

# LEGISLATIVE REPORT

ON ISSUES IMPACTING THE UNIVERSITY OF HAWAI‘I SYSTEM  
Considered During the 2009 Legislative Session of the State of Hawai‘i



**Prepared by the Office of External Affairs and University Relations  
University of Hawai‘i System**

**July 2009**

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## INTRODUCTION

On Friday, May 8, 2009, the 25<sup>th</sup> Legislature of the State of Hawai'i came to a close, after a two day extension. Then on July 15, 2009, the legislature convened a special session to override the Governor's vetoes. This report summarizes state legislation of interest to the University of Hawai'i.

This session, the University of Hawai'i had a total of three bills approved by the Board of Regents that were introduced by the Governor as part of her administrative package. Two of these proposals passed the legislature:

- HB 1174 establishes provisions relating to Mauna Kea lands. This bill authorizes the Board of Regents of the University of Hawai'i to charge fees for the use of facilities and programs related to the Mauna Kea lands. It further authorizes the board to enter into lease agreements for the Mauna Kea lands and allows the board to regulate public and commercial activities on the lands and to set fines. This bill provides that if the board adopts rules to regulate, the board try to be consistent with the rules of the divisions of forestry and wildlife of the Department of Land and Natural Resources and that they consult with the Office of Hawaiian Affairs.
- SB 1674 amends Act 161, Session Laws of 2007, relating to University of Hawai'i projects and purposes, by increasing the amount that the authorization cannot exceed for the costs of construction of any university project, deleting reference to fiscal year 2007 - 2008, and adds appropriation out of revenue bond proceeds. This bill also requires the university to notify the legislature upon issuance of additional revenue bonds.

The last of these proposals was the issue of procurement exemption for the University of Hawai'i and it failed to pass the legislature.

Other proposals passed by the 2009 State Legislature affecting the University include:

- HB 1470 which deal with procurement, exempts GSA-approved sole source vendors from procurement code; increases small purchases limit; increases the Hawai'i products preference and allows Hawai'i products self-certification; imposes time limits on rendering administrative and judicial review decisions; limits protests to those that are a minimum percentage of the contract value; requires posting of a protest bond, to be forfeited if the protesting party does not prevail.
- SB 1665 enhances the workforce development capacity of Hawai'i's community colleges by establishing a skilled worker and business development center to provide workforce training to meet the rapidly evolving needs of both employers and employees. Appropriates Reed Act funds.
- SB 1677 requires two-thirds majority vote of the legislature to adopt a concurrent resolution to sell or give away certain public lands. This bill also requires notice to be provided to the Office of Hawaiian Affairs for sales, gifts, and exchanges.

In terms of General Fund appropriations, the University's Biennial Operating Budget Request for FY 2009-10, as approved by the Board of Regents (Board), was for a reduction of \$13.2 million which reflected the Governor's mandatory 10% reduction of discretionary expenses. The Board also approved reductions of 15% and 20% if necessary.

Unfortunately, as the Council on Revenues forecasts continued to show a declining economy and lower general fund revenues, the Legislature ultimately appropriated a reduction of \$45.7 million in general funds for FY 2009-10. Partially mitigating this reduction, the legislature approved \$22 million in federal stabilization funds, with \$14.7 million of this for Mānoa, \$7.0 million for the community colleges and \$300,000 for Hilo. Pass through items such as debt service, risk management, fringe benefits, and health fund expenses of approximately \$272 million were transferred to the Department of Budget and Finance and is no longer reflected in the University's budget.

Subsequently, due to further reductions in revenue forecasts by the Council on Revenues, the Governor has imposed a restriction of \$52.1 million on the University's general fund budget for FY 2009-10. Combined with the \$45.7 million reduction by the Legislature, this amounts to a \$97.8 million reduction. On a base of \$422.5 million for FY 2009-10, this represents more than a 20% decrease from FY 2008-09. The University represents approximately 8.2% of the State's general fund operating budget.

The 2009 Hawai'i State Legislature appropriated a total of \$565.956 million for University of Hawai'i capital improvements program (CIP) projects for Fiscal Biennium 2009-2011. Of this amount, \$203.772 is financed with State general obligation bonds. In addition to the State general obligation bonds, the Legislature also authorized \$45.005 million in special funds, \$301.029 million in revenue bonds, \$10.900 million in federal funds, and authorized \$5.250 million in private contributions.

Highlights of appropriations from the 2009 Legislature include:

- \$8.840 million for Health, Safety, and Code Requirements at various University of Hawai'i campuses;
- \$134.285 million for Capital Renewal and Deferred Maintenance for all University of Hawai'i campuses;
- \$3.157 million for equipment of Maui Community College's Science Building;
- \$1.578 million for equipment of Windward Community College's Library and Learning Resources Center;
- \$5.550 million for plans and design of the University of Hawai'i at Hilo's College of Pharmacy;
- \$1.000 million for plans and design of the University of Hawai'i at Hilo's College of Hawaiian Language Building;
- \$12.660 million in State general obligation bonds and authorization of revenue bonds in the amount of \$28.132 million for construction and equipment of the University of Hawai'i System's Information Technology Center;
- \$22.500 million in revenue bonds for design, construction, and equipment of the University of Hawai'i at Mānoa's Center for Microbial Oceanography Research and Education Building; and
- \$70.000 million in revenue bonds for plans, land acquisition, design, construction, and equipment of University of Hawai'i at Mānoa's Faculty Housing.

SUMMARY OF LEGISLATION OF INTEREST TO THE  
UNIVERSITY OF HAWAI'I

<u>House Bills</u>		<u>UH Position</u>	<u>Final Bill Status</u>
HB 0028	Commercial Use of Dead Bodies	Watched	Passed
HB 0111	State Salaries	Watched	Passed
HB 0183	Hawai'i Teacher Standards Board	Watched	Passed
HB 0200	State Budget	Watched	Passed
HB 0319	Family Leave; Employees' Entitlement	Watched	Passed
HB 0343	Rural Primary Health Care	Support Intent	Passed
HB 0442	Labor & Industrial Relations Appeals	Watched	Passed
HB 0610	Hawai'i State Science & Technology Plan	Watched	Passed
HB 0615	Harassment; Electronic Communications	Watched	Passed
HB 0814	Nurse Aide Certification	Watched	Passed
HB 0895	Tobacco Products Tax Increase	Watched	Passed
HB 0900	OHA Budget	Watched	Passed
HB 0982	Family Leave; Data Collection System	Watched	Passed
HB 1057	College Savings Program	Watched	Passed
HB 1174	Mauna Kea; University of Hawai'i	Support	Passed
HB 1175	Cigarette Tax Increase	Watched	Passed
HB 1271	Food and Energy Security	Watched	Vetoed
HB 1351	Agriculture; Private Agricultural Parks	Watched	Passed
HB 1364	American Recovery & Reinvestment Act of 2009	Watched	Passed
HB 1378	Advanced Practice Registered Nurse	Support	Passed
HB 1405	General Excise Tax	Support	Vetoed
HB 1470	Procurement Code Exemption	Watched	Passed
HB 1471	Safe Food Certification; Pilot Program	Support Intent	Passed
<u>Senate Bills</u>		<u>UH Position</u>	<u>Final Bill Status</u>
SB 0001	'Opihi Conservation	Watched	Vetoed
SB 0021	Procurement Exemptions; ARRA Allocations	Watched	Passed
SB 0039	Cancer Research Special Fund	Support	Passed
SB 0043	Physician Workforce Assessment	Support Intent	Passed
SB 0266	Climate Change Task Force	Watched	Passed
SB 0292	Hawai'i Tobacco Settlement Special Fund	Watched	Passed
SB 0387	State Budget Reports; Executive Branch Reorganization	Watched	Vetoed
SB 0496	Charter Schools	Watched	Passed
SB 0501	Teacher Education Coordinating Committee	Watched	Passed
SB 0536	Starlight Reserve; Statewide Lighting Law	Support	Passed
SB 0537	Aerospace Development	Watched	Passed
SB 0695	Workers' Compensation; Medical Treatment	Watched	Passed
SB 0876	Employees' Retirement System	Watched	Passed
SB 0884	Non-General Funds	Opposed	Passed
SB 0971	Conformity to the Internal Revenue Code	Watched	Passed
SB 1069	HCDA; Kaka'ako Makai	Watched	Passed
SB 1183	Employment; Discriminatory Practices	Watched	Passed
SB 1195	Science & Technology	Support	Passed
SB 1329	Early Learning Council	Watched	Passed
SB 1665	Workforce Development	Support Intent	Passed
SB 1674	Revenue Bonds; University of Hawai'i	Support	Passed

Senate Bills

SB 1677      Public Lands; Sell, Gift, or Exchange  
SB 1678      Tax Amendments; Streamlined Sales

UH Position

Opposed  
Support

Final Bill Status

Passed  
Vetoed

## HOUSE BILLS

### **HB 0028 HD1 SD2 CD1 RELATING TO DEAD HUMAN BODIES**

**Act 118 (06/12/09)**

Amends provisions relating to prohibitions; penalty under medical and research use of bodies law. Prohibits a person to provide a dead human body to any other person in consideration of any money or other things of value or any offer or promise of money or other things of value; or to publicly display a dead human body for commercial purpose for profit or gain. Exempts a display of a dead human body that has been dead for more than 80 years; consist solely of human teeth or hair; is part of the ordinary display or viewing of the deceased at a funeral establishment or part of a similar funeral or memorial service; is an object of religious veneration; is an object of research or educational display in the possession of any federal, state, or county agency, any public or private institution of higher learning accredited under federal or state law, or any private entity in receipt of a federal, state, or county grant for health related research; or is in the possession of a museum facility. Increases fines.

INTRODUCED BY: M. Oshiro  
 UH POSITION: Watched  
 CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
 June 12, 2009 – Signed into law, Act 118

### **HB 0111 SD2 CD1 RELATING TO STATE SALARIES**

**Act 190 (07/15/09)**

Amends provisions relating to salary withheld for indebtedness to the government. Provides that a recovery of over payment shall not commence after 2 years from the date of the indebtedness. Provides that the compensation used to calculate the average final compensation shall be the compensation the officer, agent, employee, or other person should have been paid during the period.

INTRODUCED BY: Rhoads  
 UH POSITION: Support Intent  
 CURRENT STATUS: May 11, 2009 – Transmitted to Governor  
 July 15, 2009 – Became law without Governor's signature, Act 190

### **HB 0183 HD1 SD2 CD1 RELATING TO EDUCATION**

**Special Session 2009, Act 002 (07/15/09)**

Amends provisions relating to the Hawai'i Teacher Standards Board. Increases the membership of the board. Authorizes the board to employ an executive director without regard to civil service and collective bargaining laws and appointed by the Board of Education. Requires the committee to provide oversight of the board. Annual report to the Board of Education. -- Amends provisions relating to the powers and duties of the Hawai'i Teacher Standards Board. Authorizes the board to determine the manner by which fees are collected and to adopt, amend, repeal, or suspend the policies and standards of the board. Authorizes the board to grant additional teacher license extensions at its discretion through June 30, 2010. Provides that any previously approved extension shall be deemed valid as issued. -- Amends Act 263, Session Laws of 2007, by repealing the sunset date. -- Requires the Hawai'i Teacher Standards Board, the Department of Education, and the charter school administrative office to implement interim policies and procedures for the mutual sharing of data necessary for licensing and verifying the status of teachers. -- Requires the Legislative Reference Bureau to review the findings of the Auditor's report No. 09-05,

regarding the need for oversight of the standards board. Report to the legislature. -- Requires the Dean of the University of Hawai'i College of Education to convene a working group to review and make recommendations to address teacher licensing. Report to the legislature. Working group to cease to exist on June 30, 2010 (sunset). -- Requires the standards board to review the findings of the Auditor's report No. 09-05. Report to the legislature. Act repealed on July 1, 2010 (sunset).

INTRODUCED BY: Takumi  
 UH POSITION: Watched  
 CURRENT STATUS: May 11, 2009 – Transmitted to Governor  
 July 15, 2009 – Governor's Veto Overridden, Special Session 2009, Act 002

**HB 0200 HD1 SD1 CD1 RELATING TO THE STATE BUDGET**

**Act 162 (06/29/09)**

General Appropriations Act of 2009 (state budget). Appropriations for general operating and capital improvement funds for the support of state government operations over the 2009 - 2011 fiscal biennium. Authorizes the issuance of general obligation bonds. (\$\$)

INTRODUCED BY: Say (BR)  
 UH POSITION: Watched  
 CURRENT STATUS: May 7, 2009 – Transmitted to Governor  
 June 29, 2009 – Signed into law, Act 162

**HB 0319 HD1 SD1 RELATING TO FAMILY LEAVE**

**Act 048 (05/06/09)**

Establishes provisions relating to posting of notices under family leave law. Requires employers to post, and keep posted, notices informing employees of their rights in a form prescribed by the Director of Labor and Industrial Relations in conspicuous places in every establishment where any employee is employed, so as to permit the employee to observe readily a copy on the way to or from the employee's place of employment.

INTRODUCED BY: M. Lee, Awana, Belatti, Brower, Cabanilla, Hanohano, Har, Keith-Agaran, Luke, Mizuno, Nakashima, Pine, Thielen, Berg, Marumoto  
 UH POSITION: Watched  
 CURRENT STATUS: April 21, 2009 – Transmitted to Governor  
 May 6, 2009 – Signed into law, Act 48

**HB 0343 HD1 SD2 CD1 RELATING TO RURAL PRIMARY HEALTH CARE TRAINING**

**Special Session 2009, Act 003 (07/15/09)**

Appropriation to the University of Hawai'i John A. Burns School of Medicine to support and expand the family medicine residency program of the Department of Family Medicine and Community Health to provide rural primary healthcare services and to develop a statewide rural primary healthcare training program in each county, beginning in the county of Hawai'i, to provide family physicians to rural areas and to improve healthcare access. (\$\$)



INTRODUCED BY: Chang, Bertram, Carroll, Chong, Coffman, Evans, Hanohano, Herkes, Ito, M. Lee, Magaoay, Mckelvey, B. Oshiro, Sagum, Shimabukuro, Tsuji, Nakashima, Say, Souki, Takumi, Yamashita  
 UH POSITION: Support Intent  
 CURRENT STATUS: May 11, 2009 – Transmitted to Governor  
 July 10, 2009 – Vetoed by Governor  
 July 15, 2009 – Governor's Veto Overridden, Special Session 2009, Act 003

**HB 0442 RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS**  
**Act 003 (04/09/09)**

Amends provisions relating to Labor and Industrial Relations Appeals Board. Authorizes the Appeals Board to appoint, set the duties and compensation and provide for reimbursement of actual and necessary expenses incurred by the hearing officer.

INTRODUCED BY: M. Lee, Yamashita, Nakashima, Rhoads, Takumi  
 UH POSITION: Watched  
 CURRENT STATUS: March 27, 2009 – Transmitted to House  
 April 9, 2009 – Signed into law, Act 003

**HB 0610 HD2 SD2 CD1 RELATING TO SCIENCE AND TECHNOLOGY**  
**Act 137 (06/19/09)**

Requires Hawai'i EPSCoR, with the assistance of the High Technology Development Corporation, to develop a Hawai'i State Science and Technology plan to incorporate Hawai'i EPSCoR planning efforts, as well as all other prior reports relating to the University of Hawai'i's and the State's efforts to grow and develop a high technology industry and promote technology based economic development in the state, and to reflect collaboration among the University of Hawai'i and its research institutes, state and county high technology development boards, and entities conducting private, non profit technology based economic research activities. Requires Hawai'i EPSCoR to provide administrative, professional, technical, and clerical staff support. Allows non general funds to be used to develop the plan. Reports to the legislature every 5 years. (\$\$)

INTRODUCED BY: Yamashita, Awana, Chang, Chong, Ito, Keith-Agaran, Manahan, B. Oshiro, Tsuji, Yamane, Har, Karamatsu, Magaoay, Mckelvey, Souki, Wakai  
 UH POSITION: Watched  
 CURRENT STATUS: May 11, 2009 – Transmitted to Governor  
 June 19, 2009 – Signed into law, Act 137

**HB 0615 HD1 SD2 CD1 RELATING TO HARASSMENT**  
**Act 090 (06/05/09)**

Amends provisions relating to harassment. Establishes that the definition of harassment includes any form of electronic communication. -- Amends provisions relating to harassment by stalking by adding any form of electronic communication to the definition of nonconsensual contact.

INTRODUCED BY: Karamatsu, Cabanilla, Carroll, Herkes, Ito, Mckelvey, Morita, B. Oshiro, Tsuji, Souki  
 UH POSITION: Watched  
 CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
 June 5, 2009 – Signed into law, Act 090

**HB 0814 HD2 SD2 CD1 RELATING TO NURSE AIDES****Act 108 (06/10/09)**

Amends provisions relating to certified nurse aides; training programs and recertification. Requires recertification not less than every 2 years and provides that the number of continuing education hours required for recertification shall not exceed 24 hours per year.

INTRODUCED BY: Mizuno, Bertram, Brower, Ching, Karamatsu, Keith-Agaran, Magaoay, Manahan, Pine, Shimabukuro, Aquino, Berg, Chang

UH POSITION: Watched

CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
June 10, 2009 – Signed into law, Act 108

**HB 0895 HD2 SD2 CD1 RELATING TO TAX ON TOBACCO PRODUCTS OTHER THAN CIGARETTES****Act 058 (05/08/09)**

Amends provisions relating to the cigarette tax and tobacco tax law. Redefines tobacco products to include little cigars, smokeless tobacco and pipe tobacco. Establishes a tax of 11 cents for each little cigar sold after October 31, 2009, increased to 13 cent after September 30, 2011 and a tax of 50 per cent of the wholesale price of each cigar with a ring gauge of 30 or more. Increases the excise tax on the wholesale price of each tobacco product sold by the wholesaler to 70 per cent after September 30, 2009.

INTRODUCED BY: Yamane

UH POSITION: Watched

CURRENT STATUS: April 22, 2009 – Transmitted to Governor  
May 7, 2009 – Vetoed by Governor  
May 8, 2009 – Governor's Veto Overridden, Act 058

**HB 0900 HD2 SD1 CD1 RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS****Act 140 (06/22/09)**

Office of Hawaiian Affairs Appropriations Act of 2009 (OHA budget). Appropriations to the Office of Hawaiian Affairs for the 2009 - 2011 fiscal biennium. (\$\$)

INTRODUCED BY: Say (BR)

UH POSITION: Watched

CURRENT STATUS: May 11, 2009 – Transmitted to Governor  
June 22, 2009 – Signed into law, Act 140

**HB 0982 HD3 SD1 CD1 RELATING TO FAMILY LEAVE****Special Session 2009, Act 007 (07/15/09)**

Establishes provisions relating to family leave data collection system; establishment. Establishes the system to ensure that all employees covered by the benefits are informed of their rights and their names are entered into the data base upon application for benefits; collect pertinent data on the use and potential demand for family leave benefits for both public and private sector employees; provide analysis of the data to assist in development and implementation of an efficient system of family leave; and provide

analysis of data to assist in the future development of caregiver services for senior citizens in Hawai'i. Requires the Department of Labor and Industrial Relations to work with the University of Hawai'i Center on Aging to create a web based data system. Requires the auditor to be provided access to the data base and shall prepare annual reports to the legislature, the department, the University of Hawai'i Center on Aging. Amends provisions relating to establishment of special fund for disability benefits. Requires the fund to be administered by the director for the establishment and maintenance of the family leave data collection system. Amends provisions relating to notice. Requires requests for family leave to include evidence that the employee has submitted the request and provided required data. Appropriation out of the disability benefits special fund to the University of Hawai'i Center on Aging to cover the development of a web based data system; purchase of hardware, software, servers, and other necessary elements of the system; and costs of personnel required to maintain the system. (§§)

INTRODUCED BY: M. Lee, Belatti, Bertram, Brower, Chang, Chong, Coffman, Evans, Hanohano, Har, Ito, Karamatsu, Luke, Magaoay, Mizuno, Morita, Nakashima, Nishimoto, B. Oshiro, M. Oshiro, Shimabukuro, Tsuji, Wakai, Yamane, Aquino, Awana, Berg, Cabanilla, Carroll, Keith-Agaran, C. Lee, Manahan, Sagum, Say, Souki, Tokioka, Wooley

UH POSITION: Watched

CURRENT STATUS: May 11, 2009 – Transmitted by Governor  
July 10, 2009 – Vetoed by Governor  
July 15, 2009 – Governor's Veto Overridden, Special Session 2009, Act 007

**HB 1057 HD1 SD2 CD1 RELATING TO THE STATE OF HAWAI'I COLLEGE SAVINGS PROGRAM**

**Act 091 (06/05/09)**

Amends provisions relating to program requirements; college account. Allows anyone to make contributions to the account.

INTRODUCED BY: Say (BR)

UH POSITION: Watched

CURRENT STATUS: May 11, 2009 – Transmitted to Governor  
June 5, 2009 – Signed into law, Act 091

**HB 1174 HD3 SD2 CD1 RELATING TO THE UNIVERSITY OF HAWAI'I**

**Act 132 (06/18/09)**

Establishes provisions relating to Mauna Kea lands. Authorizes the Board of Regents of the University of Hawai'i to charge fees for the use of facilities and programs related to the Mauna Kea lands. Further authorizes the board to enter into lease agreements for the Mauna Kea lands. Allows the board to regulate public and commercial activities on the lands and to set fines. Provides that if the board adopts rules to regulate public and commercial activities on Mauna Kea lands, the board strive to be consistent with the rules of the divisions of forestry and wildlife of the Department of Land and Natural Resources and that they consult with the Office of Hawaiian Affairs. Annual report to the legislature. -- Establishes the Mauna Kea management special fund into which shall be deposited moneys from the appropriation by the legislature and leases, licenses, and permits including fees and allows the board to use the funds to manage the Mauna Kea lands and for enforcement of rules. Provides that expenditures from the fund shall be subject to legislative appropriation. Allows the university to establish separate accounts for major program activities.

INTRODUCED BY: Say (BR)  
 UH POSITION: Support  
 CURRENT STATUS: May 11, 2009 – Transmitted to Governor  
 June 18, 2009 – Signed into law, Act 132

**HB 1175 HD3 SD2 CD1 RELATING TO TAXATION**

**Act 056 (05/07/09)**

Amends provisions relating to the cigarette tax and tobacco tax law. Increases the tax on cigarettes. Increases the tax for each cigarette sold, used, or possessed by a wholesaler or dealer to 13.00 cents after July 1, 2009, 14.00 cents after July 1, 2010, and 15.00 cents after July 1, 2011.

INTRODUCED BY: Say (BR)  
 UH POSITION: Watched  
 CURRENT STATUS: April 22, 2009 – Transmitted to Governor  
 May 7, 2009 – Signed into law, Act 056

**HB 1271 HD3 SD2 CD1 RELATING TO GOVERNMENT**

**Vetoed (07/15/09)**

Amends provisions relating to the Environmental Response Revolving Fund. Provides that moneys for the fund shall come from the environmental response, energy, and food security tax. Repeals the ceiling for the fund and repeals the provisions that allows the fund to be used for deposit into the Energy Security Special Fund. – Amends provisions relating to the Energy Security Special Fund. Provides that moneys in the fund shall be subject to legislative appropriations. Further provides that the fund shall be used to support the Hawai'i clean energy initiative program including the energy division of the Department of Business, Economic Development, and Tourism and to fund the greenhouse gas emissions reduction task force, climate change task force, grants in aid to the economic development boards of each county, and grants in aid to economic development agencies of each county to meet the stated objectives of the Hawai'i clean energy initiative program. Requires the Department of Business, Economic Development, and Tourism to report to the legislature. Increases the tax to 1.05 dollars per barrel or part of a barrel of petroleum product sold. Provides that moneys from the tax shall go into the Environmental Response Revolving Fund, the Energy Security Special Fund, the Energy Systems Development Special Fund, and the Agricultural Development and Food Security Special Fund. -- Establishes the Hawai'i Economic Development Task Force within the Department of Business, Economic Development, and Tourism to facilitate the accelerated adoption and completion of renewable energy projects, energy efficiency programs, agricultural infrastructure and development. Allows the department to contract with the University of Hawai'i for any services to support the work of the task force. Reports to the legislature. Task force to cease to exist on June 30, 2011 (sunset). Appropriation out of the energy security special fund. -- Establishes the Agriculture Development and Food Security Special Fund to award grants to farmers for agricultural production or processing activities; acquisition or improvement of real property, irrigation systems, and transportation networks to promote agricultural production or processing; purchase of equipment for agricultural production or processing; conduct research and testing of agricultural products and markets; and promotion and marketing of products grown or raised in the State. Requires the Department of Agriculture to report to the legislature. Appropriation out of the Agricultural Development and Food Security Special Fund for Varroa mite control and eradication efforts; the operation of pest inspection, quarantine, eradication, biosecurity, and monitoring programs, related facilities, and the execution of emergency remedial measures when pests are detected in the course of inspection and quarantine activities by the Department of Agriculture; the expansion of the food safety and security program administered by the department; the livestock revitalization and food security program;

improvements to the lower Hāmākua ditch in Hawai‘i County; the construction of an agricultural water main distribution pipeline in the upcountry Maui watershed; the construction of the Kealahou pipeline in the upcountry Maui watershed; and the planning phase of the state agricultural water use and development plan. – Establishes the Hawai‘i clean energy initiative program within the Department of Business, Economic Development, and Tourism to manage the State's transition to a clean energy economy. Requires the program to design, implement, and administer activities that includes strategic partnerships for the research, development, testing, deployment, and permitting of clean and renewable technologies; engineering and economic evaluations of Hawai‘i’s potential for near term project opportunities for the State's renewable energy resources; electric grid reliability and security projects that will enable the integration of a substantial increase of electricity from renewable energy resources; a statewide clean energy public education and outreach plan to be developed in coordination with Hawai‘i’s public education institutions; promotion of Hawai‘i’s clean and renewable resources to potential partners and investors; a plan, for implementation during the years 2010 to 2030, to transition the State to a clean energy economy; and a plan to assist each county for the implementation during the years 2010 to 2030, to transition each county to a clean energy economy. Report to the legislature. Appropriation out of the Energy Security Special Fund. --Establishes a renewable energy branch within the department which includes renewable energy resource assessments, technical analyses, and resource development functions, including design, management, and completion of systematic analysis of existing and proposed energy resource programs; evaluation of analyses conducted by government agencies and other organizations; development and management of programs to encourage public and private exploration, research, and commercial development of renewable energy resources; project facilitation functions, including the development and implementation of programs to facilitate the efficient permitting of renewable energy projects; renewable energy partnership and outreach functions; renewable energy resource, technology, and project viability consultant functions; and research, reporting, implementation, and support of renewable and transportation energy related laws. -- Converts the position of renewable energy facilitator from temporary to permanent. -- Establishes the energy program administrator position exempt from civil service in the department. Also establishes 7 full time temporary positions exempt from civil service to support the Planning and Renewable Energy Provisions of the Energy Resources Law, Department of Economic Development Law, and the Hawai‘i state planning act. -- Authorizes the governor to establish positions necessary to accomplish the management of those energy projects funded by federal grants. -- Appropriation out of the Energy Security Special Fund for the positions. -- Appropriation out of the Energy Security Special Fund for the Greenhouse Gas Emissions Reduction Task Force. (\$\$)

INTRODUCED BY: Morita, Nishimoto, B. Oshiro, Thielen, Evans, Tsuji  
 UH POSITION: Watched  
 CURRENT STATUS: May 11, 2009 – Transmitted to Governor  
 July 15, 2009 – Vetoed by Governor

<p><b>HB 1351 HD2 SD1 CD1 RELATING TO PRIVATE AGRICULTURAL PARKS</b>  <b>Act 122 (06/15/09)</b></p>
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Establishes the private agricultural parks law. Authorizes the owners of 1 or more contiguous parcels including public lands within the agricultural district to establish a private agricultural park. Requires the owner to register the private agricultural park agreement with the Department of Agriculture. Allows 1 or more of the parties to generate electrical energy from fossil fuels or renewable energy sources provided that the electrical energy generated is used for agricultural purposes including the pumping of agricultural water, cooling, air conditioning, or agricultural processing; to collect, sell, and distribute cold water to any other party of the private agricultural park agreement to operate cooling and processing facilities for agricultural products or for air conditioning; to collect, store, sell, and distribute non-potable water for irrigation purposes to any other party of the private agricultural park agreement; and to engage in any other lawful activity within the boundaries of the private agricultural park for the benefit of 1 or more of its parties.

INTRODUCED BY: Evans  
 UH POSITION: Watched  
 CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
 June 15, 2009 – Signed into law, Act 122

**HB 1364 HD1 SD1 CD1 RELATING TO THE BUDGET**

**Act 067 (05/20/09)**

Amends Act 213, session laws of 2007, as amended by Act 158, session laws of 2008, by adding federal stimulus funds appropriations and amending the definition of means of financing by adding federal stimulus funds. Also adds appropriations for lower Hāmākua ditch system, Hawai‘i; rental housing services, planning and development for Hawaiian homesteads; Kamehameha highway, south Punalu‘u bridge replacement; Honolulu international airport inline baggage system improvements; Kahului airport inline baggage system improvements; airfield paving; for the Hawaii health systems corporation for medical services, equipment, or supplies and for the Kaua‘i veterans memorial hospital, Kona community hospital and Hilo medical center. Governor to report to the legislature. (\$\$)

INTRODUCED BY: Choy, Wooley, Keith-Agaran, C. Lee, Coffman, Aquino, Nakashima  
 UH POSITION: Watched  
 CURRENT STATUS: May 11, 2009 – Transmitted to Governor  
 May 20, 2009 – Signed into law, Act 067

**HB 1378 HD2 SD2 CD1 RELATING TO ADVANCED PRACTICE REGISTERED NURSES**

**Act 169 (07/02/09)**

Amends the Accident and Sickness Insurance Contracts Law, Benefit Societies Law, and the Health Maintenance Organizations Act (HMOs) by requiring coverage for care provided by participating advanced practice registered nurses to the extent that the policy provides benefits for identical services rendered by another health care provider. -- Establishes provisions relating to global signature authority. Authorizes advanced practice registered nurses to sign, certify, or endorse all documents relating to health care for their patients, including workers' compensation verification documents, verification and evaluation forms from the Department of Human Services and the Department of Education, verification and authorization forms from the Department of Health, and physical examination forms. Amends provisions relating to prescriptive authority for advanced practice registered nurses. Requires the Board of Nursing to determine the exclusionary formulary for qualified advanced practice registered nurses who are granted prescriptive authority. Provides that advanced practice registered nurses shall be considered qualified if they have met the advanced pharmacology requirements for initial prescriptive authority pursuant to rules adopted by the board. Provides that only qualified advanced practice registered nurses are authorized to diagnose, prescribe, and institute therapy or referrals of patients to health care agencies, health care providers, and community resources. Requires the insurance commissioner to perform a review on effects of the expanded scope of advance practice registered nurse. Report to the legislature.

INTRODUCED BY: M. Lee, Cabanilla, Evans, Mizuno, Rhoads  
 UH POSITION: Support  
 CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
 July 2, 2009 – Signed into law, Act 169

**HB 1405 HD2 SD1 CD1 RELATING TO THE GENERAL EXCISE TAX****Vetoed (07/01/09)**

Amends provisions relating to business, engaging in business, defined under general excise tax laws. Redefines engaging to include the sale of tangible personal property by a person soliciting business through an independent contractor if the person enters into an agreement with a resident for a commission or other consideration, directly or indirectly refers potential customers, and sales are in excess of 10,000 dollars. -- Establishes provisions relating to business domiciled out of state; nexus presumptions. Provides that a business is this State that has its commercial domicile in another state in doing business in the State will be taxable under State tax laws.

INTRODUCED BY: Choy  
 UH POSITION: Support  
 CURRENT STATUS: May 11, 2009 – Transmitted to Governor  
 July 1, 2009 – Vetoed by Governor

**HB 1470 HD1 SD1 CD1 RELATING TO HAWAI'I PUBLIC PROCUREMENT CODE****Act 175 (07/13/09)**

Amends provisions relating to competitive sealed bidding. Exempts a bidder or offeror who is a US general services approved sole source vendor from competitive sealed bidding competitive sealed proposal and procurement of professional services requirements in and procurement funded by state and federal matching funds if the bidder or offeror was responsible for obtaining and was the recipient of the federal funds. -- Provides that procurements of less than 100,000 dollars for goods or services or 250,000 dollars for construction shall be made in accordance with procedures set forth in rules adopted by the policy board. Provides that procurements greater than 50,000 dollars for construction shall require security by a performance bond of 100 per cent of the contract or shall be secured by a performance bond in a manner satisfactory to the purchasing agency. -- Establishes provisions relating to agricultural products. Provides that fresh meats and produce and animals and plants shall be subject to the procurement code. -- Establishes that if the administrator or procurement officer who has awarded any contract, finds that in the performance of the contract there has been a failure to comply with the provisions, the contract shall be voidable and the offeror shall be referred for debarment or suspension proceedings. Defines Hawai'i input as the part of the cost of a product that is attributable to production, manufacturing, or other expenses arising within the State. Amends the definition of Hawai'i products by redefining product classes 1 and 2. Allows self certification as part of the offer that the Hawai'i products qualify for preference. Allows any person not on the Hawai'i products list, desiring a preference, to certify the Hawai'i product when submitting a response to a solicitation, provided that the person certifies under penalty or sanctions that the product meets the requirements for preference. Allows the procurement officer to request additional information deemed necessary to qualify the product and provides that the procurement officer shall have sole discretion in determining qualification for the preference. Amends process for appeal and administrative proceedings. – Establishes provisions relating to procurement statistics. Requires that the state procurement office keep statistics on solicitations and awards protested for the purpose of improving procurement procedures. -- Amends provisions relating to administrative proceedings.

INTRODUCED BY: Manahan, Keith-Agaran, Mckelvey, Mizuno, Brower, M. Lee, Luke, Souki  
 UH POSITION: Watched  
 CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
 July 13, 2009 – Signed into law, Act 175

**HB 1471 HD2 SD1 CD1 RELATING TO FARMS****Special Session 2009, Act 009 (07/15/09)**

Establishes a safe food certification pilot program in the Department of Agriculture to benefit farmers throughout the State. Requires the program to be managed by the department and requires the Department of Health to provide assistance. Requires farmers to form agricultural cooperatives; coordinate purchasing agreements between the agricultural cooperatives and hotels, restaurants, and other buyers in the visitor and hospitality industries; and develop and implement safe food certification for products to promote fresh, high quality, locally grown produce grown by Hawai'i farmers. Appropriation out of the Tourism Special Fund to be transferred to the Department of Agriculture. Appropriation from the interdepartmental appropriation transferred from the Tourism Authority to the Department of Agriculture. Act to be repealed on June 30, 2010 (sunset). (\$\$)

INTRODUCED BY: Manahan, Magaoay, Say, Tsuji, Yamane

UH POSITION: Support Intent

CURRENT STATUS: May 11, 2009 – Transmitted to Governor

July 15, 2009 – Governor's Veto Overridden, Special Session 2009, Act 009



## SENATE BILLS

### **SB 0001 SD1 HD2 CD1 RELATING TO 'OPIHI**

**Vetoed (07/15/09)**

Establishes provisions relating to 'opihi harvesting and possession, restricted. Prohibits any person at any time to take, harvest, or possess 'opihi from any coastal area or nearshore waters of off-shore islets in the State, and of the islands of the State. Further prohibits any person at any time of the year to take, harvest, or possess 'opihi from below the waterline or possess 'opihi taken from below the waterline from any coastal area or nearshore waters of the islands of the State. Further prohibits a person to be in possession of equipment or any apparatus that would allow a person to see and remain underwater, an instrument that is commonly used as a tool to harvest or take 'opihi such as 'opihi knife, and live 'opihi. Further prohibits any person to take or harvest 'opihi from above the waterline of the coastal areas or nearshore waters of the State or be in possession of 'opihi within the State during the closed season of February 1st through May 31st and September 1st through November 30th. Sets limits of 1 quart of 'opihi with shells attached or 1/2 pint of 'opihi without shells attached per day during the open seasons. Requires the Division of Aquatic Resources of the Department of Land and Natural Resources to submit an annual report to the legislature. -- Establishes provisions relating to 'opihi harvesting or taking, O'ahu, prohibited. Prohibits any person at any time to take or harvest 'opihi from any coastal area or nearshore waters of the island of O'ahu. Act to be repealed on June 30, 2014 (sunset).

INTRODUCED BY: Hee  
 UH POSITION: Watched  
 CURRENT STATUS: May 7, 2009 – Transmitted to Governor  
 July 15, 2009 – Vetoed by Governor

### **SB 0021 SD1 HD1 CD1 RELATING TO GOVERNMENT**

**Act 150 (06/24/09)**

Exempts contracts for goods, services, construction, or health and human services using federal funds authorized by the American Recovery and Reinvestment Act of 2009, and matching state funds from the Hawai'i public procurement code and the purchases of health and human services law. Appropriation out of the federal temporary assistance for needy families funds (TANF). -- Establishes a legislative federal economic stimulus program oversight commission. Act repealed on June 30, 2011 (sunset). (\$\$)

INTRODUCED BY: Taniguchi  
 UH POSITION: Watched  
 CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
 June 24, 2009 – Signed into law, Act 150

### **SB 0039 RELATING TO REPORTS ON THE HAWAI'I CANCER RESEARCH SPECIAL FUND**

**Act 028 (04/30/09)**

Amends provisions relating to the Hawai'i Cancer Research Special Fund. Requires the University of Hawai'i to semi annually report to the legislature on the moneys in the fund.

INTRODUCED BY: Baker, Green, Espero, Hemmings, Ige, Nishihara  
 UH POSITION: Support

CURRENT STATUS: April 16, 2009 – Transmitted to Governor  
April 30, 2009 – Signed into law, Act 028

**SB 0043 SD2 HD2 CD1 RELATING TO PHYSICIAN WORKFORCE ASSESSMENT**  
**Special Session 2009, Act 018 (07/15/09)**

Establishes provisions relating to the John A. Burns School of Medicine Special Fund. Requires the fund to be administered and expended by the University of Hawai'i to support the school's activities related to physician workforce assessment and planning. -- Establishes provisions relating to physician workforce assessment fee; license; physician workforce information. Requires that whenever a license is renewed, a physician shall be assessed a fee of 60 dollars to be deposited into the fund. Requires the Director of Commerce and Consumer Affairs to disburse from the compliance resolution fund, funds collected from the fee, to the special fund. Repealed on June 30, 2012 (sunset). Requires the School of Medicine to report to the legislature, the State Health Planning and Development Agency, and the Hawai'i Medical Board, details of its assessment of the physician workforce. Appropriation out the compliance resolution fund to the fund. (\$\$)

INTRODUCED BY: Baker, Green, Ige  
UH POSITION: Support Intent  
CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
July 15, 2009 – Governor's Veto Overridden, Special Session 2009, Act 018

**SB 0266 SD2 HD2 CD1 RELATING TO GLOBAL WARMING**  
**Special Session 2009, Act 020 (07/15/09)**

Establishes a Climate Change Task Force within the Office of Planning to assess the current and potential impacts of global warming and climate change trends on the people, natural resources, and the economy of the State; impact of rising ocean levels; estimate costs of the adverse effects of climate change and rising sea levels; and make recommendation to the legislature and governor. Reports to the legislature. Appropriation out of the tourism special fund. Task force shall cease to exist on June 30, 2011 (sunset). (\$\$)

INTRODUCED BY: Nishihara  
UH POSITION: Watched  
CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
July 10, 2009 – Vetoed by Governor  
July 15, 2009 – Governor's Veto Overridden, Special Session 2009, Act 020

**SB 0292 SD1 HD1 CD1 RELATING TO FUNDS**  
**Act 119 (06/12/09)**

Amends provisions relating to the Hawai'i Tobacco Settlement Special Fund. Decreases the allocation amounts and requires that 25 1/2 per cent be deposited to the State general fund. Act to be repealed on June 30, 2015 (sunset).

INTRODUCED BY: Kim  
UH POSITION: Watched  
CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
June 12, 2009 – Signed into law, Act 119

**SB 0387 SD1 HD1 CD1 RELATING TO THE STATE BUDGET****Vetoed (07/15/09)**

Establishes provisions relating to reporting requirements. Requires the Governor or the Director of Finance to report restrictions of appropriations to the legislature. – Transfers the tourism liaison position from the Department of Business, Economic Development, and Tourism to the Office of the Governor and establishes the position of Special Advisor for Tourism. -- Transfers the Small Business Regulatory Review Board from the Department of Business, Economic Development, and Tourism to the Department of Commerce and Consumer Affairs. -- Transfers the Natural Energy Laboratory of Hawai'i Authority from the Department of Business, Economic Development, and Tourism to the Department of Accounting and General Services. -- Transfers the Arts and Culture Development Branch of the Department of Business, Economic Development, and Tourism to the Department of Accounting and General Services. - - Transfers the film industry branch of the Department of Business, Economic Development, and Tourism to the Hawai'i Tourism Authority. -- Requires the Legislative Reference Bureau to review this act and report to the legislature. -- Establishes the position of Energy Program Administrator within the Department of Business, Economic Development, and Tourism.

INTRODUCED BY: Tsutsui  
 UH POSITION: Watched  
 CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
 July 15, 2009 – Vetoed by Governor

**SB 0496 SD2 HD2 CD1 RELATING TO CHARTER SCHOOLS****Act 086 (06/03/09)**

Amends provisions relating to charter schools. Allows the Board of Education to terminate a member of the charter school review panel for cause. Empowers the panel to review, modify, and approve charter schools' all means of finance budget and survey charter schools to determine recommendations to allocate non per pupil facilities funds. Provides that the Executive Director of the Charter School Administrative Office under the direction of the panel shall be responsible for the preparing and executing of capital improvement project requests. Provides that non facility per-pupil funding request for charter school students shall not be less than the per pupil amount to the Department of Education in the most approved executive budget recommendations. Authorizes the legislature to make appropriations for other requested amounts that benefit charter schools. Requires the panel to conduct a review of each charter school on its 4<sup>th</sup> anniversary year and every 5 years. Authorizes the board to direct the panel to take appropriate actions to address serious health and safety issues. -- Requires the panel to establish criteria and an approval process for the development and submission of capital improvement projects budget for charter school facilities and recommendations to allocate non per pupil facilities funds. Report to the legislature.

INTRODUCED BY: Sakamoto  
 UH POSITION: Watched  
 CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
 June 3, 2009 – Signed into law, Act 086

**SB 0501 HD1 RELATING TO THE TEACHER EDUCATION COORDINATING****Act 041 (05/05/09)**

Amends provisions relating to Teacher Education Coordinating Committee. Changes membership by replacing Teacher Training Institution in Hawai'i with Hawai'i state approved education unit.

INTRODUCED BY: Tokuda, Baker, Espero, Hooser, Ige, Kidani, Kokubun, Sakamoto, Takamine, Taniguchi  
 UH POSITION: Watched  
 CURRENT STATUS: April 20, 2009 – Transmitted to Governor  
 May 5, 2009 – Signed into law, Act 041

**SB 0536 SD1 HD1 CD1 RELATING TO STARLIGHT RESERVE**

**Act 161 (06/29/09)**

Requires the Department of Business, Economic Development, and Tourism to develop a statewide starlight reserve strategy to preserve the quality of the night sky and its associated cultural, scientific, astronomical, natural, and landscape related values. Establishes a temporary advisory committee within the department to assist. Report to the legislature. Committee terminated on June 30, 2011 (sunset).

INTRODUCED BY: Espero, Baker, English, Gabbard  
 UH POSITION: Support  
 CURRENT STATUS: May 7, 2009 – Transmitted to Governor  
 June 29, 2009 – Signed into law, Act 161

**SB 0537 SD2 HD2 RELATING TO AEROSPACE**

**Act 052 (05/06/09)**

Establishes provisions relating to Aerospace Advisory Committee. Establishes an Aerospace Advisory Committee within the Office of Aerospace Development of the Department of Business, Economic Development and Tourism. Requires the committee to assist the legislature and state agencies in monitoring, assessing, and promoting the development of the aerospace industry.

INTRODUCED BY: Espero, Baker, English, Gabbard  
 UH POSITION: Watched  
 CURRENT STATUS: April 21, 2009 – Transmitted to Governor  
 May 6, 2009 – Signed into law, Act 052

**SB 0695 SD1 HD1 CD1 RELATING TO WORKERS' COMPENSATION**

**Special Session 2009, Act 026 (07/15/09)**

Amends provisions relating to medical care, services and supplies under workers' compensation law. Provides that when a dispute exists between an injured employee and the employer or employer's insurer regarding the proposed treatment plan or whether medical services should be continued, the injured employee shall continue to receive essential medical services prescribed by the treating physician necessary to prevent deterioration of the injured employee's condition or further injury until the director issues a decision on whether the employee's medical treatment should be continued within 30 days of the filing of a dispute. Provides that the employer or the employer's insurer may recover from the employee's personal health care provider or from any other appropriate occupation or non occupational insurer, all the sums paid for medical services rendered after the date designated by the director. Prohibits employee be charged for the disallowed services. Allows that the attending physician, employee, employer, or insurance carrier to request in writing that the director review the denial of the treatment plan or the continuation of medical services.

INTRODUCED BY: Takamine, Chun Oakland, Galuteria, Kidani, Sakamoto  
 UH POSITION: Watched  
 CURRENT STATUS: May 7, 2009 – Transmitted to Governor

July 14, 2009 – Vetoed by Governor

July 15, 2009 – Governor's Veto Overridden, Special Session 2009, Act 026

**SB 0876 SD2 HD2 RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM**

**Act 121 (06/15/09)**

Amends provisions relating to ordinary disability retirement. Requires that retirement be effective on the 1<sup>st</sup> day of a month, except for the month of December when retirement on the 1<sup>st</sup> or last day of the month shall be allowed. – Amends provisions relating to appeal of decision of the medical board by changing it to petition for contested case hearing regarding disability retirement or accidental death benefits; attorney's fees and costs. – Amends provisions relating to return to service of a retirant, ordinary disability retirement, conversion of previous credited service and lump sum payment, and ordinary disability retirement.

INTRODUCED BY: Hanabusa (BR)

UH POSITION: Watched

CURRENT STATUS: May 8, 2009 – Transmitted to Governor

June 15, 2009 – Signed into law, Act 121

**SB 0884 SD2 HD1 CD1 RELATING TO NON-GENERAL FUNDS**

**Act 079 (05/28/09)**

Amends the provisions relating to wireless enhanced 911 fund. Requires that any funds that accumulate in the wireless enhanced 911 fund be retained unless determined by the legislature to be in excess. – Amends provisions in the deposit into Deposit Beverage Container Deposit Special Fund; use of funds. Requires that any funds that accumulate in the Deposit Beverage Container Deposit Special Fund be retained in the fund unless determined by the legislature instead of the auditor to be in excess. – Authorizes the Director of Finance to transfer to the general fund 16 million dollars from the Wireless Enhanced 911 Fund, 500,000 dollars from the Agricultural Loan Reserve Fund, 1 million dollars from the Agricultural Loan Revolving Fund, 5 million dollars from the State Risk Management Revolving Fund, 1.5 million dollars from the Stadium Special Fund, 1.5 million dollars from the Medicaid Investigations Recovery Fund, 700,000 dollars from the State Identification Revolving Fund, 2 million dollars from the Hydrogen Investment Capital Special Fund, 20 million dollars from the Housing Finance Revolving Fund, 3.3 million dollars from the Compliance Resolution Fund, 1 million dollars from the Drug Demand Reduction Assessments Special Fund, 20 million dollars from the Hawai'i Tobacco Settlement Special Fund, 750,000 dollars from the Neurotrauma Special Fund, 4 million dollars from the Emergency Medical Services Special Fund, 2 million dollars from the Environmental Management Special Fund, 1 million dollars from the Judiciary Computer System Special Fund, 7 million dollars from the Special Fund for Disability Benefits, 1 million dollars from the Special Land and Development Fund, 600,000 dollars from the Dwelling Unit Revolving Fund, and 5.1 million dollars from the University of Hawai'i Research and Training Revolving Fund. – Amends provisions relating to transfers from special funds for central service expenses. Repeals the exemption for the Neurotrauma Special Fund, Deposit Beverage Container Deposit Special Fund, solicitation of funds for charitable purposes special fund, Land Conservation Fund, Court Interpreting Services Revolving Fund, and Trauma System Special Fund. – Amends provisions relating to special fund reimbursements for departmental expenses. Deletes the requirement that the Neurotrauma Special Fund and the Trauma System Special Fund are responsible for its pro rata share of the administrative expenses. – Establishes provisions relating to the temporary transfer into the general fund of interest earned on short term investment of deposit moneys of certain special funds, revolving funds, and special accounts from July 1, 2009 to June 30, 2015 (sunset). Requires the Chief Justice to transfer interest earned on Judiciary Special and Revolving Funds from July 1, 2009 to June 30, 2011. – Establishes provisions relating to short term investment of state moneys. Allows the

Director of Finance to invest moneys in excess of amounts necessary for meeting the immediate requirements of the State, except as provided by Act \_\_\_\_, session laws of 2009.

INTRODUCED BY: Hanabusa (BR)  
 UH POSITION: Opposed  
 CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
 May 28, 2009 – Signed into law, Act 079

**SB 0971 SD2 HD1 CD1 RELATING TO CONFORMITY OF THE HAWAI‘I INCOME TAX LAW TO THE INTERNAL REVENUE CODE**  
**Act 133 (06/18/09)**

Amends income tax provisions to conform the Hawai‘i income tax law to the Federal Internal Revenue Code.

INTRODUCED BY: Hanabusa (BR)  
 UH POSITION: Watched  
 CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
 June 18, 2009 – Signed into law, Act 133

**SB 1069 SD1 HD2 CD1 RELATING TO THE HAWAI‘I COMMUNITY DEVELOPMENT AUTHORITY**  
**Act 144 (06/23/09)**

Establishes provisions relating to Kaka‘ako Makai; plan. Requires the Hawai‘i Community Development Authority to collaborate with and consider recommendations of the Kaka‘ako Makai Community Planning Advisory Council in developing, accepting, or implementing plans for the development of Kaka‘ako Makai and for any transfer of property in the Kaka‘ako Makai community development district to any state or county agency.

INTRODUCED BY: Galuteria, Bunda, English, Espero, Fukunaga, Gabbard, Hee, Hooser, Kidani, Kim, Nishihara, Sakamoto, Taniguchi, Tsutsui  
 UH POSITION: Watched  
 CURRENT STATUS: May 7, 2009 – Transmitted to Governor  
 June 23, 2009 – Signed into law, Act 144

**SB 1183 SD1 HD2 CD1 RELATING TO DISCRIMINATORY PRACTICES**  
**Special Session 2009, Act 030 (07/15/09)**

Requires the Hawai‘i Civil Rights Commission to adopt rules to define or amend, as applicable, the following terms; major life activities; being regarded as having such an impairment; disability; substantially limits; and other operative terms under employment practices law no later than December 31, 2010.

INTRODUCED BY: Takamine, Fukkunaga, Hee, Ige, Taniguchi  
 UH POSITION: Watched  
 CURRENT STATUS: May 7, 2009 – Transmitted to Governor  
 July 15, 2009 – Governor’s Veto Overridden, Special Session 2009, Act 030

**SB 1195 SD1 HD2 CD1 RELATING TO THE ECONOMY****Act 167 (07/01/09)**

Amends provisions relating to research and statistics for growth industries. Requires the Department of Business, Economic Development and Tourism to submit annual reports to the legislature that provide an update on the criteria used to measure growth of these emerging growth industries. – Amends provisions relating to the Hawai‘i State planning Act’s objectives and policies for the economy – in general. Requires that the State plan stimulate the development and expansion of economic activities capitalizing on defense, dual use, and science and technology assets, and encourage businesses, particularly emerging industries in science and technology. – Amends provisions relating to objectives and policies for the economy – agriculture. Requires that the State plan to include support research and development activities that strengthen economic productivity in agriculture, stimulate greater efficiency, and enhance the development of new products and agricultural by products. – Amends provisions relating to objective and policies for the economy – visitor industry. Requires the State to utilize Hawai‘i’s strengths in science and technology to improve the quality of existing visitor destination areas. – Amends provisions relating to objective and policies for the economy – federal expenditures. Requires the State to build upon dual use and defense applications to develop thriving ocean engineering, aerospace research and development, and related dual use technology sectors in Hawai‘i’s economy. – Amends provisions relating to objective and policies for the economy – potential growth activities. Requires the State to facilitate growth by expanding and diversifying Hawai‘i’s economy by including renewable energy development, creative media and science and technology based sectors. – Amends provisions relating to objectives and policies for the economy – information industry. Requires the State to plan the economy to position Hawai‘i as a leader in broadband communications and applications in the Pacific Region.

INTRODUCED BY: Fukunaga, Baker, Green, Ige, Kidani, Sakamoto, Slom  
 UH POSITION: Support  
 CURRENT STATUS: May 7, 2009 – Transmitted to Governor  
 July 1, 2009 – Signed into law, Act 167

**SB 1329 SD2 HD2 CD1 RELATING TO EARLY LEARNING****Act 194 (07/15/09)**

Amends provisions relating to junior kindergartens and kindergarten programs. Prohibits schools to move students between junior kindergarten and kindergarten except in cases where the movement is based on assessments determined by a qualified teacher with early childhood education background and experience and the formative and summative assessment of a student’s academic, physical, social, and emotional abilities. Requires the Department of Education to use assessment tools and protocols for determining a student’s initial placement and for decision making about a student’s movement between tiers and into grade 1. – Amends provisions relating to the Early Learning System law. Requires the Early Learning Council to develop a plan to ensure that the needs of junior kindergarteners are addressed and to allow representative’s designees for center based program providers, family child care program providers, family child interaction learning program providers, philanthropic organizations that support early learning, and the Hawaii Council of Mayors. Adds a representative from a Head Start provider agency or the representative’s designee. Changes the Keiki 1<sup>st</sup> Steps Trust Fund to the Early Learning Trust Fund.

INTRODUCED BY: Chun Oakland, Green, Sakamoto, Baker, Bunda, English, Espero, Gabbard, Galuteria, Hanabusa, Ige, Kidani, Kokubun, Nishihara, Takamine, Taniguchi, Tokuda, Tsutsui  
 UH POSITION: Watched  
 CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
 July 15, 2009 – Became law without Governor’s signature, Act 194

**SB 1665 SD2 HD1 CD1 RELATING TO HIGHER EDUCATION****Special Session 2009, Act 034 (07/15/09)**

Establishes under program ID UOH 800, University of Hawai'i Community Colleges, A Skilled Worker and Business Development Center to develop curriculum to assist businesses and nonprofit organizations retrain and cross-train workers to adapt to the economic downturn and new technology to be modeled after the Pacific Center for Advanced Technology Training. Center to include a two-fold counseling component to provide assistance to businesses and nonprofit organizations that face difficult economic times or changes in their industry; and occupational and career counseling for displaced workers or other individuals. Establishes an advisory board for the center. Report to the legislature. Appropriation out of the Unemployment Trust Fund to the Department of Labor and Industrial Relations to assist in the establishment and startup of the center and programs. Requires funds to be expended in conjunction with the University of Hawai'i through the rapid response fund. (\$\$)

INTRODUCED BY: Tokuda, Baker, Chun Oakland, English, Espero, Fukunaga, Galuteria, Green, Hanabusa, Hee, Hooser, Ige, Ihara, Kidani, Kim, Kokubun, Nishihara, Sakamoto, Takamine, Tsutsui, Bunda, Gabbard, Taniguchi

UH POSITION: Support Intent

CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
July 10, 2009 – Vetoed by Governor  
July 15, 2009 – Governor's Veto Overridden, Special Session 2009, Act 034

**SB 1674 SD2 HD2 CD1 RELATING TO THE UNIVERSITY OF HAWAI'I****Act 094 (06/08/09)**

Increases the amount of revenue bond proceeds authorized by Act 161, SLH 2007, from \$100,000,000 to \$200,000,000; appropriates from the revenue bond proceeds \$100,000,000 for fiscal year 2008-2009 and \$100,000,000 for fiscal year 2009-2010, with unexpended and unencumbered balances to lapse on June 30, 2013 and June 30, 2015, respectively. (\$\$)

INTRODUCED BY: Tokuda, Baker, Chun Oakland, English, Espero, Fukunaga, Gabbard, Galuteria, Green, Hanabusa, Hee, Hooser, Ige, Ihara, Kidani, Kim, Nishihara, Sakamoto, Tsutsui, Bunda, Kokubun, Takamine

UH POSITION: Support

CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
June 8, 2009 – Signed into law, Act 094

**SB 1677 SD1 HD2 CD1 RELATING TO LANDS CONTROLLED BY THE STATE****Act 176 (07/13/09)**

Establishes provisions relating to sale or gift of state held lands. Requires the department or agency proposing to sell or give the land, to submit a resolution to the legislature for introduction and requires a copy of the resolution to be submitted to the Office of Hawaiian Affairs. Provides that if the sale or gift of state held land to a person or entity other than the State is not approved by the legislature by at least a 2/3 majority vote of both houses, the transaction shall be abandoned.

INTRODUCED BY: Hanabusa, Baker, Chun Oakland, English, Espero, Fukunaga, Gabbard, Green, Hee, Hooser, Ige, Ihara, Kim, Kokubun, Nishihara, Sakamoto, Tokuda, Tsutsui, Bunda, Galuteria, Kidani, Takamine, Taniguchi

UH POSITION: Opposed



CURRENT STATUS: May 7, 2009 – Transmitted to Governor  
July 13, 2009 – Signed into law, Act 176

**SB 1678 SD3 HD1 CD1 RELATING TO TAXATION**

**Vetoed (07/15/09)**

Establishes tax on wholesalers, service businesses, and contractors, tax on import of goods and services and contracting for resale, and insurance producer's tax. -- Establishes a committee to work with and oversee the Department of Taxation's implementation, administration, and compliance of the streamlined sales and use tax agreement.

INTRODUCED BY: Fukunaga, Baker, Chun Oakland, English, Espero, Galuteria, Green, Hanabusa, Hee, Hooser, Ige, Ihara, Kim, Kokubun, Nishihara, Sakamoto, Tokuda, Tsutsui, Bunda, Gabbard, Kidani, Takamine, Taniguchi

UH POSITION: Support

CURRENT STATUS: May 8, 2009 – Transmitted to Governor  
July 15, 2009 – Vetoed by Governor

**HOUSE CONCURRENT RESOLUTIONS**

**HCR 13**

REQUESTING A STUDY OF VARIOUS UNRESOLVED ISSUES RELATING TO AGING

INTRODUCED BY: M. Lee, Mizuno, Pine, Nakashima  
POSITION: Support Intent  
CURRENT STATUS: May 1, 2009 – Adopted in Final Form

**HCR 60 SD1**

REQUESTING THE NA ALA HELE ADVISORY COUNCIL TO CONVENE A SERIES OF DISCUSSIONS ON THE SAFE USE OF HUNTING DOGS ON TRAILS THAT CROSS PUBLIC HUNTING AREAS

INTRODUCED BY: Berg, M. Lee, Shimabukuro, Aquino, Cabanilla, Chang, Evans, Keith-Agaran, Morita, Wakai  
POSITION: Watched  
CURRENT STATUS: May 7, 2009 – Adopted in Final Form

**HCR 76 HD1 SD1**

REQUESTING THE SENATE PRESIDENT AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO ESTABLISH A TASK FORCE ON REINVENTING GOVERNMENT TO EXAMINE THE CURRENT OPERATIONS AND ORGANIZATION OF STATE GOVERNMENT AND MAKE RECOMMENDATIONS ON MAKING STATE GOVERNMENT MORE EFFICIENT

INTRODUCED BY: Manahan, Awana, Evans, Mckelvey, Mizuno, Shimabukuro, Yamane, Yamashita, Berg, Choy, Magaoay, Takumi, Tsuji, Wakai, Wooley  
UH POSITION: Watched  
CURRENT STATUS: April 30, 2009 – Adopted in Final Form

**HCR 217 HD1**

REQUESTING THE UNIVERSITY OF HAWAI'I BOARD OF REGENTS TO DEVELOP PLANS FOR A SCHOLARSHIP PROGRAM FOR HAWAI'I RESIDENTS TO STUDY ABROAD

INTRODUCED BY: Chong  
UH POSITION: Support Intent  
CURRENT STATUS: April 30, 2009 – Adopted in Final Form

## SENATE CONCURRENT RESOLUTIONS

### **SCR 7 SD1**

REQUESTING THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR TO CREATE A HOME FOR LIFE TASK FORCE TO REDUCE BARRIERS TO AGING IN PLACE AND TO FACILITATE MULTIGENERATIONAL LIVING

INTRODUCED BY: Ihara, Baker, Chun Oakland, Sakamoto, Fukunaga, Hemmings, Tsutsui  
 UH POSITION: Watched  
 CURRENT STATUS: April 28, 2009 – Adopted in Final Form

### **SCR 51 SD1**

URGING THE REGENTS CANDIDATE ADVISORY COUNCIL FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAI'I TO CONVENE A WORKING GROUP OF STUDENTS AND OTHER APPROPRIATE PARTIES TO DEVELOP AND IMPLEMENT A MODIFIED PROCESS FOR THE SELECTION OF THE CANDIDATES FOR THE STUDENT MEMBER OF THE UNIVERSITY OF HAWAI'I BOARD OF REGENTS

INTRODUCED BY: Sakamoto  
 UH POSITION: Watched  
 CURRENT STATUS: April 28, 2009 – Adopted in Final Form

### **SCR 72 SD1**

REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO COLLABORATE AND SHARE INFORMATION WITH THE DEPARTMENT OF AGRICULTURE TO PREVENT INVASIVE SPECIES FROM ENTERING THE STATE OF HAWAI'I

INTRODUCED BY: Hee  
 UH POSITION: Watched  
 CURRENT STATUS: April 27, 2009 – Adopted in Final Form

### **SCR 121 SD1 HD1**

REQUESTING THE UNIVERSITY OF HAWAI'I, COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES, IN COOPERATION WITH THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF EDUCATION, AND THE HAWAI'I FARM BUREAU FEDERATION, TO CONVENE A WORKING GROUP OF STAKEHOLDERS TO CONSIDER THE FEASIBILITY OF ESTABLISHING A FARM TO SCHOOL PROGRAM IN HAWAI'I'S PUBLIC SCHOOLS

INTRODUCED BY: Tokuda, Fukunaga, Baker, Galuteria, Ige, Kokubun, Sakamoto, Takamine, Taniguchi  
 UH POSITION: Support Intent  
 CURRENT STATUS: April 28, 2009 – Adopted in Final Form

### **SCR 146**

REQUESTING THE HAWAI'I P-20 PARTNERSHIPS FOR EDUCATION TO CONVENE THE APPROPRIATE AGENCIES TO EXAMINE CURRENT AND EMERGING PROGRAMS SEEKING TO TRACK STUDENT PROGRESS AND DEVELOP A LONGITUDINAL DATA SYSTEM FOR STUDENTS BEGINNING IN EARLY CHILDHOOD PROGRAMS TO GRADE TWELVE, AND BEYOND TO HIGHER EDUCATION AND THE WORKFORCE

INTRODUCED BY: Sakamoto, Kokubun, Takamine, Taniguchi, Tokuda  
UH POSITION: Support  
CURRENT STATUS: April 28, 2009 – Adopted in Final Form

**SCR 150 SD1**

URGING THE SUPERINTENDENT OF EDUCATION TO ESTABLISH AND FACILITATE A SPECIAL EDUCATION PRIVATE SCHOOL TASK FORCE TO ADVISE THE DEPARTMENT OF EDUCATION ON POLICIES OR PROCEDURES FOR OVERSIGHT AND MONITORING OF PRIVATE SCHOOL OR FACILITY PLACEMENTS

INTRODUCED BY: Sakamoto  
UH POSITION: Watched  
CURRENT STATUS: April 28, 2009 – Adopted in Final Form

**SCR 170 SD2**

REQUESTING THE HAWAI'I STATE LEGISLATURE TO CONVENE A HAWAI'I HEALTH CARE SUMMIT TO DEVELOP A STRATEGIC AND COMPREHENSIVE PLAN FOR HEALTH CARE IN HAWAI'I

INTRODUCED BY: Ige, Kidani, Baker, English, Espero, Galuteria, Sakamoto, Taniguchi  
UH POSITION: Watched  
CURRENT STATUS: April 28, 2009 – Adopted in Final Form

**SCR 188 SD2 HD1**

REQUESTING THE GOVERNOR TO ACCEPT THE RECOMMENDATIONS OF THE WORKING GROUP FORMED BY HAWAI'I 'S CONGRESSIONAL DELEGATION TO DETERMINE THE MOST APPROPRIATE USES OF STATE FISCAL STABILIZATION FUND MONIES, AND AUTHORIZE THE EXPENDITURE OF STATE FISCAL STABILIZATION FUND MONIES IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE WORKING GROUP

INTRODUCED BY: Tokuda, Kokubun, Tsutsui  
UH POSITION: Watched  
CURRENT STATUS: April 30, 2009 – Adopted in Final Form

## GOVERNOR'S MESSAGES

### **GM 257**

Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, JANE K. KADOHIRO DRPH, APRN, CDE, for a term to expire 6-30-2013

Current Status: April 28, 2009 – Confirmed by the State Senate

### **GM 259**

Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, GARY R. KIENBAUM RN, for a term to expire 6-30-2013

Current Status: April 28, 2009 – Confirmed by the State Senate

### **GM 274**

Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, ANA M. SILVA RN, CNA, BC, for a term to expire 6-30-2013

Current Status: April 28, 2009 – Confirmed by the State Senate

### **GM 298**

Submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, CHARLES E. LARSON, for a term to expire 6-30-2010

Current Status: March 6, 2009 – Confirmed by the State Senate

### **GM 300**

Submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, CRYSTAL RAY K. NAONE, for a term to expire 6-30-2010

Current Status: March 6, 2009 – Confirmed by the State Senate

### **GM 301**

Submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, LORA A. PERRY, for a term to expire 6-30-2011

Current Status: March 6, 2009 – Confirmed by the State Senate

### **GM 306**

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, MICHAEL ALEJANDRE DAHILIG, for a term to expire 6-30-2013

Current Status: April 23, 2009 – Confirmed by the State Senate

### **GM 307**

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, RAMON S. DE LA PENA PHD, for a term to expire 6-30-2012

Current Status: April 22, 2009 – Confirmed by the State Senate

**GM 308**

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, MARK H. FUKUNAGA, for a term to expire 6-30-2011

Current Status: April 22, 2009 – Confirmed by the State Senate

**GM 309**

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, CHUCK YIM GEE, for a term to expire 6-30-2010

Current Status: April 22, 2009 – Confirmed by the State Senate

**GM 310**

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, ERIC K. MARTINSON, for a term to expire 6-30-2009

Current Status: April 22, 2009 – Confirmed by the State Senate

**GM 311**

Submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, Gubernatorial Nominee, GUY P. ONTAI, for a term to expire 6-30-2013

Current Status: April 28, 2009 – Confirmed by the State Senate

**GM 312**

Submitting for consideration and confirmation to the Western Interstate Commission for Higher Education (WICHE), Gubernatorial Nominee, ROBERTA M. RICHARDS, for a term to expire 6-30-2013

Current Status: April 28, 2009 – Confirmed by the State Senate

**GM 313**

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, GRANT TUCK SUN TEICHMAN, for a term to expire 6-30-2010

Current Status: April 23, 2009 – Confirmed by the State Senate

**GM 429**

Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, JUNE S. LEE, for a term to expire 6-30-2012

Current Status: May 1, 2009 – Confirmed by the State Senate

**GM 465**

Submitting for consideration and confirmation to the Hawai'i Medical Education Council, Gubernatorial Nominee, CHRISTI L. KELIPIO, for a term to expire 6-30-2013

Current Status: April 23, 2009 – Confirmed by the State Senate

**GM 466**

Submitting for consideration and confirmation to the Hawai'i Medical Education Council, Gubernatorial Nominee, SUSAN R. MURRAY, for a term to expire 6-30-2013

Current Status: April 23, 2009 – Confirmed by the State Senate

**GM 467**

Submitting for consideration and confirmation to the Hawai'i Medical Education Council, Gubernatorial Nominee, MARY E. WORRALL, for a term to expire 6-30-2013

Current Status: April 23, 2009 – Confirmed by the State Senate

**GM 468**

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, ERIC K. MARTINSON, for a term to expire 6-30-2014

Current Status: April 22, 2009 – Confirmed by the State Senate

**GM 525**

Submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, Gubernatorial Nominee, ROBERT D. DEWITZ, for a term to expire 6-30-2013

Current Status: April 28, 2009 – Confirmed by the State Senate

**GM 526**

Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, ALVIN GOO, for a term to expire 6-30-2013

Current Status: April 28, 2009 – Confirmed by the State Senate

**GM 527**

Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, DENISE HOPKINS-CHADWICK, for a term to expire 6-30-2013

Current Status: April 28, 2009 – Confirmed by the State Senate

**GM 553**

Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, FERREIRA V. CASIMIRA, for a term to expire 6-30-2012

Current Status: April 14, 2009 – Withdrawn by Governor

**GM 554**

Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, MARIAN A. CRISLIP, for a term to expire 6-30-2012

Current Status: May 1, 2009 – Confirmed by the State Senate

**GM 555**

Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, SALLY A. HARPER, for a term to expire 6-30-2012

Current Status: May 1, 2009 – Confirmed by the State Senate

**GM 556**

Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, ALBERT D. KIM, for a term to expire 6-30-2012

Current Status: May 1, 2009 – Confirmed by the State Senate

**GM 557**

Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, NADINE N. NISHIOKA, for a term to expire 6-30-2012

Current Status: May 1, 2009 – Confirmed by the State Senate

**GM 558**

Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, CHRISTOPHER J. WONG, for a term to expire 6-30-2012

Current Status: May 1, 2009 – Confirmed by the State Senate

**GM 579**

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, JOHN C. HOLZMAN, for a term to expire 6-30-2014

Current Status: April 23, 2009 – Confirmed by the State Senate

**GM 580**

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, JAMES H.Q. LEE, for a term to expire 6-30-2014

Current Status: April 23, 2009 – Confirmed by the State Senate

**GM 581**

Submitting for consideration and confirmation to the Hawai'i Medical Education Council, Gubernatorial Nominee, DARRYL S. SALVADOR PSY.D., for a term to expire 6-30-2011

Current Status: April 23, 2009 – Confirmed by the State Senate

**GM 583**

Submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, DOBORA ANN KAIKALA, for a term to expire 6-30-2011

Current Status: April 23, 2009 – Confirmed by the State Senate



**BUDGET PROVISOS****HB 0200 HD1 SD1 CD1**

## RELATING TO THE STATE BUDGET

“SECTION 28. Provided that of the special fund appropriation for tobacco settlement (HTH 590), the sum of \$15,981,387 or so much thereof as may be necessary for fiscal year 2009-2010 and the sum of \$15,981,387 or so much thereof as may be necessary for fiscal year 2010-2011 shall be deposited into the university revenue-undertakings fund.”

“SECTION 42. Provided that of the general fund appropriation for the University of Hawai‘i (UOH 100-UOH 900), the amount necessary to maintain fiscal year 2008-2009 support for security and prevention measures shall be expended for fiscal year 2009-2010 and fiscal year 2010-2011; provided further that the funds shall not be expended for any other purpose; and provided further that any unexpended funds shall lapse to the general fund.”

“SECTION 43. Provided that of the general fund appropriation for University of Hawai‘i systemwide support (UOH 900), the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2009-2010 and the sum of \$2,000,000 or so much thereof as may be necessary for fiscal year 2010-2011 shall be used to fund the B-Plus scholarship program; provided further that the funds shall be deposited into the University of Hawai‘i student scholarship and assistance special fund; provided further that the University of Hawai‘i shall offer a scholarship to any Hawai‘i resident who:

- (1) Enrolls in any campus within the University of Hawai‘i system;
  - (2) Has graduated from a Hawai‘i public high school with a cumulative grade point average 3.0 or better; and
  - (3) Is eligible for need-based financial aid based on federal financial aid guidelines;
- provided further that the scholarship may be renewed annually if the student maintains satisfactory academic progress and continues to meet financial aid guidelines; and provided further that any unexpended funds shall lapse to the general fund.”

“SECTION 61. Provided that of the special fund appropriation for public lands management (LNR 101), the sum of \$50,000 for fiscal year 2009-2010 shall be expended for the University of Hawai‘i Sea Grant Program; provided further that the funds shall be expended from the Beach Restoration special fund; and provided further that this amount shall be added to the existing Kailua Beach erosion study.”

“SECTION 84. UNIVERSITY OF HAWAI‘I REVENUE BONDS. The University of Hawai‘i Board of Regents is authorized to issue revenue bonds for Capital Improvement Program projects authorized in part II and listed in part IV of this Act and designated to be financed by revenue bond funds, in principal amounts as are required to yield the amounts appropriated for Capital Improvement Program projects, and if determined by the Board of Regents and approved by the governor, any additional principal amount deemed necessary by the Board of Regents to pay interest on the revenue bonds during the estimated period of construction of the Capital Improvement Program project for which the revenue bonds are issued, to establish, maintain, or increase reserves for the revenue bonds, and to pay all or any part of the expenses related to the issuance of the revenue bonds. The revenue bonds shall be issued pursuant to the provisions of part III of chapter 39, Hawai‘i Revised Statutes, as amended, except that the bonds shall be issued in the name of the University of Hawai‘i and not in the name of the State. The principal of and interest on the revenue bonds, to the extent not paid from the proceeds of the revenue bonds, shall be payable from and secured by the revenues derived from facilities under the ownership of the University of Hawai‘i or operated and managed by the University of Hawai‘i, or any part thereof as the Board of Regents may determine, including other moneys, rates, rents, fees, or charges currently or hereafter derived from or arising through the ownership, operation, and management of university

facilities and the furnishings and supplying of the services thereof. The expenses related to the issuance of the revenue bonds, to the extent not paid from the proceeds of the bonds, shall be paid from the special funds of the University of Hawai'i.

The governor, in the governor's discretion, is authorized to use University of Hawai'i special funds to finance those projects authorized in part II and listed in part IV of this Act where the method of financing is designated to be by University of Hawai'i revenue bonds; provided that the governor shall submit a report to the legislature of all uses of this authority for the previous twelve month period from December 1 to November 30 no later than twenty days prior to the convening of the 2010 and 2011 regular sessions."

"SECTION 91. Provided that after the objectives and purposes of appropriations made in this Act from the general obligation bond fund for capital improvement projects have been met, unrequired balances, except those from University of Hawai'i projects, shall be transferred to the project adjustment fund appropriated in part II and described in part IV of this Act, and shall be considered a supplementary appropriation thereto; provided further that all other unrequired allotment balances, unrequired appropriation balances, and unrequired encumbrance balances shall lapse as of June 30, 2012, as provided in section 96 of this Act; and provided further that the governor shall notify the legislature within five days of each use of this proviso and submit a report to the legislature of all uses of this proviso for the previous twelve month period from December 1 to November 30 no later than twenty days prior to the convening of the 2010 and 2011 regular sessions."

"SECTION 95. Provided that after the objectives and the purposes of appropriations made in this Act from the general obligation bond fund for Capital Improvement Projects for the University of Hawai'i have been met, any unrequired balances shall be transferred to the University of Hawai'i project adjustment fund appropriated in part II and described further in part IV, and shall be considered a supplementary appropriation thereto; and provided further that the governor shall submit a report to the legislature of all uses of this proviso for the previous twelve month period from December 1 to November 30 no later than twenty days prior to the convening of the 2010 and 2011 regular sessions."

"SECTION 131. The Director of Finance is authorized to expend general fund, special fund, and revolving fund savings or balances determined to be available from authorized general fund, special fund, and revolving fund program appropriations, up to an aggregate total of \$20,000,000 for fiscal year 2009-2010 and \$20,000,000 for fiscal year 2010-2011, for municipal lease payments under financing agreements entered into pursuant to chapter 37D, Hawai'i Revised Statutes, to finance the acquisition of depreciable assets, including, but not limited to, automobiles, computers, printers, and telecommunications equipment; provided further that designated expending agencies (including the department of education and the University of Hawai'i) for municipal lease payments and for depreciable assets, including, but not limited to, automobiles, computers, printers, and telecommunications equipment authorized in this Act may delegate to the Director of Finance the implementation of such acquisitions when it is determined by all involved agencies that it is advantageous to do so; and provided further that the governor shall submit to the legislature a summary report of all uses of this proviso for the previous twelve month period from December 1 to November 30 no later than twenty days prior to the convening of the 2010 and 2011 regular sessions."

"SECTION 134. Provided that no funds, including federal funds, shall be expended to fill any position not authorized by the legislature; provided further that this prohibition shall not apply to:

- (1) The University of Hawai'i and the Hawai'i Health Systems Corporation;
- (2) Positions entirely federally funded;
- (3) Positions established pursuant to section 76-16(b) subsections (3), (13), (21), and (23), Hawai'i Revised Statutes;
- (4) Where an agency has explicit statutory authorization to establish positions to accomplish necessary functions; or

(5) Temporary positions funded wholly or partially with federal funds from the American Recovery and Reinvestment Act of 2009; provided further that with regard to any of the positions identified in paragraphs (1), (2), (3), (4), or (5), the respective agency or department shall submit a report to the legislature within ten days of each use of this provision; provided further that the report shall include:

- (1) Authority used to establish the position;
- (2) Date the position was established;
- (3) Projected date the position will be filled;
- (4) Amounts projected to be expended in fiscal year 2009-2010 and in fiscal year 2010-2011;
- (5) Source of funds used to pay for the position; and
- (6) Functions to be performed by the position;

and provided further that the Department of Budget and Finance shall submit to the legislature a summary report of all uses of this proviso for the previous twelve month period from December 1 to November 30 no later than twenty days prior to the convening of the 2010 and 2011 regular sessions.”

“SECTION 160. Provided that the University of Hawai‘i shall prepare a report on amounts budgeted for personnel costs that shall include, but not be limited to, the following:

- (1) A detailed account on the use of amounts budgeted for vacant positions or budgeted for and not expended for personnel costs for the previous fiscal year and current fiscal year to date; and
  - (2) The planned expenditure of these amounts for the current and subsequent fiscal year;
- provided further that the university shall submit the report to the legislature no later than twenty days prior to the convening of the 2010 and 2011 regular sessions.”

“SECTION 162. Provided that for the use of Federal Stabilization funds the Department of Education and the University of Hawai‘i shall not be required to pay fringe benefit costs to the Department of Budget and Finance.”

“SECTION 163. Provided that the following general fund amounts reduced from the budget for fiscal biennium 2009-2011 shall be considered non-recurring reductions:

<u>Program ID</u>	<u>FY 2009-2010</u>	<u>FY 2010-2011</u>
EDN100	\$43,000,000	\$43,000,000
EDN600	\$2,000,000	\$2,000,000
UOH100	14,740,000	14,740,000
UOH800	\$660,000	\$660,000;

provided further that in the development of the fiscal biennium 2011-2013 executive branch budget, the governor shall restore these amounts to the base budget in the executive branch fiscal biennium 2011-2013 budget request; and provided further that this proviso shall in no way prohibit the governor from requesting reductions to these programs' base budget in its fiscal biennium 2011-2013 budget request.”

### **HB 0900 HD2 SD1 CD1**

#### **RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS**

“SECTION 8. Provided that of the general fund appropriation for the Office of Hawaiian Affairs (OHA 175), the sum of \$87,768 or so much thereof as may be necessary for fiscal year 2009-2010 and the sum of \$87,768 or so much thereof as may be necessary for fiscal year 2010-2011 shall be expended to establish the Achieving the Dream Initiative for Native Hawaiian students located at the Hawai‘i Community College; provided further that the funds in fiscal year 2009-2010 and fiscal year 2010-2011 shall be expended to fund three (3.00 FTE) positions; provided further that these funds shall not be expended for any other purpose; provided further that no funds shall be expended unless matched on a 1:1 basis by a trust fund expenditure by the Office of Hawaiian Affairs; and provided further that any unexpended funds shall lapse to the general fund.”

“SECTION 9. Provided that of the general fund appropriation for the Office of Hawaiian Affairs (OHA 175), the sum of \$70,000 or so much thereof as may be necessary for fiscal year 2009-2010 and the sum of \$70,000 or so much thereof as may be necessary for fiscal year 2010-2011 shall be expended to establish a research and training program for native Hawaiian students of the Hawai‘i Institute of Marine Biology; provided further that these funds shall not be expended for any other purpose; provided further that no funds shall be expended unless matched on a 1:1 basis by a trust fund expenditure by the Office of Hawaiian Affairs; and provided further that any unexpended funds shall lapse to the general fund.”

### COMPARISON ON 2008 & 2009 STATE LEGISLATURE

	<u>2008 Session</u>	<u>2009 Session</u>
Number of Bills Introduced / Tracked:	H – 1484 / 235 S – 1264 / 197	H – 1843 / 245 S – 1680 / 195
Number of Bills Testified / Total Submitted:	H – 58 / 119 S – 67 / 117	H – 48 / 78 S – 44 / 81
Number of Bills Passed by the Legislature:	H – 21 S – 28	H – 23 S – 23
Number of Bills Enacted / Vetoed / Overridden:	H – 17 / 4 / 0 S – 17 / 5 / 6*	H – 16 / 2 / 5 S – 15 / 3 / 5

*\* SB2830 signed into law (Act 220, SLH 2008) with a line-item appropriation veto. Legislature overrode veto during Special Session 2008 (Act 11, SSLH 2008)*

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Number of Concurrent Resolutions Introduced / Tracked:	H – 373 / 55 S – 236 / 35	H – 313 / 28 S – 191 / 29
Number of Concurrent Resolutions Testified / Total Submitted:	H – 30 / 44 S – 11 / 17	H – 12 / 15 S – 13 / 15
Number of Concurrent Resolutions Adopted:	H – 11 S – 8	H – 4 S – 8

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Number of Governor's Messages Tracked:	S – 29	S – 32
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## PREPARING FOR THE 2010 LEGISLATIVE SESSION

### 2010 LEGISLATIVE PROPOSALS AND ANNUAL/REQUESTED REPORTS

To prepare for the 2010 Legislative Session and to meet the Governor's and the Board of Regent's internal deadlines for submission of legislative proposals, please submit the electronic version of all proposed bills and/or resolutions with the accompanying justification sheet to the Government Relations Office by the date noted below. The UH legislative package is scheduled to be discussed at the September meeting of the BOR.

If your unit requires an extension, please notify Stephanie Kim at 956-4250 or via email at [scskim@hawaii.edu](mailto:scskim@hawaii.edu) as soon as possible. To prevent duplication or contradictions, please consult with others within the University System and with other state agencies affected by the proposed legislation prior to submitting the bills or resolutions to the Government Relations Office.

Also, attached to this summary is a list of reports requested by the Legislature or mandated by statute. Please review this list carefully since there are new reports due before the start of the 2010 Legislative Session.

Action	No. of copies	UH Deadline
Proposed bills and/or resolutions with justification sheets due to Government Relation Office	Electronic version only	August 7, 2009
Final draft of annual and requested reports due to Government Relations Office	Electronic version only	November 30, 2009*
Lead VP's approval or request for changes to report		December 7, 2009
Report in final form to Government Relations Office	31 copies and electronic version	December 14, 2009

\* Act 188, SLH 2008, is due one month prior to the November 30<sup>th</sup> deadline

Hard copies of both the legislative proposals and annual reports should be sent to Bachman 109J with the electronic version sent to Stephanie Kim ([scskim@hawaii.edu](mailto:scskim@hawaii.edu)) and Robbie Watland ([watland@hawaii.edu](mailto:watland@hawaii.edu)). The electronic versions of all annual reports will be available for online access at <http://www.hawaii.edu/govrel>.

UNIVERSITY OF HAWAII  
ANNUAL REPORTS TO THE 2010 LEGISLATURE  
revised 07/19/09

STATUTE/BILL/ RESO#	TITLE	LEAD OFFICE	LEAD VP
<b>ANNUAL REPORTS</b>			
HRS 37-74	Annual Report on Transfer of Appropriated Funds and Positions	CFO	CFO
HRS 40-82	Annual Report Summarizing Uncollectible Accounts	UGC	UGC
HRS 304A-106	Annual Report on Trust Fund Revenues & Gifts	CFO	CFO
HRS 304A-302	Annual Report on Progress of Career and Technical Education	CTE	BOR
HRS 304A-1004	Annual Report on Salary	VPA	VPA
HRS 304A-1144	Annual Report on the Construction Academy Curriculum	VPCC	VPCC
HRS 304A-1202	Annual Report on Teacher Education Coord Comm	Mānoa	VPAPP
HRS 304A-1203	Annual Report on the Hawaii Institute for Educational Partnership	Mānoa	VPAPP
HRS 304A-1704	Annual Report from the Medical Education Council	Mānoa	VPR
HRS 304A-1891	Annual Report from HNEI on expenditures, contracts, activities, technology	Mānoa	VPR
HRS 304A-2001	Report on Periodic Review of All UH System Programs Relative to Benchmarks (due 2nd year of biennium)	VPAPP	VPAPP
HRS 304A-2007	Annual Report on Income & Expenditures on all Special and Revolving Funds	CFO	CFO
HRS 304A-2151 (Act 186, SLH 2003)	Annual Report on Risk Management	UGC/Risk Mgmt	UGC
HRS 304A-2153	UH Tuition & Fees Special Fund for Fundraising	UHF	CFO
HRS 304A-2159	UH Student Scholarship & Assistance Special Fund	VPSA	VPSA
HRS 304A-2253	Annual Report on Research & Training Revolving Fund	VPR	VPR
HRS 304A-2273	Annual Report on the Community College Conference Center Revolving Fund	VPCC	VPCC
HRS 304A-2689	Annual Report of all Revenue Bonds Issued	CFO	CFO
HRS 304A-3007	Annual Report from RCUH	RCUH	VPR
HRS 304A-3205	Annual Report in UH's continued participation in WICHE	BOR	VPAPP
HRS 304A-3253	Annual Report on Operations of the Hawaii Research Center for Future Studies	Mānoa	VPAPP
HRS 304A-3305	Annual Report on Nursing Scholars Program	Mānoa	VPAPP
Act 100, SLH 1999 (Section 7)	Annual Report on Government Operations	VPAPP	VPAPP
Act 281, SLH 2007	Annual Report from P-20 Initiative Council (due by December 31st of each year)	VPAPP	VPAPP
Act 188, SLH 2008 (Section 2)	Annual Incentive & Performance Report (due by November of each year starting 2008)	CFO/VPAPP	CFO/VPAPP

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STATUTE/BILL/ RESO#	TITLE	LEAD OFFICE	LEAD VP
<b>2007 REQUESTS</b>			
Act 111, SLH 2007 (Section 8)	Report on Hawai'i Excellence through Science and Technology Academy Pilot Program Plans for 2008, implementation for 2009 and final report for 2010	VPCC	VPCC
<b>2008 REQUESTS</b>			
Act 11, Special Session 2008 (Part IV, Section 9)	Report on grandparents raising grandchildren for 2009 and final report due June 30, 2009	Mānoa	VPAPP
Act 224, SLH 2008	Interim Report by the Long Term Care Commission on the development of the five-year plan & proposed system reforms (due by February 28, 2010), Final Report (due by September 30, 2010)	Mānoa	VPAPP
Act 225, SLH 2008	Report by the Public Policy Center on Hawai'i 2050 Sustainability Plan for 2010	Mānoa	VPAPP
HCR 138 HD2 SD1 (2008)	Preliminary Report by JABSOM on the current practices of Hawai'i's telemedicine system for 2009 and final report for 2010	Mānoa	VPR
HCR 260 HD1 (2008)	Report by UH Hilo on the agriculture programs developed by Kulani Correctional Facility for 2010	Hilo	VPAPP
SCR 118 SD1 HD1 (2008)	Progress Report by the Public Policy Center to propose a more effective and transparent public understanding of the funding for DOE programs and services for 2009 and final report for 2010	Mānoa	VPAPP
<b>NEW REQUESTS</b>			
Act 2, Special Session 2009 (Part II, Section 9)	Report by the Dean of the UH College of Education, to address teacher licensing, due no later than twenty days prior to the convening of the regular session of 2010.	Mānoa	VPAPP
Act 18, Special Session 2009 (Section 5)	Report by the John A. Burns School of Medicine on the Physician Workforce to the legislature, the State Health Planning and Development Agency, and the Hawai'i Medical Board no later than twenty days prior to the convening of the regular session of 2011 and each odd-numbered year thereafter.	Mānoa	VPAPP, VPR
Act 28, SLH 2009	Semi-annual report on the moneys in the Hawai'i Cancer Research Special Fund, beginning on January 1, 2010. (SB 39)	Mānoa	CFO, VPR
Act 34, Special Session 2009 (Section 2)	Report by the Skilled Worker and Business Development Center to the legislature no later than twenty days prior to the convening regular session of 2010. (Established under program ID UOH 800, UH Community Colleges)	VPCC	VPCC
Act 132, SLH 2009	Annual report on the Mauna Kea lands due no later than twenty days prior to the convening of each regular session.	Hilo	VPR



UNIVERSITY OF HAWAII  
ANNUAL REPORTS TO THE 2010 LEGISLATURE  
revised 07/19/09

STATUTE/BILL/ RESO#	TITLE	LEAD OFFICE	LEAD VP
Act 137, SLH 2009 (Section 4)	Report by Hawaii EPSCoR on Hawaii state science and technology plan no later than twenty days prior to the convening of the regular session of 2011. Update reports every five years thereafter.	VPR	VPR
Act 162, SLH 2009 (Section 160)	Report on amounts budgeted for personnel costs that shall include: amounts budgeted for vacant positions for the previous fiscal and current fiscal year to date; and planned expenditure for the current and subsequent fiscal year; due no later than 20 days prior to the convening of the 2010 and 2011 regular sessions	CFO	CFO
HCR 13 (2009)	Report by the Center on Aging on various unresolved issues relating to aging due no later than twenty days prior to the convening of the regular session of 2010.	Mānoa	VPAPP
HCR 217 HD1 (2009)	Report by the Board of Regents on the scholarship program for Hawai'i residents to study abroad due no later than twenty days prior to the convening of the regular session of 2010.	VPSA	VPSA
SCR 51 SD1 (2009)	Report by the Regents Candidate Advisory Council on process for selection of the candidates for the student member of the BOR due no later than twenty days before the convening of the regular session of 2010.	RCAC	BOR
SCR 121 SD1 HD1 (2009)	Report by CTAHR on the establishment of a farm to school program due no later than twenty days prior to the convening of the regular session of 2010.	Mānoa	VPAPP
SCR 146 (2009)	Report by the Hawai'i P-20 Partnerships for Education on a state longitudinal data system due no later than twenty days prior to the convening of the regular session 2011.	VPAPP	VPAPP
<b>CONDITIONAL REPORTS</b>			
HRS 487N-4	Report on Personal Information Security Breach Notification	CIO	CIO
HRS 487R-4	Report on Unauthorized Access Due to or After Disposal of Personal Information	CIO	CIO
HRS 487J-4	Report on Notification of social security number disclosure	CIO	CIO
Act 94, SLH 2009 (Section 3)	The University of Hawaii shall notify the legislature upon issue of the additional revenue bonds authorized by section 2 of this Act, including a detailed listing and description of all projects to be funded through the revenue bonds authorized pursuant to this Act.	CFO	CFO