alleged violation or condition, the law, ordinance, rule, or order violated, and the protections, safeguards, or other means or methods required to render the building or premises safe as required by law, ordinance, or rule. The order shall be complied with by the owner or occupant or person responsible for the building or premises within the time therein specified unless a timely appeal is taken pursuant to subsection (f) ~~[of this section]~~.

(f) Owner's appeal to county fire appeals board. The owner or occupant may, within five days, appeal from any order made by the county fire chief to the county fire appeals board, which shall, within thirty days, and after a hearing pursuant to chapter 91, review the order and file its decision thereon, modifying, affirming, or revoking the order. Each county shall by ordinance establish a county fire appeals board and shall provide for its composition.

(g) Notwithstanding the provisions of subsection (e) ~~[of this section]~~ where the county fire chief determines that a clear and immediate risk of fire loss exists, the fire chief may, after notice to the owner or occupant or other person responsible for the building or premises, and after a hearing pursuant to chapter 91, order ~~[such]~~ the person to take all actions reasonably necessary to render the building or premises safe from fire loss; provided that no notice or hearing shall be required where the county fire chief determines that the risk of fire loss is sufficiently immediate that delay would be dangerous to the public safety and welfare. If any owner, occupant, or other person responsible for the building or premises fails to comply with the order of the county fire chief, the county fire chief may take ~~[such]~~ action and make ~~[such]~~ any expenditure as may be necessary and if the owner, occupant, or other person responsible neglects or refuses to pay to the county fire chief the expense incurred by the fire chief, the county shall have a prior lien on the real property as provided for in section 132-7."

SECTION 11. Section 132-10, Hawaii Revised Statutes, is amended to read as follows:

“§132-10 Witnesses; fees. The county fire appeals board ~~[or]~~, the county fire chief, or the state fire marshal shall in all proceedings have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining witnesses as are possessed by circuit courts. In case of disobedience by any person of any order of the county fire appeals board ~~[or]~~, the county fire chief, or the state fire marshal or of any subpoena issued by ~~[either]~~ any of them or of the refusal of any witness to testify to any matter regarding which the witness may be questioned lawfully, any circuit judge, on application by the county corporation counsel, shall compel obedience as in case of disobedience of all requirements of a subpoena issued from a circuit court or a refusal to testify therein. The fees and traveling expenses of witnesses shall be the same as are allowed witnesses in the circuit courts and shall be paid by the appropriate county out of any appropriation or funds available for the expenses of the county fire chief~~[-]~~ or, in the case of a summons by the state fire marshal, shall be paid out of any appropriation or funds available for the expenses of the state fire marshal.”

SECTION 12. Section 132-11, Hawaii Revised Statutes, is amended to read as follows:

“§132-11 Recorded order of county fire chiefs and state fire marshal as evidence. A duplicate original of every order made by each county fire chief shall be filed in the fire chief’s office, and ~~[such]~~ a duplicate original of every order made by the state fire marshal shall be filed in the office of the state fire marshal. A duplicate original shall be admissible as evidence in any prosecution for the violation of any of its provisions. Unless an appeal has been instituted and is pending, the provisions of any order shall be presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety from fire loss.”

SECTION 13. Section 132-12, Hawaii Revised Statutes, is amended to read as follows:

“§132-12 Court aid. Each county fire chief or the state fire marshal may invoke the aid of any court of competent jurisdiction to enforce any order or action made or taken by the fire chief or state fire marshal in pursuance of law.”

SECTION 14. 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 or any order of the state fire marshal shall be fined no more than \$2,500 or imprisoned 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. In addition to the penalty imposed under this section, counties may assess and collect civil penalties based on the penalty structure set forth by the state fire marshal pursuant to section 132-O.”

SECTION 15. Section 132-16, Hawaii Revised Statutes, is amended by amending subsections (a) through (c) to read as follows:

“(a) There ~~[is]~~ shall be established a state fire council, which shall be placed within the department of ~~[labor and industrial relations]~~ law enforcement for administrative purposes. The state fire council shall consist of the state fire marshal, the fire chiefs of the counties, the fire chief of the Hawaii state aircraft rescue fire fighting unit, and a representative of the division of forestry and wildlife of the department of land and natural resources. The state fire council may appoint an advisory committee to assist it in carrying out its functions under this chapter. The advisory committee may include the heads of the various county building departments, a licensed architect recommended by the Hawaii Society of the American Institute of Architects, a licensed electrical engineer and a licensed mechanical engineer recommended by the Consulting Engineers Council of Hawaii, a representative of the Hawaii Rating Bureau, a representative of the Hawaii Fire Fighters Association, representatives of the county fire departments, a representative of the Hawaii state aircraft rescue fire fighting unit, a representative of the division of forestry and wildlife of the department of land and natural resources, and other members of the public as the state fire council may determine can best assist it. The state fire council shall elect a chairperson from among its members.

(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;
- (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.]~~
- (3) Advise the governor and state fire marshal on fire policy issues and serve in an advisory capacity to the state fire marshal on strategies for the implementation of fire and life safety issues; and
- (4) Coordinate with the state building code council on matters pertaining to fire safety.

(c) The state fire council may also:

- (1) Appoint advisory committees comprising representatives from each county fire department, a representative of the Hawaii state aircraft rescue fire fighting unit, and a representative of the division of forestry and wildlife of the department of land and natural resources to assist in drafting the state fire code and coordinating statewide training, data collection, and contingency planning needs for firefighters;
- (2) Advise and assist the county and state fire departments where appropriate; may prescribe standard procedures and forms relating to inspections, investigations, and reporting of fires; may approve plans for cooperation among the county and state fire departments; and may advise the governor and the legislature with respect to fire prevention and protection, life safety, and any other functions or activities for which the various county and state fire departments are generally responsible; ~~[and]~~

- (3) Establish, in conformance with the adopted state fire code and nationally recognized standards, statewide qualifications and procedures, to be administered by the county fire departments, for testing, certifying, and credentialing individuals who perform maintenance and testing of portable fire extinguishers, water-based fire protection systems, other fire protection systems, private fire hydrants, and fire alarm systems; provided that the county fire departments may establish and charge reasonable certification fees[.];
- (4) Review any conflicts that may arise in the adoption, amendment, or implementation of the state fire codes at the state and county levels or in the adoption, amendment, or implementation of rules proposed or adopted by the office or the counties pursuant to this chapter; and
- (5) The state fire council may adopt rules pursuant to chapter 91 for purposes of this section.”

SECTION 16. Section 291C-1, Hawaii Revised Statutes, is amended by amending the definition of “authorized emergency vehicle” to read as follows:

““Authorized emergency vehicle” includes fire department vehicles, police vehicles, ambulances, ocean safety vehicles, law enforcement vehicles, ~~and~~ conservation and resources enforcement vehicles, and office of the state fire marshal vehicles authorized and approved pursuant to section 291-31.5 that are publicly owned and other publicly or privately owned vehicles designated as such by a county council.”

SECTION 17. Section 132-16.5, Hawaii Revised Statutes, is repealed.

SECTION 18. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,212,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 in the following manner:

- (1) For fiscal year 2025-2026:
 - (A) \$206,352 for one full-time equivalent (1.0 FTE) position for the state fire marshal;
 - (B) \$189,804 for one full-time equivalent (1.0 FTE) position for one deputy state fire marshal;
 - (C) \$40,248 for one full-time equivalent (1.0 FTE) position for one office assistant IV;
 - (D) \$160,000 for two full-time equivalent (2.0 FTE) positions for fire inspectors;
 - (E) \$240,000 for three full-time equivalent (3.0 FTE) positions for fire investigators; and
 - (F) \$1,375,596 for the operations, costs, equipment, and expenses of the office of the state fire marshal; and
- (2) For fiscal year 2026-2027:
 - (A) \$214,608 for one full-time equivalent (1.0 FTE) position for the state fire marshal;
 - (B) \$197,400 for one full-time equivalent (1.0 FTE) position for one deputy state fire marshal;
 - (C) \$40,248 for one full-time equivalent (1.0 FTE) position for one office assistant IV;
 - (D) \$160,000 for two full-time equivalent (2.0 FTE) positions for fire inspectors;

- (E) \$240,000 for three full-time equivalent (3.0 FTE) positions for fire investigators; and
- (F) \$1,359,744 for the operations, costs, equipment, and expenses of the office of the state fire marshal.

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

SECTION 19. Notwithstanding the establishment of the state fire marshal selection commission on January 1, 2026, pursuant to the new section being added to chapter 132, Hawaii Revised Statutes, in section 4 of this Act, the term of employment of any person occupying the state fire marshal position on January 1, 2026, shall not be affected.

SECTION 20. 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 21. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 22. This Act shall take effect on July 1, 2025.

(Approved July 8, 2025.)

Notes

- 1. Should not be underscored.
- 2. Edited pursuant to HRS §23G-16.5.

ACT 303

S.B. NO. 223

A Bill for an Act Relating to Fire Prevention.

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

PART I

SECTION 1. Section 185-1.5, Hawaii Revised Statutes, is amended to read as follows:

“~~§185-1.5~~ Responsible agency. (a) The department shall take measures for the prevention, control, and extinguishment of wildland fires within forest reserves, public hunting areas, wildlife and plant sanctuaries, and natural area reserves and shall cooperate with established fire control agencies of the counties and the federal government in developing plans and programs and mutual aid agreements for assistance for the prevention, control, and extinguishment of fires on forest, grass, brush, and watershed lands not within the department’s fire protection responsibilities described above.

(b) The department shall establish an independent program relating to the prevention, control, and extinguishment of wildland fires within forest reserves. The department may perform fuel reduction on lands not set aside to the department.”

SECTION 2. Section 185-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) The administrator shall have the power and duty to:
- (1) Review and approve plans prepared by the managers;
 - (2) Establish procedures and guidelines for the prevention, control, and extinguishment of fires coming within the meaning of this chapter;
 - (3) Establish procedures, guidelines, and conditions for the issuance of burning permits and for determining periods when forest reserves, public hunting areas, wildlife and plant sanctuaries, and natural area reserves shall be closed;
 - (4) Close or partially close forest reserves, public hunting areas, wildlife and plant sanctuaries, and natural area reserves, by restricting certain activities when necessary;
 - (5) Summon, when necessary, additional firefighting assistance, equipment, supplies, and materials needed to extinguish fires; ~~and~~
 - (6) Do any act which the manager is empowered to perform under this chapter~~[-]; and~~
 - (7) Establish and maintain facilities for the performance of fire protection, fire prevention, pest control, and forest and range protection and enhancement activities.”

PART II

SECTION 3. The state fire council may amend the state fire code to require that every owner or other person having charge of or control over any building, structure, or other premises or any holder of an easement located in a hazardous fire area shall:

- (1) Maintain an effective firebreak by removing and clearing flammable vegetation and combustible growth from areas within thirty feet of the building, structure, or premises; provided that single specimens of trees, ornamental shrubbery, or similar plants used as ground cover that do not rapidly transmit fire need not be removed or cleared;
- (2) Maintain an effective firebreak by removing and clearing flammable vegetation and combustible growth from areas within one hundred feet of the building, structure, or premises when hazardous conditions cause a firebreak of thirty feet to be insufficient to provide reasonable safety; provided that grass and other vegetation located more than thirty feet from buildings or structures and less than eighteen inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion;
- (3) Remove portions of trees that extend within ten feet of any chimney outlet of the building or structure;
- (4) Remove deadwood from trees adjacent to or overhanging the building or structure; and
- (5) Maintain the roof of the building or structure free of leaves, needles, or other dead vegetative growth.

PART III

SECTION 4. (a) The department of land and natural resources shall establish and implement a community fuels reduction project to reduce hazardous wildfire fuels on state lands, particularly on lands adjacent to communities. Where feasible, the community fuels reduction project shall:

- (1) Reduce hazardous wildfire fuels on the landscape that threaten watersheds, communities, and critical public infrastructure such as powerlines and communication facilities;
 - (2) Create and maintain effective firebreaks along undeveloped state properties that border a developed parcel, including but not limited to schools and residential and commercial properties, by removing and clearing flammable vegetation and combustible growth from areas within thirty feet of the developed parcel;
 - (3) Reduce flammable grasses on the landscape through projects like managed grazing; and
 - (4) Provide water infrastructure for grazing and fire suppression.
- (b) The department of land and natural resources shall submit a report to the legislature no later than twenty days prior to the convening of each regular session detailing the progress made toward meeting the requirements of subsection (a).

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 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the division of forestry and wildlife of the department of land and natural resources' community fuels reduction project to support wildfire prevention and hazardous fuel reduction measures pursuant to section 4 of this Act.

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

SECTION 6. Beginning with fiscal year 2027-2028 and each fiscal year thereafter, the department of land and natural resources shall establish the community fuels reduction project as a separate line item within the department's budget.

PART IV

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

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

SECTION 9. This Act shall take effect on July 1, 2025.

(Approved July 8, 2025.)

A Bill for an Act Relating to Disaster Recovery.

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

SECTION 1. The legislature finds that special controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure adequate access, by dedication or other means, to public owned or used beaches,

recreation areas, and natural reserves. The legislature further finds that it is state policy to preserve, protect, and where possible, restore the natural resources of the coastal zones of the State. The legislature further finds that the 2023 Maui wildfires devastated Lahaina's heritage, economy, and sense of place, and has deeply affected housing, businesses, jobs, and treasured resources. If the area is not rebuilt in a deliberate, coordinated, and expeditious manner, the area may languish in the long term, further affecting the well-being of the land, the people, and the economy. However, there is an opportunity to rebuild Lahaina and the other parts of Maui that the wildfires destroyed, as recognized in the Presidential Disaster Declaration, by preserving and reintroducing its valued resources in a manner that reflects the values and priorities of its residents and businesses, and addressing future challenges, including climate change and affordable housing.

Accordingly, the purpose of this Act is to facilitate recovery efforts on Maui and other disaster-affected areas by exempting the reconstruction of any lawfully constructed structure destroyed in a disaster proclaimed by the governor to constitute a state of emergency or a disaster declared pursuant to federal law from the requirements of a special management area minor permit or a special management area use permit under certain conditions.

SECTION 2. Section 205A-22, Hawaii Revised Statutes, is amended by amending the definition of "development" to read as follows:

""Development"":

- (1) Means any of the uses, activities, or operations on land or in or under water within a special management area that are included below:
 - (A) Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste;
 - (B) Grading, removing, dredging, mining, or extraction of any materials;
 - (C) Change in the density or intensity of use of land, including but not limited to the division or subdivision of land;
 - (D) Change in the intensity of use of water, ecology related thereto, or of access thereto; and
 - (E) Construction, reconstruction, or alteration of the size of any structure; and
- (2) Does not include the following:
 - (A) Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area; is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion; and is not part of a larger development;
 - (B) Repair or maintenance of roads and highways within existing rights-of-way;
 - (C) Routine maintenance dredging of existing streams, channels, and drainage ways;
 - (D) Repair and maintenance of underground utility lines, including but not limited to water, sewer, power, and telephone and minor appurtenant structures [~~such as~~] including pad mounted transformers and sewer pump stations;
 - (E) Zoning variances, except for height, density, parking, and shoreline setback;
 - (F) Repair, maintenance, or interior alterations to existing structures;

- (G) Demolition or removal of structures, except those structures located on any historic site as designated in national or state registers;
- (H) Use of any land for the purpose of cultivating, planting, growing, and harvesting plants, crops, trees, and other agricultural, horticultural, or forestry products or animal husbandry, or aquaculture or mariculture of plants or animals, or other agricultural purposes, including all traditional fishpond and traditional agricultural practices;
- (I) Transfer of title to land;
- (J) Creation or termination of easements, covenants, or other rights in structures or land;
- (K) Subdivision of land into lots greater than twenty acres in size;
- (L) Subdivision of a parcel of land into four or fewer parcels when no associated construction activities are proposed; provided that any land that is so subdivided shall not thereafter qualify for this exception with respect to any subsequent subdivision of any of the resulting parcels;
- (M) Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;
- (N) Structural and nonstructural improvements to existing single-family residences, where otherwise permissible;
- (O) Nonstructural improvements to existing commercial or non-commercial structures;
- (P) Construction, installation, maintenance, repair, and replacement of emergency management warning or signal devices and sirens;
- (Q) Installation, maintenance, repair, and replacement of public pedestrian and bicycle facilities, including sidewalks, paths, bikeways, crosswalks, stairs, ramps, traffic control barriers, signs, signals, and associated improvements;
- (R) Trash removal or invasive vegetation removal or control, including incidental ground disturbance, excluding the use of herbicides;
- (S) Installation of fencing, including associated improvements and incidental structures, for invasive species control or preservation of native habitats on conservation land;
- (T) Installation, maintenance, repair, and replacement of lighting, fixtures, and equipment to establish compliance with current standards at existing public facilities;
- (U) Installation, maintenance, repair, and replacement of security measures, including fencing, to existing public facilities; ~~and~~
- (V) Hawaiian traditional and customary practices, including work conducted by traditional means near, in, or related to loko i'a, traditional Hawaiian fishponds; ~~and~~
- (W) Reconstruction of any lawfully constructed structure that was damaged or destroyed in a disaster proclaimed by the governor to constitute a state of emergency pursuant to chapter 127A, or a disaster declared pursuant to federal law; provided that:
 - (i) The structure is not situated on a shoreline parcel or a parcel that is impacted by waves, storm surges, high tide, or shoreline erosion;

- (ii) Reconstruction commences within six years from the date that the proclamation is issued; and
- (iii) The reconstructed structure is similar to its original footprint or overall dimensions that were existing or permitted and in compliance with the requirements of floodplain management standards;

provided that whenever the authority finds that any excluded use, activity, or operation may have a cumulative impact, or a significant environmental or ecological effect on a special management area, that use, activity, or operation shall be defined as “development” for the purpose of this part.”

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

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

SECTION 5. This Act shall take effect upon its approval and shall be repealed on July 1, 2028; provided that section 205A-22, 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 8, 2025.)

ACT 305

H.B. NO. 794

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 determin-

ing the power of the State to issue general obligation bonds, certain bonds are excludable, including “[r]eimbursable general obligation bonds issued for a public undertaking, improvement or system but only to the extent that reimbursements to the general fund are in fact made from the net revenue, or net user tax receipts, or combination of both, as determined for the immediately preceding fiscal year” and bonds constituting instruments of indebtedness under which the State incurs a contingent liability as a guarantor, but only to the extent the principal amount of those bonds does not exceed seven per cent of the principal amount of outstanding general obligation bonds not otherwise excluded under article VII, section 13, of the state constitution.

- (2) Actual and estimated debt limits. The limit on principal and interest of general obligation bonds issued by the State, actual for fiscal year 2024-2025 and estimated for each fiscal year from 2025-2026 to 2028-2029, is as follows:

Fiscal Year	Net General Fund Revenues	Debt Limit
2021-2022	\$10,205,616,785	
2022-2023	10,183,780,738	
2023-2024	10,629,766,311	
2024-2025	11,045,308,000	\$1,912,848,436
2025-2026	10,717,304,000	1,964,629,395
2026-2027	11,015,619,000	1,997,529,996
2027-2028	11,291,631,000	2,021,324,245
2028-2029	(not applicable)	2,036,514,163

For fiscal years 2024-2025, 2025-2026, 2026-2027, 2027-2028, and 2028-2029, 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 2021-2022, 2022-2023, and 2023-2024 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, 2024, dated November 18, 2024. The net general fund revenues for fiscal years 2024-2025 to 2027-2028 are estimates, based on general fund revenue estimates made as of March 12, 2025, by the council on revenues, the body assigned by article VII, section 7, of the Hawaii State Constitution to make these estimates, and based on estimates made by the department of budget and finance of those receipts that cannot be included as general fund revenues for the purpose of calculating the debt limit, all of which estimates the legislature finds to be reasonable.

- (3) Principal and interest on outstanding bonds applicable to the debt limit.
 - (A) According to the department of budget and finance, the total amount of principal and interest on outstanding general obligation bonds, after the exclusions permitted by article VII, section 13, of the Hawaii State Constitution, for determining the power of the State to issue general obligation bonds within the debt limit as of April 1, 2025, is as follows for fiscal year 2025-2026 to fiscal year 2031-2032:

<u>Fiscal Year</u>	<u>Principal and Interest</u>
2025-2026	\$1,089,943,307
2026-2027	934,453,241
2027-2028	908,088,820
2028-2029	877,015,816
2029-2030	830,364,175
2030-2031	782,919,432
2031-2032	782,843,996

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 2032-2033 to fiscal year 2042-2044 when the final installment of \$56,989,536 shall be due and payable.

- (B) The department of budget and finance further reports that the outstanding principal amount of bonds constituting instruments of indebtedness under which the State may incur a contingent liability as a guarantor is \$233,500,000, all or part of which is excludable in determining the power of the State to issue general obligation bonds, pursuant to article VII, section 13, of the Hawaii State Constitution.
 - (4) Amount of authorized and unissued general obligation bonds and guaranties and proposed bonds and guaranties.
 - (A) As calculated from the state comptroller's bond fund report as of February 28, 2025, adjusted for:
 - (i) Appropriations to be funded by general obligation bonds or reimbursable general obligation bonds as provided in House Bill No. 300, H.D. 1, S.D. 1, C.D. 1¹ (the General Appropriations Act of 2025);
 - (ii) Lapses as provided in House Bill No. 300, H.D. 1, S.D. 1, C.D. 1¹ (the General Appropriations Act of 2025);
 - (iii) Appropriations to be funded by general obligation bonds or reimbursable general obligation bonds as provided in House Bill No. 400, H.D. 1, S.D. 2, C.D. 1² (the Judiciary Appropriations Act of 2025);
 - (iv) Lapses as provided in House Bill No. 400, H.D. 1, S.D. 2, C.D. 1² (the Judiciary Appropriations Act of 2025);
 - (v) Appropriations to be funded by general obligation bonds as provided in House Bill No. 1378, H.D. 2, S.D. 2, C.D. 1³ (Relating to the State Foundation on Culture and the Arts); and
 - (vi) Appropriations to be funded by general obligation bonds as provided in Senate Bill No. 1044, S.D. 2, H.D. 2, C.D. 1⁴ (Relating to the Stabilization of Property Insurance);
- the total amount of authorized but unissued general obligation bonds is \$4,256,835,085. The total amount of general obligation bonds authorized in this Act is \$1,913,987,000. The total amount of general obligation bonds previously authorized and unissued, as adjusted, and the general obligation bonds authorized in this Act is \$6,134,440,085.

- (B) As reported by the department of budget and finance, the outstanding principal amount of bonds constituting instruments of indebtedness under which the State may incur a contingent liability as a guarantor is \$233,500,000, all or part of which is excludable in determining the power of the State to issue general obligation bonds, pursuant to article VII, section 13, of the Hawaii State Constitution.
- (5) Proposed general obligation bond issuance. As reported therein for the fiscal years 2024-2025, 2025-2026, 2026-2027, 2027-2028, and 2028-2029, the State proposes to issue \$800,000,000 in general obligation bonds during the second half of fiscal year 2024-2025, \$775,000,000 in general obligation bonds semi-annually during fiscal year 2025-2026, \$700,000,000 in general obligation bonds semi-annually during fiscal year 2026-2027, \$650,000,000 in general obligation bonds semi-annually during fiscal year 2027-2028, and \$550,000,000 in general obligation bonds semi-annually during fiscal year 2028-2029. 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 2024-2025 to 2027-2028 is \$5,050,000,000. An additional \$1,100,000,000 is proposed to be issued in fiscal year 2028-2029. The total amount of \$5,050,000,000 that is proposed to be issued through fiscal year 2027-2028 is sufficient to meet the requirements of the authorized and unissued bonds, as adjusted, the total amount of which is \$6,134,440,085 reported in paragraph (4), except for \$1,084,440,085. It is assumed that the appropriations to which an additional \$1,084,440,085 in bond issuance needs to be applied will have been encumbered as of June 30, 2028. The \$1,100,000,000 that is proposed to be issued in fiscal year 2028-2029 will be sufficient to meet the requirements of the June 30, 2028 encumbrances in the amount of \$1,084,440,085. The amount of assumed encumbrances as of June 30, 2028, 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, 2028, and the amount of June 30, 2028 encumbrances versus the amount of bonds proposed to be issued in fiscal year 2028-2029, 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 0.37 per cent for approximately ten years from fiscal year 2025-2026 to fiscal year 2034-2035. For the purpose of this declaration, the assumption is made that 0.25 per cent of each bond issue will be excludable from the debt limit, an assumption that the legislature finds to be reasonable and conservative.

- (B) Bonds constituting instruments of indebtedness under which the State incurs a contingent liability as a guarantor can be excluded, but only to the extent the principal amount of those guaranties does not exceed seven per cent of the principal amount of outstanding general obligation bonds not otherwise excluded under subparagraph (A) of this paragraph (7); and provided that the State shall establish and maintain a reserve in an amount in reasonable proportion to the outstanding loans guaranteed by the State as provided by law. According to the department of budget and finance and the assumptions presented herein, the total principal amount of outstanding general obligation bonds and general obligation bonds proposed to be issued, which are not otherwise excluded under article VII, section 13, of the Hawaii State Constitution for the fiscal years 2024-2025, 2025-2026, 2026-2027, 2027-2028, and 2028-2029 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>
2024-2025	\$9,499,257,832
2025-2026	11,045,387,832
2026-2027	12,441,887,832
2027-2028	13,738,637,832
2028-2029	14,835,887,832

Based on the foregoing and based on the assumption that the full amount of a guaranty is immediately due and payable when the guaranty changes from a contingent liability to an actual liability, the aggregate principal amount of the portion of the outstanding guaranties and the guaranties proposed to be incurred, which does not exceed seven per cent of the average amount set forth in the last column of the above table and for which reserve funds have been or will have been established as heretofore provided, can be excluded in determining the power of the State to issue general obligation bonds. As it is not possible to predict with a reasonable degree of certainty when a guaranty will change from a contingent liability to an actual liability, it is assumed in conformity with fiscal conservatism and prudence, that all guaranties not otherwise excluded pursuant to article VII, section 13, of the Hawaii State Constitution will become due and payable in the same fiscal year in which the greatest amount of principal and interest on general obligation bonds, after exclusions, occurs. Thus, based on these assumptions and on the determination in paragraph (8), all of the outstanding guaranties can be excluded.

- (8) Determination whether the debt limit will be exceeded at the time of issuance. From the foregoing and on the assumption that all of the bonds identified in paragraph (5) will be issued at an interest rate not to exceed 7.50 per cent in fiscal years 2025 through 2029, it can be determined from the following schedule that the bonds that are proposed to be issued, which include all authorized and unissued bonds previously authorized, as adjusted, general obligation bonds, and instruments of indebtedness under which the State incurs a contingent liability as a guarantor authorized in this Act, will not cause the debt limit to be exceeded at the time of the bond issuance:

<u>Time of Issuance and Amount to be Counted Against Debt Limit</u>	<u>Debt Limit at Time of Issuance</u>	<u>Greatest Amount and Year of Highest Principal and Interest on Bonds and Guaranties</u>
2nd half FY 2024-2025 \$798,000,000	1,912,848,436	1,203,086,123 (2025-2026)
1st half FY 2025-2026 \$773,065,000	1,964,629,395	1,232,076,061 (2025-2026)
2nd half FY 2025-2026 \$773,065,000	1,964,629,395	1,251,499,953 (2026-2027)
1st half FY 2026-2027 \$698,250,000	1,997,529,996	1,316,974,091 (2027-2028)
2nd half FY 2026-2027 \$698,250,000	1,997,529,996	1,410,797,841 (2027-2028)
1st half FY 2027-2028 \$648,375,000	2,021,324,245	1,464,220,947 (2028-2029)
2nd half FY 2027-2028 \$648,375,000	2,021,324,245	1,551,349,072 (2028-2029)
1st half FY 2028-2029 \$548,625,000	2,036,514,163	1,576,817,594 (2029-2030)
2nd half FY 2029-2030 \$548,625,000	2,036,514,163	1,650,544,469 (2029-2030)

- (9) Overall and concluding finding. From the facts, estimates, and assumptions stated in this declaration of findings, the conclusion is reached that the total amount of principal and interest estimated for the general obligation bonds authorized in this Act, and for all bonds authorized and unissued, and calculated for all bonds issued and outstanding, and all guaranties, will not cause the debt limit to be exceeded at the time of issuance.

SECTION 2. The legislature finds the bases for the declaration of findings set forth in this Act are reasonable. The assumptions set forth in this Act with respect to the principal amount of general obligation bonds that will be issued, the amount of principal and interest on reimbursable general obligation bonds that are assumed to be excludable, and the assumed maturity structure shall not be deemed to be binding, it being the understanding of the legislature that these matters shall remain subject to substantial flexibility.

SECTION 3. Authorization for issuance of general obligation bonds. General obligation bonds may be issued as provided by law in an amount that may be necessary to finance projects authorized in House Bill No. 300, H.D. 1, S.D. 1, C.D. 1¹ (the General Appropriations Act of 2025); House Bill No. 400, H.D. 1, S.D. 2, C.D. 1² (the Judiciary Appropriations Act of 2025); House Bill No. 1378, H.D. 2, S.D. 2, C.D. 1³ (Relating to the State Foundation on Culture and the Arts); and Senate Bill No. 1044, S.D. 2, H.D. 2, C.D. 1⁴ (Relating to the Stabilization of Property Insurance); passed by the legislature during this regular session of 2025 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 \$1,913,987,000. The proceeds of the general obligation bonds herein authorized are intended to be applied to finance projects and/or to reimburse expenditures made for projects after the effective date of this Act for the purpose for which such bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Any law to the contrary notwithstanding, general obligation bonds may be issued from time to time in accordance with section 39-16, Hawaii Revised Statutes, in a principal amount as may be required to refund any general obligation bonds of the State of Hawaii heretofore or hereafter issued pursuant to law.

SECTION 4. The provisions of this Act are declared to be severable and if any portion thereof is held to be invalid for any reason, the validity of the remainder of this Act shall not be affected.

SECTION 5. In printing this Act, the revisor of statutes shall substitute in section 1 and section 3 the corresponding act numbers for bills identified therein.

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

(Approved July 8, 2025.)

Notes

1. Act 250.
2. Act 227.
3. Act 131.
4. Act 296.

A Bill for an Act Relating to Historic Preservation Reviews.

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

SECTION 1. The legislature finds that historic preservation review requirements play an essential role in the protection and management of the State's historic places, burial sites, and aviation artifacts by requiring state agencies and offices to submit all projects that may affect historic properties to the state historic preservation division of the department of land and natural resources for review before approval.

The legislature further finds that regulatory costs are a major contributor to the high cost of housing in Hawaii, despite the State facing an unprecedented housing crisis. According to a 2024 report released by the university of Hawaii economic research organization, the median sale price of a new two-bedroom condominium in Hawaii was about \$670,000, more than double the national average price, and regulatory costs comprise \$387,000. Permit applicants face significant delays in obtaining county permits that require historic preservation review because of the overwhelming volume of submittals for review. Consequently, much needed housing, economic development, and critical infrastructure projects often face significant delays in permit approvals and project implementation.

The legislature additionally finds that due to the current demand for the construction of housing and other critical infrastructure, the state historic preservation division consistently receives more reports than they have time to review. According to the department of land and natural resources report to the legislature in October 2022, project reviews in the state historic preservation division's archaeology branch face "a 6-month to 1-year backlog as the volume of permit and project submissions have risen . . .".

The legislature also finds that allowing the state historic preservation division to engage with third-party consultants could help expedite the review process so that more housing units can be produced in a timely manner. Delegating review responsibilities will reduce the state historic preservation division's intake load and allow the division to focus on core historical review properties.

Therefore, legislature believes that it must take immediate action to mitigate the overwhelming volume of submissions to the state historic preservation division and the impacts on permit applicants.

Accordingly, the purpose of this Act is to authorize the department of land and natural resources, through the state historic preservation division, to contract its review of proposed state projects and projects affecting historic properties to third-party consultants, under certain conditions.

SECTION 2. Section 6E-8, Hawaii Revised Statutes, is amended to read as follows:

"§6E-8 Review of effect of proposed state projects. (a) Before any agency or officer of the State or its political subdivisions commences any project [which] that may affect historic property, aviation artifact, or a burial site, the agency or officer shall advise the department and allow the department an opportunity for review of the effect of the proposed project on historic properties, aviation artifacts, or burial sites, consistent with section 6E-43, especially those listed on the Hawaii register of historic places. The proposed project shall not be commenced, or if it has already begun, continued, until the department has given its written concurrence. If:

- (1) The proposed project consists of corridors or large land areas;
- (2) Access to properties is restricted; or
- (3) Circumstances dictate that construction be done in stages,

the department may give its written concurrence based on a phased review of the project; provided that there shall be a programmatic agreement between the department and the project applicant that identifies each phase and the estimated timelines for each phase.

The department shall provide written concurrence or non-concurrence within ninety days after the filing of a request with the department. The agency or officer seeking to proceed with the project, or any person, may appeal the department's concurrence or non-concurrence to the Hawaii historic places review board. An agency, officer, or other person who is dissatisfied with the decision of the review board may apply to the governor, who may take action as the governor deems best in overruling or sustaining the department.

(b) The department of Hawaiian home lands, ~~[prior to]~~ before commencing any proposed project relating to lands under its jurisdiction, shall consult with the department regarding the effect of the project upon historic property or a burial site.

(c) The State, its political subdivisions, agencies, and officers shall report to the department the finding of any historic property during any project and shall cooperate with the department in the investigation, recording, preservation, and salvage of the property.

(d) Whenever a proposed state project involves the development of residential units or mixed-use development, as long as a majority of the mixed-use development is residential, and after an initial evaluation, the department determines that:

- (1) The department will not be able to provide its written concurrence or non-concurrence within sixty days of the filing of the request with the department;
- (2) The third-party consultant has the qualifications and experience pursuant to subsection (e) to conduct the review; and
- (3) The contract with the third-party consultant:
 - (A) Requires the third-party consultant to provide a recommendation to the department within thirty days of the date that the consultant is retained to conduct the review and comment; and
 - (B) Allows the department to reserve the right to determine whether use of a third-party consultant was appropriate and terminate the contract if the third-party consultant:
 - (i) Has evidenced insufficient compliance with the state historic preservation laws and rules; or
 - (ii) Has not completed assigned historic preservation reviews accurately,

then the department may retain a third-party consultant to conduct the review described under subsection (a) no later than sixty days after the filing of a request with the department; provided that this subsection shall not apply to projects that trigger section 106 of the National Historic Preservation Act of 1966, as amended.

(e) Whenever the department retains any third-party consultant, including an architect, engineer, archaeologist, planner, or other professional, to review an application for a permit, license, or approval pursuant to subsection (d), the third-party consultant shall:

- (1) Meet the educational and experience standards as well as the qualifications for preservation professionals pursuant to rules adopted by the state historic preservation division;
- (2) Follow state ethics rules; and
- (3) Not review any project that the third-party consultant or the consultant's employer has previously worked on.

(f) The project proponent shall pay the reasonable fee requirements of the third-party consultant; provided that the project proponent may contract with or sponsor any county, housing authority, non-profit organization, or person to meet the fee requirements.

[(d)] (g) The department shall adopt rules in accordance with chapter 91 to implement this section."

SECTION 3. Section 6E-42, Hawaii Revised Statutes, is amended to read as follows:

"§6E-42 Review of proposed projects. (a) Except as provided in section 6E-42.2, before any agency or officer of the State or its political subdivisions approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use[, which] that may affect historic property, aviation artifacts, or a burial site, the agency or office shall advise the department and ~~[prior to]~~ before any approval allow the department an opportunity for review and comment on the effect of the proposed project on historic properties, aviation artifacts, or burial sites, consistent with section 6E-43, including those listed in the Hawaii register of historic places. If:

- (1) The proposed project consists of corridors or large land areas;
- (2) Access to properties is restricted; or
- (3) Circumstances dictate that construction be done in stages,

the department's review and comment may be based on a phased review of the project; provided that there shall be a programmatic agreement between the department and the project applicant that identifies each phase and the estimated timelines for each phase.

(b) The department shall inform the public of any project proposals submitted to it under this section that are not otherwise subject to the requirement of a public hearing or other public notification.

(c) Whenever the project involves the development of residential units or mixed-use development, as long as a majority of the mixed-use development is residential, and after an initial evaluation, the department determines that:

- (1) The department will not be able to provide its review and comment within sixty days of being advised pursuant to subsection (a);
- (2) The third-party consultant has the qualifications and experience required by subsection (d) to conduct the review; and
- (3) The contract with the third-party consultant:

- (A) Requires the third-party consultant to provide a recommendation to the department within thirty days of the date that the consultant is retained to conduct the review and comment; and
- (B) Allows the department to reserve the right to determine whether use of a third-party consultant was appropriate and terminate the contract if the third-party consultant:

- (i) Has evidenced insufficient compliance with the state historic preservation laws and rules; or
- (ii) Has not completed assigned historic preservation reviews accurately.

then the department may retain a third-party consultant to conduct the review and comment described under subsection (a) no later than sixty days after being advised pursuant to subsection (a); provided that this subsection shall not apply to projects that trigger section 106 of the National Historic Preservation Act of 1966, as amended.

(d) Whenever the department retains any third-party consultant, including any architect, engineer, archaeologist, planner, or other professional, to review an application for a permit, license, or approval under subsection (c), the third-party consultant shall:

- (1) Meet the educational and experience standards as well as the qualifications for preservation professionals pursuant to rules adopted by the state historic preservation division;
- (2) Follow state ethics rules; and
- (3) Not review any project that the third-party consultant or the consultant's employer has previously worked on.

(e) The project proponent shall pay the reasonable fee requirements of the third-party consultant; provided that the project proponent may contract with or sponsor any county, housing authority, non-profit organization, or person to meet the fee requirements.

~~[(e)]~~ (f) The department shall adopt rules in accordance with chapter 91 to implement this section.”

SECTION 4. The department of land and natural resources shall publish on its website proposed rules implementing sections 2 and 3 of this Act within one year from the effective date of this Act. Thereafter, the department of land and natural resources, within one year, shall present its proposed final rules to the board of land and natural resources.

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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

SECTION 7. This Act shall take effect on July 1, 2025; provided that:

- (1) Sections 2 and 3 of this Act shall take effect on July 1, 2026; and
- (2) This Act shall be repealed on June 30, 2030, and sections 6E-8 and 6E-42, Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day prior to the effective date of this Act.

(Approved July 8, 2025.)

ACT 307

S.B. NO. 465

A Bill for an Act Relating to the Kikiaola Small Boat Harbor.

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

SECTION 1. (a) The department of land and natural resources shall conduct a carrying capacity study of Kikiaola small boat harbor in the county of Kauai. The study shall:

- (1) Include an assessment of the carrying capacity of the Kikiaola small boat harbor and its surrounding area, including an estimate

of the number of persons and the amount of human activity that the harbor can sustain without degrading natural resources, cultural resources, or experiences by visitors and residents; provided that the carrying capacity assessed shall include the capacity effects of any improvements that have been approved as of the effective date of this Act, including the construction of a second boat launch ramp;

- (2) Assess the effectiveness of existing use restrictions and management practices;
- (3) Determine whether commercial tour operators have been allowed by the department to increase the number of passengers allowed in their operations without review or understanding of the effects on the harbor's infrastructure or natural resources;
- (4) Assess the potential effectiveness of visitor use restrictions and management practices; and
- (5) Propose long-term management options to reduce the impact of humans on the health and abundance of natural resources, cultural resources, and native species within and around the harbor.

(b) In conducting the study, the department of land and natural resources shall consult with the county of Kauai, relevant community organizations, and other relevant entities.

(c) The department of land and natural resources shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2026.

SECTION 2. 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 2025-2026 for the department of land and natural resources to conduct a carrying capacity study of Kikiaola small boat harbor in the county of Kauai.

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

SECTION 3. This Act shall take effect on July 1, 2025.

(Approved July 8, 2025.)

ACT 308

H.B. NO. 420

A Bill for an Act Relating to Remedies.

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

SECTION 1. Section 657-8, Hawaii Revised Statutes, is amended to read as follows:

“§657-8 Limitation of action for damages based on construction to improve real property. (a) No action, whether in contract, tort, statute, or otherwise, to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of any deficiency or neglect in the planning, design, construction, supervision and administering of construction, and observation of construction relating to an improvement to real property shall be commenced ~~[more than two years after the cause of action has accrued, but in any event not]~~ more than ten years after the date of completion of the improvement.

(b) This section shall not be construed to extend any shorter period of limitation under this chapter, including the six-year statute of limitations under section 657-1 or the two-year statute of limitations for damages to persons or property under section 657-7, as applicable, subject to the ten-year statute of repose under subsection (a).

~~[(b)] (c)~~ This section shall not apply to actions for damages against owners or other persons having an interest in the real property or improvement based on their negligent conduct in the repair or maintenance of the improvement or to actions for damages against surveyors for their own errors in boundary surveys. ~~[The term “improvement” as used in this section shall have the same meaning as in section 507-41 and the phrase “date of completion” as used in this section shall mean the time when there has been substantial completion of the improvement or the improvement has been abandoned. The filing of an affidavit of publication and notice of completion with the circuit court where the property is situated in compliance with section 507-43(f) shall be prima facie evidence of the date of completion.]~~ An improvement shall be deemed substantially complete upon the earliest of the following:

- (1) The issuance of a certificate of occupancy; or
- (2) The filing of an affidavit of publication and notice of completion within the circuit court of the judicial circuit where the property is situated in compliance with section 507-43(f).

If the improvement consists of multiple buildings or improvements, each building or improvement shall be considered as a separate improvement for the purpose of determining the limitations period set forth in this section.

(d) This section shall not be construed to prevent, limit, or extend any shorter period of limitation applicable to sureties provided for in any contract or bond or any other statute, nor to extend or add to the liability of any surety beyond that for which the surety agreed to be liable by contract or bond.

~~[(e)] (e)~~ Nothing in this section shall exclude or limit the liability provisions as set forth in the products liability laws.

(f) For the purposes of this section:

“Date of completion” means the time when there has been substantial completion of the improvement or the improvement has been abandoned.

“Improvement” has the same meaning as in section 507-41.”

SECTION 2. Section 672E-3, Hawaii Revised Statutes, is amended to read as follows:

“[H]§672E-3[H] Notice of claim of construction defect. (a) A claimant, no later than ninety days before filing an action against a contractor, shall serve the contractor with a written notice of claim. The notice of claim shall ~~[describe the claim in detail and include the results of any testing done.];~~

- (1) State that the claimant asserts a claim against the contractor for a construction defect in the design, construction, or remodeling, or any combination thereof, of a dwelling or premises; and
- (2) Describe the claim in detail sufficient to determine the circumstances constituting the alleged construction defect and damages resulting from the construction defect. The description shall specifically identify the alleged defect or problem; provided that a general statement that a construction defect may exist shall be insufficient.

The notice of claim shall not constitute a claim under any applicable insurance policy and shall not give rise to a duty of any insurer to provide a

defense under any applicable insurance policy unless and until the process ~~[set forth]~~ described in section 672E-5 is completed. Nothing in this chapter shall in any way interfere with or alter the rights and obligations of the parties under any liability policy.

~~(b)~~ If available to the claimant, the claimant shall provide to the contractor, with the notice of claim, evidence that depicts the nature and cause of the construction defect and the nature and extent of the repairs necessary to repair the defect, including the following information if obtained by the claimant: photographs, videotapes, and any testing performed.

~~[(b)] (c)~~ A contractor served with a written notice of claim shall serve any other appropriate subcontractor with notice of the claim. The contractor's notice shall include the claimant's written notice of claim.

~~[(e)] (d)~~ After serving the notice of claim, a claimant shall give to the contractor reasonable prior notice and an opportunity to observe if any testing is done."

SECTION 3. Section 672E-4, Hawaii Revised Statutes, is amended to read as follows:

"§672E-4 Rejection of claim; opportunity to repair construction defect.

(a) The contractor rejects a claimant's claim of construction defects by:

- (1) Serving the claimant with a written rejection of the claim; or
- (2) Failing to respond pursuant to subsection (b)(1) or ~~[(b)](2);~~ (2) to the notice of claim within thirty days after service.

(b) The contractor, within thirty days after service of the notice of claim, shall serve the claimant and any other contractor that has received the notice of claim with a written response to the alleged construction defect that:

- (1) Offers to settle without inspecting the construction defect by:
 - (A) Monetary payment;
 - (B) Making repairs; or
 - (C) Both subparagraphs (A) and (B); or
- (2) Proposes to inspect the premises of the alleged construction defect that is the subject of the claim.

(c) Within thirty days following any proposal for inspection under subsection (b)(2), the claimant shall ~~[provide access to:]~~ accept a contractor's proposal to inspect. After accepting the contractor's proposal to inspect, the claimant and contractor shall agree on a time and date for the inspection, which shall occur within thirty days of the claimant's acceptance of the contractor's proposal to inspect, unless the claimant and contractor agree to a later date. The claimant shall provide reasonable access to the dwelling or premises during normal working hours to:

- (1) Inspect the premises;
- (2) Document any alleged construction defects; and
- (3) Perform any testing required to evaluate the nature, extent, and cause of the asserted construction defect, and the nature and extent of any repair or replacement that may be necessary to remedy the asserted construction defect;

provided that if the claimant is an association under chapter 514B, the claimant shall have forty-five days to provide ~~[such]~~ access. If access to an individual condominium unit is necessary, and the association is unable to obtain ~~[such]~~ access, then the association shall have a reasonable time to provide access. If destructive testing is required, the contractor shall give advance notice of tests and return

the premises to its pre-testing condition. If inspection or testing reveals a condition that requires additional testing to fully and completely evaluate the nature, cause, and extent of the construction defect, the contractor shall provide notice to the claimant of the need for additional testing. The claimant shall provide additional access to the dwelling or premises. If a claim is asserted on behalf of owners of multiple dwellings, or multiple owners of units within a multi-family complex, the contractor shall be entitled to inspect each of the dwellings or units.

(d) Inspections and testing performed pursuant to this section shall be completed within nine months of the contractor's request to inspect, unless the parties agree or the court orders otherwise.

~~[(d)]~~ (e) Within fourteen days following the inspection and testing, the contractor shall serve on the claimant a written:

- (1) Offer to fully or partially remedy the construction defect at no cost to the claimant. ~~[Such]~~ The offer shall include a description of construction necessary to remedy the construction defect and a timetable for the completion of the additional construction;
- (2) Offer to settle the claim by monetary payment;
- (3) Offer for a combination of repairs and monetary payment; or
- (4) Statement that the contractor will not proceed further to remedy the construction defect.

(f) Upon receipt of the offer made under subsection (b)(1) or (e)(1), (2), or (3), the claimant may, within thirty or forty-five days, whichever applies pursuant to section 672E-5(a), accept the offer and authorize the contractor to proceed with any repairs offered under subsection (b)(1) or (e)(1) or (3), or deny the offer.

(g) Any offer of settlement under this section shall reference this section, and shall state that a claimant's failure to respond with a written notice of acceptance or rejection within thirty or forty-five days, whichever applies pursuant to section 672E-5(a), shall mean that the offer is rejected. Failure to serve a written offer or statement under this section shall be deemed a statement that the contractor will not proceed further."

SECTION 4. Section 672E-6, Hawaii Revised Statutes, is amended to read as follows:

"[H]§672E-6[H] Offer of settlement. (a) Any time after the service of the notice of claim, any party may serve an offer of settlement.

(b) If the offer is accepted, the parties shall be deemed to have resolved the claim in whole or in part pursuant to the offer.

(c) An offer not accepted within the time period required under section 672E-5, or ten days after service for any subsequent offers, shall be deemed withdrawn and evidence thereof [is] shall not be admissible except to determine entitlement to recovery of costs. If the judgment or award obtained in a subsequent proceeding is not more favorable than the offer, the offeree shall pay the costs incurred by the offeror after the making of the offer. The fact that an offer is made and not accepted does not preclude a subsequent offer."

SECTION 5. Section 672E-7, Hawaii Revised Statutes, is amended to read as follows:

"[H]§672E-7[H] Mediation. (a) If the parties are unable to resolve the claim pursuant to section 672E-5 or 672E-6, all parties shall attempt to resolve the dispute through mediation, even if mediation is not otherwise ordered or mandated by contract or by law[-]; provided that the parties shall not be required to attempt to resolve the dispute through mediation more than once.

(b) Mediation shall be completed within twelve months of the filing of the notice of the claim, unless the parties agree or the court orders otherwise.”

SECTION 6. Section 672E-8, Hawaii Revised Statutes, is amended to read as follows:

~~“[§672E-8]~~ **Statute of limitations on actions exception.** If an applicable statute of limitation or repose would preclude an action after the notice of claim has been served but before the dispute is resolved under this chapter, the claimant may file an action against the contractor but the action shall be immediately stayed pending the contractor’s opportunity to repair under section 672E-4, or submission of the dispute to mediation under section 672E-7[-]; provided that no action shall be filed pursuant to this section more than six months before the end of the applicable limitation or repose period. This section shall not be construed to revive a statutory period of limitations on actions that have expired prior to the date on which a claimant’s written notice of claim is served. After the sending of the initial notice of claim, a claimant and a contractor, by written mutual agreement, may alter the procedure for the notice of claim under this section.”

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

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

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

(Approved July 9, 2025.)

ACT 309

H.B. NO. 431

A Bill for an Act Relating to Housing.

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

PART I

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding two new sections to subpart B of part XVIII to be appropriately designated and to read as follows:

“§346- Kauhale projects; requirements. (a) Any kauhale projects constructed or developed using state funds shall be connected to public utilities, including water, sewer, and electricity.

(b) The monthly rent charged to any resident of a kauhale shall not exceed thirty per cent of the area median income.

(c) If funds appropriated for construction and development of a kauhale project are used to contract for the procurement of building services and projects related to the kauhale initiative, there shall be at least two bidders for any kauhale project estimated to be over \$1,000,000.

(d) The office shall conduct and complete a community consultation process prior to the construction and development of any kauhale project.

(e) Should any portion of the funds appropriated for the construction of a kauhale project be used for purposes inconsistent with the intent of the kauhale initiative or the construction is phased out and the kauhale project is contracted with a private entity, the State shall have the first right to recoup and reclaim all or a portion of the appropriated funds.

§346- Kauhale; reports. (a) The office shall establish the following:

- (1) The evaluation criteria and process that the office shall use each year when reviewing the success and sustainability of the kauhale; and
 - (2) Monitoring and oversight controls over the kauhale to identify, address, and prevent possible fraud, waste, and abuse and ensure compliance with federal, state, and local laws.
- (b) The coordinator shall compile and consolidate information from the office and submit a report to the legislature no later than twenty days prior to the convening of each regular session, which shall include:
- (1) Data on the number of beds, occupancy, duration of stay, types of services provided, and next planned destination of participants who left the kauhale;
 - (2) An evaluation of the kauhale to determine whether the objectives set have been met or exceeded; and
 - (3) Any proposed changes that need to be made to the performance measures used to assess the achievement of program goals.”

SECTION 2. Section 346-385, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Kauhale” means:

- (1) A program to address the basic needs of individuals experiencing houselessness; and
- (2) Affordable housing spaces that are communal living spaces with individual household units and charge monthly rents no more than thirty per cent of the area median income level.”

SECTION 3. (a) The auditor shall conduct a management and performance audit of the kauhale initiative.

(b) The auditor shall submit the audit with any 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.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$18,575,000 or so much thereof as may be necessary for fiscal year 2025-2026 and \$24,325,000 or so much thereof as may be necessary for fiscal year 2026-2027 for the continued operation of the kauhale initiative, including expenses related to:

- (1) The development and operation of kauhale;
- (2) The provision of project-based rent supplement payments;
- (3) The provision of support services for qualified individuals and families in kauhale;
- (4) Staffing and related costs to administer the kauhale initiative;
- (5) Addressing basic needs of individuals and families experiencing homelessness;
- (6) Wrap around services;
- (7) Social and health care services;

- (8) Transportation; and
- (9) Other services with the goal of alleviating poverty and transitioning individuals and families experiencing homelessness or housing instability into supportive or affordable housing.

The sums appropriated shall be expended by the department of human services for the purposes of this part.

PART II

SECTION 5. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to subpart B of part XVIII to be appropriately designated and to read as follows:

“§346- Ohana zones program; establishment; reports. (a) There is established within the office the ohana zones program to provide temporary housing and services to homeless individuals and families based on principles similar to the housing first program.

(b) The office shall determine the number and locations of ohana zone sites, which shall be situated on public or private lands in accordance with subsection (c).

(c) The office may coordinate with public or private entities, as appropriate, to develop and implement the ohana zones program; provided that:

(1) If any public land under the jurisdiction of a state or county agency is determined to be suitable for use as an ohana zone, the office shall:

(A) Work with the appropriate state or county agency that controls the land to transfer the land designated for use as an ohana zone to an agency whose mission is more suited to the management of ohana zones; and

(B) Work with the appropriate state or county agency that controls the land and its construction agency to ensure that an ohana zone’s infrastructure needs are met and minimize adverse impacts to the environment, including to nearshore resources, such as corals, reef fish, and seabirds;

(2) Use of any private lands determined to be suitable for use as an ohana zone shall be for limited purposes and require a written agreement between the private land owner and any state or county agency that any structure built with public funds may be moved or is temporary; provided further that if the land ceases to be used for an ohana zone or low-income housing before the time specified in the agreement, the state or county agency may choose to move the structure off the private land to a location of the state or county agency’s choosing; and

(3) The ohana zones program may allow for off-the-grid technologies that can:

(A) Provide drinking water and electricity; and

(B) Process sewage, without existing infrastructure; provided further that ohana zone sites with the ability to hook up to electricity, water, and sewer shall be preferred when considering ohana zone sites; provided further that connections to these utilities shall be made as soon as the project is able, unless there is a more cost-effective renewable energy option.

(d) The ohana zones program may provide the following facilities and services at each ohana zone site:

- (1) Secure dwelling spaces that:
 - (A) May be private or communal;
 - (B) Have access to toilets, showers, and other hygiene facilities; and
 - (C) Have access to an area for food storage and meal preparation;
- (2) Medical and social support services; and
- (3) Transportation to appointments related to medical care or supportive services that are not available onsite.
- (e) The office shall establish the following:
 - (1) The evaluation criteria and process that the office shall use each year when reviewing the success and sustainability of the ohana zones; and
 - (2) Monitoring and oversight controls over the ohana zones to identify, address, and prevent possible fraud, waste, and abuse and ensure compliance with federal, state, and local laws.
- (f) The coordinator shall compile and consolidate information from the office to effectuate this section and submit a report to the legislature no later than twenty days prior to the convening of each regular session, which shall include:
 - (1) Data on the number of beds, occupancy, duration of stay, types of services provided, and next planned destination of participants who left the ohana zone;
 - (2) An evaluation of the ohana zones to determine whether the objectives set have been met or exceeded; and
 - (3) Any proposed changes that need to be made to the performance measures used to assess the achievement of program goals.”

SECTION 6. Section 346-385, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Ohana zone” means a place:

- (1) That has a program to address basic needs of individuals experiencing homelessness; and
- (2) Where wrap-around services, social and health care services, transportation, and other services may be offered with the goals of alleviating poverty and transitioning individuals experiencing homelessness into affordable housing.”

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$2,525,000 or so much thereof as may be necessary for fiscal year 2025-2026 and \$5,855,000 or so much thereof as may be necessary for fiscal year 2026-2027 for the continued implementation of the ohana zones pilot program established under Act 209, Session Laws of Hawaii 2018.

The sums appropriated shall be expended by the department of human services for the purposes of this part.

PART III

SECTION 8. (a) The statewide office on homelessness and housing solutions shall submit a report to the legislature every four months detailing the expenditure of funds appropriated pursuant to this Act, as well as any appropriations made toward the kauhale or ohana zones initiatives. Each report shall include:

- (1) A list of all contracts executed during the preceding quarter;
- (2) Supporting documentation detailing the use of funds; and

- (3) A status update on all operations and buildings using any allocated funds made by the State for the preceding quarter.

(b) The statewide office on homelessness and housing solutions shall conduct a comprehensive needs assessment on the services, temporary housing, permanent housing, and continuum of care within each county with a plan to address the outstanding needs in the most cost-effective manner. The office 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.

PART IV

SECTION 9. Section 346-381.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[H§346-381.5]]~~ ~~[Governor’s coordinator]~~ Coordinator on homelessness. The governor shall appoint the ~~[governor’s]~~ coordinator on homelessness for the proper administration and enforcement of this chapter without regard to chapter 76.”

SECTION 10. Section 346-382, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The Hawaii interagency council on homelessness shall be composed of the following members or the member’s designee:

- (1) ~~[Governor’s coordinator]~~ Coordinator on homelessness, who shall serve as chair;
- (2) Director of human services;
- (3) Administrator of the homeless programs office of the department of human services;
- (4) Director of health;
- (5) Director of labor and industrial relations;
- (6) Director of law enforcement;
- (7) Director of business, economic development, and tourism;
- (8) Chairperson of the Hawaiian homes commission;
- (9) Adjutant general;
- (10) Chairperson of the board of trustees of the office of Hawaiian affairs;
- (11) Attorney general;
- (12) Superintendent of education;
- (13) Two members of the house of representatives to be designated by the speaker of the house of representatives, of whom one member shall be designated by the speaker of the house of representatives to serve as an alternate member on the Hawaii interagency council on homelessness to serve in the other member’s absence;
- (14) Two members of the senate to be designated by the president of the senate, of whom one member shall be designated by the president of the senate to serve as an alternate member on the Hawaii interagency council on homelessness to serve in the other member’s absence;
- (15) A representative of the Hawaii public housing authority;
- (16) The mayor of each county;
- (17) A representative of the continuum of care programs in each county, to be designated by the respective mayors;

- (18) A representative of the United States Department of Veterans Affairs who shall be requested to serve by the governor;
- (19) A representative from the Office of Community Planning and Development, United States Department of Housing and Urban Development, who shall be requested to serve by the governor;
- (20) A representative of a faith-based organization with interfaith relationships, to be designated by the governor; and
- (21) A representative of the business community, to be designated by the governor.”

SECTION 11. Section 346-385, Hawaii Revised Statutes, is amended as follows:

- 1. By adding a new definition to be appropriately inserted and to read: ““Director” means the director of human services.”
- 2. By amending the definition of “coordinator” to read: ““Coordinator” means the [governor’s] coordinator on homelessness as provided in section 346-381.5.”

SECTION 12. Section 346-387, Hawaii Revised Statutes, is amended by amending its title and subsections (a) and (b) to read as follows:

“[H§346-387] Administration. (a) The office shall be headed by the [governor’s] coordinator on homelessness, appointed pursuant to section 346-381.5, for the proper administration and enforcement of this subpart.

(b) The coordinator shall report directly to the [governor] director and appoint staff as may be necessary.”

PART V

SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 14. This Act shall take effect on July 1, 2025.

(Approved July 9, 2025.)

Note

- 1. Edited pursuant to HRS §23G-16.5.

ACT 310

S.B. NO. 933

A Bill for an Act Relating to the State Budget.

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

SECTION 1. The legislature finds that the federal funding freeze imposed by the United States Office of Management and Budget may have detrimental effects on Hawaii’s nonprofit sector, which provides critical services in health and human services. Without assistance from the federal government, Hawaii’s federally qualified health centers, and programs that provide child care, social services, subsidized housing, and homeless services, will see a significant drop in funding.

The purpose of this Act is to appropriate moneys to and authorize temporary full-time equivalent positions for the office of community services of the department of labor and industrial relations to award grants subject to chapter 42F, Hawaii Revised Statutes, and other qualifications, for fiscal year 2025-2026, and authorize the office of community services to contract the services of Aloha United Way, Inc., to assist with the administration and distribution of grant awards.

SECTION 2. The legislature finds and declares that the grants made pursuant to chapter 42F, Hawaii Revised Statutes, under this Act are in the public interest and for the public health, safety, and general welfare.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000,000 or so much thereof as may be necessary for fiscal year 2025-2026 to the office of community services of the department of labor and industrial relations for:

- (1) The awarding of grants made pursuant to chapter 42F, Hawaii Revised Statutes, and the selection process established pursuant to section 4 of this Act, for the benefit of nonprofit organizations in the State of Hawaii; and
- (2) The contracting of administrative support services to evaluate, select, award, distribute moneys to, and monitor compliance of, grant recipients.

The sum appropriated shall be expended by the office of community services of the department of labor and industrial relations for the purpose of this Act.

SECTION 4. (a) Provided that of the general fund appropriation for the office of community services of the department of labor and industrial relations (program ID LBR903) authorized under section 3, the sum of \$50,000,000 or so much thereof as may be necessary for fiscal year 2025-2026, shall be expended on:

- (1) Grants issued in accordance with chapter 42F, Hawaii Revised Statutes, and subsection (b); and
- (2) Any administrative expenses associated with the selection, award, and administration of the grants.

(b) In selecting recipients and awarding and administering grants funded by the appropriation contained in section 3 of this Act, there is established an evaluation and selection committee to oversee the evaluation and selection of, and determine grant award amounts to, nonprofit applicants. The evaluation and selection committee shall be composed of the following members:

- (1) Two senators appointed by the president of the senate; and
- (2) Two representatives appointed by the speaker of the house of representatives.

The meetings of the evaluation and selection committee shall not be subject to part I of chapter 92, Hawaii Revised Statutes.

To be eligible for a grant funded by the appropriation contained in section 3, applicants shall be recipients or providers that have sustained a reduction or termination of their federal funding, or if the applicant is not a direct federal funding recipient or provider, the applicant shall primarily serve populations that have been negatively affected by reductions or terminations of federal funding.

Applicants for a grant under this Act shall provide documentation evidencing the nature and extent of the federal funding reduction and its impact on the recipient or provider's operations, programs, or services, or shall demonstrate the causal connection between the federal funding change and the adverse impact on the population served, as well as how the proposed use of grant funds will mitigate or address that impact.

In evaluating, selecting, awarding, and administering grants funded by the appropriation contained in section 3, the evaluation and selection committee shall apply all qualifying standards, conditions, and other applicable requirements under chapter 42F, Hawaii Revised Statutes, to the grant recipients and their respective contracts; provided that the grant application submission deadline contained in section 42F-102, Hawaii Revised Statutes, shall not apply to grants applied for and funded pursuant to this Act.

(c) Notwithstanding any law to the contrary, including chapters 103F and 103D, Hawaii Revised Statutes, the office of community services may contract with Aloha United Way, Inc., to provide administrative support to the office of community services to contract and distribute moneys to recipients of grants awarded pursuant chapter 42F, Hawaii Revised Statutes, and this Act. Subject to the approval of the evaluation and selection committee, Aloha United Way, Inc., may charge and receive an administrative fee of no more than \$500,000 to contract, process, and distribute the award of funds made available under this Act.

After the settlement of all administrative costs, any remaining unencumbered and unexpended balance shall be returned by Aloha United Way, Inc., to the office of community services for deposit into the State's general fund.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$140,000 or so much thereof as may be necessary for fiscal year 2025-2026 for the office of community services to carry out its responsibilities under this Act. The sum appropriated shall be expended as follows:

- (1) \$130,000 for the establishment of two temporary full-time equivalent (2.0 FTE) positions; and
- (2) \$10,000 for the purchase of office equipment and furniture.

The sum appropriated shall be expended by the office of community services of the department of labor and industrial relations.

SECTION 6. If any portion of this Act or its application to any person, entity, or circumstance is held to be invalid for any reason, the legislature declares that the remainder of the Act and any 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 that appropriation to the extent possible.

SECTION 7. If manifest clerical, typographical, or other mechanical errors are found in this Act, the governor may correct the errors.

SECTION 8. This Act shall take effect on July 1, 2025.

(Approved July 9, 2025.)

A Bill for an Act Relating to Historic Preservation Reviews.

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

SECTION 1. Chapter 6E, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

“§6E- Proposed state or county housing projects; historic review requirements. (a) Notwithstanding section 6E-8, before any agency or officer of the State or its political subdivisions commences any housing project that may affect a historic property, an aviation artifact, or a burial site, the agency or officer shall advise and authorize the department to make a determination for the proposed project as to the effect of the project on the historic property, aviation artifact, or burial site. The project shall not commence or continue until the department has made its determination; provided that:

- (1) If the department determines that the proposed project is in a:
 - (A) Highly sensitive area known to include a high density of historic, cultural, or archaeological resources, or in an area that is likely to contain a high density of historic, cultural, or archaeological resources, the department shall require an archaeological inventory survey in accordance with rules adopted by the department unless an archaeological inventory survey has already been previously reviewed and accepted by the department for the same or a substantially similar project located in the same project area, in which case the department may allow the project to proceed under an archaeological monitoring program pursuant to rules adopted by the department;
 - (B) Moderately sensitive area where an archaeological inventory survey has already been previously reviewed and accepted by the department and no significant historic properties have been previously identified, the department may authorize the project to proceed under an archaeological monitoring program in accordance with rules adopted by the department; or
 - (C) Nominally sensitive area known to include a low density of historic, cultural, or archaeological resources, or where the project area has been substantially disturbed by previous excavation or other ground disturbing work and no significant historic properties have been previously identified, the department may authorize the project to proceed without further review under this section; and
- (2) The department's determination shall be based on:
 - (A) The Hawaii or national register of historic places;
 - (B) The age of above-surface structures;
 - (C) Any existing archaeological inventory surveys previously accepted by the department;
 - (D) Any burial treatment plans accepted by the department;
 - (E) The type of substrate known to typically contain burials;
 - (F) Consultation with the:
 - (i) Relevant island burial council; and
 - (ii) Office of Hawaiian affairs; and

(G) Any other literary review relevant to the area.

The department shall provide its written determination within ninety days after the filing of a complete and accurate project request with the department; provided that the department's determination may be appealed to the Hawaii historic places review board.

(b) The department shall confirm that housing projects have state inventory of historic places numbers for all historic properties located within the housing project area before the start of construction.

(c) A project proponent shall obtain state inventory of historic places numbers from the state historic preservation division for all historic properties located within a housing project area if an archaeological or architectural survey is conducted as part of the historic preservation review process. If an archaeological inventory survey is conducted before the start of construction, the project proponent shall obtain state inventory of historic places numbers for each historic property identified within the housing project area during archaeological monitoring before completion of construction.

(d) Before any agency or officer of the State or its political subdivisions commences any housing project that may adversely affect a significant historic property, the agency or officer shall make a reasonable and good faith effort to avoid or minimize any effect to the significant historic property. If any adverse effect cannot reasonably be avoided, the agency or officer shall mitigate the adverse effect. Mitigation includes but is not limited to preservation, archaeological data recovery, burial treatment, ethnographic documentation, historic data recovery, and architectural recordation. Mitigation shall be implemented pursuant to terms approved by the department or the relevant island burial council pursuant to section 6E-43.

(e) If previously unidentified human remains are inadvertently discovered during archaeological monitoring or housing project construction, all work within a twenty-foot radius of the:

- (1) Discovery; and
- (2) Back-dirt pile containing the soil removed during excavation in proximity of the discovery,

shall cease and both areas shall be securely covered and protected from the natural elements and adjacent activities; provided that work in other areas of the project may continue and may only proceed in accordance with section 6E-43.6.

(f) If a previously unidentified historic property is identified or previously unanticipated effects are found after the historic preservation review process has concluded during archaeological monitoring or housing project construction, all work within a twenty-foot radius of the discovery shall cease and the agency or officer shall notify the state historic preservation division within forty-eight hours of the discovery.

The notification shall include:

- (1) A historic properties assessment that documents the historic, cultural, or archaeological resource and determines its significance;
- (2) An assessment of effect that shall detail any impacts the project has had or will have on the historic, cultural, or archaeological resource; and
- (3) Proposed actions that may be taken to avoid, minimize, or mitigate any adverse effects the project may have on the historic, cultural, or archaeological resource.

The state historic preservation division shall respond to the notification within two working days.

(g) Upon completion of any identified avoidance, minimization, and mitigation measures, the agency or officer shall submit a report to the state historic preservation division documenting the actions taken.

(h) The department shall adopt rules in accordance with chapter 91 to implement this section.

(i) For the purposes of this section, “housing project” or “project” means a housing project that is developed by, receiving financing from, or situated on land owned by the State or a county.”

SECTION 2. New statutory material is underscored.¹

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

(Approved July 9, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

ACT 312

S.B. NO. 572

A Bill for an Act Relating to Housing.

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

SECTION 1. Section 201H-206, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) Loans shall be awarded in the following descending order of priority:

- (1) Projects or units in projects that are funded by programs of the United States Department of Housing and Urban Development, United States Department of Agriculture Rural Development, and United States Department of the Treasury Community Development Financial Institutions Fund, wherein:
 - (A) At least fifty per cent of the available units are reserved for persons and families having incomes at or below eighty per cent of the median family income and of which at least five per cent of the available units are for persons and families having incomes at or below fifty per cent of the median family income; and
 - (B) The remaining units are reserved for persons and families having incomes at or below one hundred twenty per cent of the median family income; ~~and~~
- (2) Mixed-income affordable for-sale housing projects or units in a mixed-income affordable for-sale housing project wherein all of the available units are reserved for persons and families having incomes at or below one hundred per cent of the median family income~~[-];~~ and
- (3) Loan funds administered by certified nonprofit community development financial institutions to finance the development, pre-development, construction, acquisition, preservation, and substantial rehabilitation of affordable for-sale housing for persons and families having incomes set forth in paragraphs (1) and (2).

(c) Moneys in the fund shall be used to provide loans for the development, pre-development, construction, acquisition, preservation, and substantial rehabilitation of affordable for-sale housing units. Uses of moneys in the fund may include but are not limited to planning, design, and land acquisition, including the costs of options, agreements of sale, and down payments; ~~[equity] financing as matching funds for nonprofit community development financial institutions[;]~~ to mobilize philanthropic, private, or other public funding sources; or other housing development services or activities as provided in rules adopted by the corporation pursuant to chapter 91. The rules may provide that money from the fund shall be leveraged with other financial resources to the extent possible.”

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 9, 2025.)

ACT 313

S.B. NO. 1170

A Bill for an Act Relating to the Expeditious Redevelopment and Development of Affordable Rental Housing.

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

PART I

SECTION 1. Chapter 205A, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

“§205A- Special management area use permits; affordable multi-family rental housing; redevelopment. (a) Subject to terms and conditions under section 205A-26, the director of a county planning department may issue a special management area use permit to an applicant to redevelop permanent affordable multi-family rental housing that has been substantially destroyed as a result of a disaster from a wildfire, hurricane, or earthquake proclaimed by the governor to constitute a state of emergency under chapter 127A.

(b) After issuing a special management area use permit pursuant to this section, the county planning department in the respective county shall file a notice of the issuance in the next available issue of the periodic bulletin of the office of planning and sustainable development.

(c) This section shall not apply to parcels on the shoreline or parcels impacted by waves, storm surges, high tide, or shoreline erosion.”

PART II

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

“§46- Affordable multi-family rental housing; experimental and demonstration housing projects; redevelopment. (a) Notwithstanding any other law to the contrary, if an affordable multi-family rental housing project that was originally developed as an experimental and demonstration housing project pursuant

to section 46-15 has been substantially destroyed as a result of a disaster from a wildfire, hurricane, or earthquake proclaimed by the governor to constitute a state of emergency under chapter 127A:

- (1) Any ordinance approved by a county for the initial construction of the experimental and demonstration housing project shall remain valid and relevant and continue to be in full force and effect with respect to the rebuilding of the project in accordance with this section;
 - (2) The director of a county planning department in the respective county or any other state or county agency authorized to issue a permit or approval required for the rebuilding of the project may amend or modify the final plans and specifications of the experimental and demonstration housing project to incorporate cost-effective best industry practices that include advances in building design, materials, construction types, or methods; provided that any modification shall adhere to principles that emphasize community, history, culture, future resilience, and the safety and well-being of the project's occupants; provided further that the modifications shall not impose requirements or conditions that unreasonably increase rebuilding or future operating costs; and
 - (3) Notwithstanding any termination of the applicable emergency proclamation before the completion of construction, the experimental and demonstration housing project shall not be subject to any specific provisions of law suspended pursuant to the emergency proclamation issued under section 127A-13, if an application for the initial permit or approval to commence rebuilding of the project has been submitted to the county planning department, the department or office of housing of a county, or any other relevant agency of the state or applicable county before the end of the disaster emergency relief period; provided that the submitted application was deemed by the relevant state or county department or agency as complete.
- (b) This section shall not apply to parcels on the shoreline or parcels impacted by waves, storm surges, high tide, or shoreline erosion."

SECTION 3. Chapter 201H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§201H- Affordable multi-family rental housing; redevelopment. After issuing a special management area use permit pursuant section 205A- , the county planning department in the respective county and any other state or county agency authorized to issue a permit or approval shall prioritize approving permits to redevelop the permanent affordable multi-family rental housing."

SECTION 4. Chapter 343, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§343- Affordable multi-family rental housing; redevelopment. Except as otherwise provided in chapter 201H or under federal law, permanently affordable multi-family rental housing projects that are being redeveloped pursuant to a special management area use permit issued under section 205A- that are located on properties or districts on the Hawaii or national register of historic places shall be exempt from the requirements of this chapter."

PART III

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. New statutory material is underscored.¹

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

(Approved July 9, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.

PROPOSED CONSTITUTIONAL AMENDMENT

S.B. NO. 121

A Bill for an Act Proposing an Amendment to Article VI, Section 3, of the Hawaii State Constitution to Allow the Senate More Time to Confirm Judicial Appointments.

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

SECTION 1. The legislature finds that the Hawaii State Constitution requires the senate to act within thirty days upon receipt of a judicial appointment. The legislature further finds that judicial appointments can, and have been, made throughout the year including during the interim when the senate is not in session, thus requiring the senate to call itself back to convene a special session to consider those appointments. In recent years, the timing of judicial appointments has necessitated two special sessions and, in 2022, three special sessions. Due to the thirty-day window, some special sessions have addressed just one or two appointments. Additionally, some special sessions have occurred in mid- or late November, not far from the start of the legislative session in January. Each special session costs approximately \$5,000 for airfare and per diem for neighbor island senators, in addition to senator and staff time.

The legislature concludes that lengthening the period of time allowed for the senate to consider judicial appointments made when the senate is not in regular session or is about to adjourn the regular session will provide flexibility in the scheduling of special sessions and may reduce the number of special sessions.

Accordingly, the purpose of this Act is to propose an amendment to article VI, section 3, of the Hawaii State Constitution to allow the senate sixty days during certain times of the year in which to consider and act on the appointments of justices and judges.

SECTION 2. 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, or sixty days if the appointment is made between April 1 and December 31, the senate shall be deemed to have consented to that appointment. If the senate 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.

PROPOSED CONSTITUTIONAL AMENDMENT

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 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, or sixty days if the appointment is made between April 1 and December 31, 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, judge of the intermediate appellate court and 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 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."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the Constitution of the State of Hawaii be amended to allow the Senate more time to consider and act on the appointments of justices and judges, by increasing the timeframe from thirty days to sixty days for appointments made between April 1 and December 31 when the senate is not in regular session or is about to adjourn the regular session?"

PROPOSED CONSTITUTIONAL AMENDMENT

SECTION 4. New constitutional material is underscored.

SECTION 5. 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

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¹ See also House Floor Amendment 6 or Senate Floor Amendment 11.

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² See also Floor Amendment 5.

³ See also Floor Amendment 8.

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SB0691	084	880	1724	
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⁴ See also Floor Amendment 7.

⁵ See also House Floor Amendment 7 or Senate Floor Amendment 12.

⁶ See also House Floor Amendment 4 or Senate Floor Amendment 14.

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SB0825	278	440, 885	1234, 1450, 1937	218
SB0849	098	266, 1027	1372, 1759	
SB0850	275	628, 765	1418, 1959	64
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SB1377	119	284, 911	1283, 1985	5

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SB1382	008	86, 973	1284, 1659	
SB1396	096	662, 1049 ⁷	1252, 1490, 2023	200 ⁸
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SB1422	148	327, 979	1309, 1931	114
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SB1434	175	424, 1035	1314, 1932	198 ⁹
SB1438	051	501, 740	1417, 1746	
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⁷ See also Floor Amendment 3.

⁸ See also Senate Floor Amendment 16 or House Floor Amendment 9.

⁹ See also House Floor Amendment 5 or Senate Floor Amendment 13.

TABLES SHOWING EFFECT OF ACTS

Thirty-Third State Legislature 2025 Regular Session

Key: Am = Amended
N = New
R = Repealed

_____ = Part or section number
to be assigned in
HRS Supplement

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		293	88-47, 74	Am	290
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6E-10	Am	160	88-321, 341	Am	52
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6E-42.2	Am	293			87
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