

LEGISLATIVE REPORT

ON ISSUES IMPACTING THE UNIVERSITY OF HAWAI‘I SYSTEM
Considered During the 2010 Legislative Session of the State of Hawai‘i



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

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INTRODUCTION

On Thursday, April 29, 2010, the 25th Legislature of the State of Hawai'i came to a close.

This session, the University of Hawai'i had a total of five bills approved by the Board of Regents (Board), of which four were introduced as part of the Governor's package. Four of the Board approved proposals passed the legislature:

- SB 2389 (became Act 42) repeals the sunset provision in Act 106, Session Laws of Hawai'i 2008, to allow the University of Hawai'i to continue transferring funds, other than general funds and University of Hawai'i Tuition and Fees Special Funds, into the University of Hawai'i Commercial Enterprise Revolving Fund to finance the establishment of new commercial enterprises, with certain exceptions, beyond June 30, 2011.
- SB 2385 (became Act 124) extends to June 30, 2016, University of Hawaii's (UH) authority regarding: (1) Supervision of accounts; (2) Installation of a different accounting system; (3) Business and accounting forms; and (4) Approval of assignments of moneys to creditors. Authorizes the comptroller to request, until June 30, 2016, that UH provide information required for the preparation of income and expenditure statements. Requires UH to report to the comptroller on moneys held outside the state treasury by UH until June 30, 2016.
- HB 347 (became Act 82) provides for a two-year pilot program for UH and the UH Board of Regents regarding certain provisions of the Hawai'i Public Procurement Code. Sunsets on July 1, 2012.
- SB 2386 (became Act 202) establishes the University of Hawai'i capital improvements program project assessment special fund.

The last of these proposals, which failed to pass the legislature, would have allowed the University of Hawai'i Board of Regents to assess fees for campus parking at an open meeting subject to the open meetings law (Chapter 92, Hawai'i Revised Statutes), but exempt from public notice, public hearing, and gubernatorial approval requirements (Chapter 91, Hawai'i Revised Statutes).

Other proposals passed by the 2010 State Legislature affecting the University include:

- HB 2561 (became Act 56) exempts non-ceded lands acquired by the University of Hawai'i after December 31, 1989 from the legislative approval requirements of section 171-64.7, HRS.
- SB 2649 (became Act 46) extends the sunset provision in Act 138, Session Laws of Hawai'i 2005, relating to providing funding to the University of Hawai'i to construct or renovate housing units.
- HB 2542 (became Act 192) addresses the fiscal year 2010-2011 budget shortfall by transferring to the general fund various amounts of excess balances from certain special funds.

In terms of General Fund appropriations, the University's Supplemental Operating Budget Request for FY 2010-11 approved by the Board of Regents (Board) was to maintain the level appropriated by the 2009 legislature with only an additional request for \$2.2 million in funding for the Office of Mauna Kea Management. The executive budget submitted to the legislature by the Governor did not include the \$2.2 million for the Office of Mauna Kea Management and reduced the University's general fund budget by \$54.7 million, basically converting restrictions she had made to the budget in that amount for salary reductions to a reduction in the general fund budget base.

Unfortunately, even as the economy showed signs of stabilizing, General Fund revenues continued to decline and the Council on Revenues' projected a further decrease for the year. The Legislature ultimately appropriated an additional reduction of (\$7.3) million in General Funds for FY 2010-11. The Legislature also transferred (\$4.9) million from the University of Hawaii's Special and Revolving funds to the State General Fund.

On an appropriation base of \$422.7 million for FY 2010-11, this represents more than a (14%) decrease in General Funds from FY 2009-10. The University represents approximately 7.3% of the State's General Fund operating budget.

The 2010 Hawai'i State Legislature appropriated a total of \$178.025 million in State general obligation bonds for University of Hawai'i capital improvements program (CIP) projects for Supplemental Year 2010-2011. This amount includes the reauthorization of \$23.825 million that would otherwise lapse on June 30, 2010.

Highlights of appropriations from the 2010 Legislature include:

- \$18.625 million for Health, Safety, and Code Requirements at various University of Hawai'i campuses;
- \$35.000 million for Capital Renewal and Deferred Maintenance for all University of Hawai'i campuses;
- \$48.000 million for construction of the University of Hawai'i–West O'ahu Campus Development ;
- \$20.000 million for plans, design, construction, and equipment for the University of Hawai'i Project Renovate to Innovate; and
- \$28.000 million for construction of the University of Hawai'i at Hilo's College of Hawaiian Language Building.

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 0347	Procurement; UH 2-year pilot	Support	Passed
HB 1868	Civil Service Employees	Watched	Passed
HB 1902	Long Term Care Commission	Support	Passed
HB 2058	NELHA	Watched	Passed
HB 2133	Procurement; Reseller Agreements	Watched	Vetoed
HB 2152	Building Design for Persons with Disabilities	Watched	Vetoed
HB 2200	State Budget	Watched	Passed
HB 2283	Procurement; Ethical Principles	Watched	Passed
HB 2421	Local Food and Energy Businesses	Watched	Passed
HB 2486	Student Instructional Hours at Public Schools	Watched	Passed
HB 2533	ERS; Reemployment of Retirant	Watched	Passed
HB 2542	Non-General Funds	Oppose	Passed
HB 2561	UH Non-Ceded Lands	Support	Passed
HB 2575	Statewide Trauma Care System	Watched	Passed
HB 2698	Telework and Broadband	Watched	Passed
HB 2775	Importation of Plants, Animals, Microorganisms	Support Intent	Passed
HB 2832	Taro Security	Watched	Passed

<u>Senate Bills</u>		<u>UH Position</u>	<u>Final Bill Status</u>
SB 0506	Procurement; Utilities Share of Contract Costs	Watched	Passed
SB 0930	Volunteer Medical Assistance Services	Watched	Passed
SB 1105	Reports; Hearings and Procedures	Watched	Vetoed
SB 1311	Hawai'i Marine Laboratory Refuge	Support	Vetoed
SB 2050	Workers' Comp; Vocational Rehabilitation	Watched	Passed
SB 2068	Public Junior Kindergarten Programs	Watched	Passed
SB 2115	Preaudit; DOE and UH	Watched	Passed
SB 2121	Early Learning Council	Watched	Passed
SB 2122	Longitudinal Data Requirements	Support	Passed
SB 2124	Hawai'i Hurricane Relief Fund	Watched	Passed
SB 2163	Practice of Nursing	Support	Passed
SB 2165	Private Guards	Support Intent	Passed
SB 2169	Shark Fins	Watched	Passed
SB 2173	State Bonds	Watched	Passed
SB 2257	Electronic Warrant Vouchers	Watched	Passed
SB 2346	Hawai'i Teacher Standards Board	Support Concept	Passed
SB 2385	UH Fiscal Flexibility	Support	Passed
SB 2386	CIP Project Assessment Special Fund	Support	Passed
SB 2389	Commercial Enterprise	Support	Passed
SB 2390	Pharmacist Licensure	Support	Passed
SB 2432	Hawai'i Institute for Educational Partnerships	Support	Passed
SB 2454	Public Agency Meetings and Records	Watched	Passed
SB 2491	Telehealth Services	Watched	Vetoed
SB 2548	IT Steering Committee	Watched	Passed
SB 2589	Charter Schools; Admin and Funding	Watched	Passed
SB 2597	Hawai'i Employers' Insurance Company	Watched	Passed
SB 2601	Athletic Trainers	Comments	Passed
SB 2649	UH Housing Projects; Revenue Bonds	Support	Passed

SB 2803	Regents Candidate Advisory Council	Support	Passed
SB 2806	Emergency and Budget Reserve Fund	Watched	Passed
SB 2831	Procurement; Withholding Payment	Watched	Passed
SB 2837	Licensing Electricians	Support	Passed
SB 2840	Procurement; 80% Hawai'i Residents	Watched	Passed
SB 2849	EUTF	Watched	Vetoed
SB 2883	Accrued and Available Sick Leave	Watched	Vetoed
SB 2898	Chemically Dependent Nurses	Support	Passed
SB 2937	Vexatious Requesters	Watched	Passed

HOUSE BILLS

HB 0347 HD2 SD2 CD1 RELATING TO THE UNIVERSITY OF HAWAI'I

Act 082 (05/06/10)

Amends provisions relating to the University of Hawai'i. Establishes that in the solicitation for bids for construction projects with a total estimated contract value of 1 million dollars or greater, the University shall require each bidder to submit a listing of the bidder's subcontractors who are to perform work with a value that exceeds 5 per cent of the total bid amount submitted by the bidder. Provides that for a construction or design build project, the University shall hold a pre-bid conference and shall invite all potential interested bidders, offerors, subcontractors, and union representatives to attend. Authorizes the university to audit any person who has submitted cost or pricing data and to audit a contractor or any subcontractor under any negotiated contract or subcontract other than a fixed price contract. -- Amends provisions relating to the application of the Hawai'i Public Procurement Code. Exempts the University of Hawai'i or the Board of Regents of the University of Hawai'i. Annual reports to the legislature. Act to be repealed on July 1, 2012 (sunset).

INTRODUCED BY: Chang, Bertram, Hanohano, Magaoay, McKelvey, Nakashima, Tsuji, Coffman,
Shimabukuro, Souki, Takumi
UH POSITION: Support
CURRENT STATUS: May 3, 2010 – Transmitted to Governor
May 6, 2010 – Signed into law, Act 082

HB 1868 HD1 RELATING TO CIVIL SERVICE

Act 070 (04/29/10)

Establishes provisions relating to leaves of absence to accept appointed positions exempt from the civil service; prohibited. Prohibits a leave of absence to be granted to any employee who leaves a position covered under civil service for a position that is exempt and longer than 1 year; provided that this position shall not apply to any employee whose collective bargaining agreement provides for the granting of a longer leave of absence.

INTRODUCED BY: Rhoads
UH POSITION: Watched
CURRENT STATUS: March 29, 2010 – Transmitted to Governor
April 14, 2010 – Vetoed by Governor
April 29, 2010 – Governor's Veto Overridden, Act 070

HB 1902 HD1 RELATING TO LONG TERM CARE

Act 024 (04/15/10)

Amends Act 224, SLH 2008, relating to long term care by extending the sunset date of the Long Term Care Commission.

INTRODUCED BY: Say, Karamatsu, Mizuno, Yamane
UH POSITION: Support
CURRENT STATUS: April 1, 2010 – Transmitted to Governor
April 15, 2010 – Signed into law, Act 024

HB 2058 HD1 SD1 RELATING TO PUBLIC PROPERTY**Act 061 (04/25/10)**

Amends provisions relating to powers of the Natural Energy Laboratory of Hawai'i Authority. Allows the authority to enter into and carry out contracts, including concessions for cell towers.

INTRODUCED BY: Evans
 UH POSITION: Watched
 CURRENT STATUS: April 15, 2010 – Transmitted to Governor
 April 25, 2010 – Signed into law, Act 061

HB 2133 HD1 SD1 CD1 RELATING TO PROCUREMENT**Vetoed (07/06/10)**

Establishes provisions relating to reseller agreements. Requires the procurement office to authorize local reseller agreements as part of any multi-state contracting agreement and to place orders directly with local resellers designated by original equipment manufacturers or other national equipment or products suppliers.

INTRODUCED BY: B. Oshiro, Herkes, Magaoay, Yamashita, Chong, McKelvey, Say
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Vetoed by Governor

HB 2152 HD1 SD1 RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES**Vetoed (07/06/10)**

Amends provisions relating to building design to consider needs of persons with disabilities. Requires state and county agencies to seek advice and recommendations from the disability and communication access board on any construction plans prior to commencing with construction for which the board may establish reasonable tiered fees based upon estimated construction costs. Requires board to charge a fee for services to defray the expenses of the board. Requires board to report to the legislature. Establishes a temporary fee schedule based on estimated construction costs.

INTRODUCED BY: M. Lee, Brower, Chong, Choy, Coffman, Har, Keith-Agaran, Morita, B. Oshiro, Rhoads, Sagum, Tokioka
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Vetoed by Governor

HB 2200 HD1 SD2 CD1 RELATING TO THE STATE BUDGET**Act 180 (06/28/10)**

Supplemental Appropriations Act of 2008 (executive budget). Amends Act 162, SLH 2009, relating to the State Budget. (\$\$)

INTRODUCED BY: Say (BR)
 UH POSITION: Watched
 CURRENT STATUS: April 27, 2010 – Transmitted to Governor
 June 28, 2010 – Signed into law, Act 180

HB 2283 HD2 SD1 CD1 RELATING TO PUBLIC PROCUREMENT**Act 207 (07/06/10)**

Amends provisions relating to requirement of good faith by changing it to requirements of ethical public procurement. Requires public employees to conduct and participate in public procurement in an ethical manner. Requires all parties or private entity taking part in the conduct of public procurement to act in good faith to practice purchasing ethics and display business integrity as a responsible offeror through the public procurement process.

INTRODUCED BY: B. Oshiro, Herkes, Magaoay, McKelvey, Yamashita, Chong, Say
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Became law without Governor's signature, Act 207

HB 2421 HD2 SD2 CD1 RELATING TO GOVERNMENT**Act 073 (04/29/10)**

Amends provisions relating to the Environmental Response Revolving Fund; uses. 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. Repealed on June 30, 2015 (sunset). -- Amends provisions relating to the Energy Security Special Fund; uses. 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 annually report to the legislature. Repealed on June 30, 2015 (sunset). -- Amends the environmental response tax by changing it to the environmental response, energy, and food security tax. Increases the tax to 1.05 dollars per barrel or part of a barrel of petroleum product sold. Exempts petroleum product that is not aviation fuel. 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. Repealed on June 30, 2015 (sunset). -- 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, and 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, 2012 (sunset). -- Establishes the Agricultural Development and Food Security Special Fund to award grants to farmers for agricultural production or processing activities; acquisition of real property for agricultural production or processing activities; improvement of real property, irrigation systems, and transportation networks to promote agricultural production or processing; purchase of equipment for agricultural production or processing; research and testing of agricultural products and markets; funding of agricultural inspector positions within the Department of Agriculture; promotion and marketing of products grown or raised in the state; and any other activity intended to increase agricultural production or processing that may lead to reduced importation of food, fodder, or feed from outside the state. Requires the Department of Agriculture to report annually to the legislature. Repealed on June 30, 2015 (sunset). -- 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 Hawaii'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 Hawaii's institutions of public education; promotion of Hawaii's clean and renewable resources to potential partners and investors; a plan, for implementation during the years 2011 to 2030, to transition the State to a clean energy economy; and a plan to assist each county for the implementation during the years 2011 to 2030, to transition to a clean energy economy. Annual report to the legislature. -
 - Authorizes the governor to establish positions necessary to accomplish the management of those energy projects funded by federal grants. Report to the legislature. -- Requires the Department of Business, Economic Development, and Tourism to study and analyze the Environmental Response, Energy, and Food Security Tax. Report to the legislature.

INTRODUCED BY: Coffman, Aquino, Awana, Belatti, Berg, Brower, Chang, Chong, Choy, Evans, Hanohano, Ito, Keith-Agaran, C. Lee, McKelvey, Morita, Nakashima, B. Oshiro, M. Oshiro, Saiki, Say, Takai, Takumi, Tsuji, Tokioka, Wooley
 UH POSITION: Watched
 CURRENT STATUS: April 14, 2010 – Transmitted to Governor
 April 25, 2010 – Vetoed by Governor
 April 29, 2010 – Governor's Veto Overridden, Act 073

HB 2486 HD2 SD2 CD1 RELATING TO EDUCATION

Act 167 (06/15/10)

Requires the Department of Education to maximize the amount of student instructional hours provided at all schools, except charter schools, under relevant collective bargaining agreements. -- Establishes provisions relating to school year; instructional time. Requires schools, except charter schools, to implement a school year of 180 days, excluding professional development days and other non-instructional days negotiated under collective bargaining and includes 915 student instructional hours for the elementary school grades and 990 student instructional hours for the secondary school grades. -- Requires the Department of Education with the Board of Education and Office of the Governor, and in consultation with representatives of the affected collective bargaining units to submit a plan to implement a school year of 190 days, excluding professional development days and other non-instructional days negotiated pursuant to collective bargaining and that includes 1,140 student instructional hours for both elementary and secondary school grades at all schools, except charter schools, for school years beginning with the 2015 - 2016 school year. -- Provides that if implementation of student instructional hours results in varying schedules for the transportation of students, the department shall consider pick up and drop off times that optimize the department's transportation services while minimizing costs to the State.

INTRODUCED BY: Berg, Belatti, Bertram, Brower, Carroll, Hanohano, C. Lee, Luke, McKelvey, Morita, Nishimoto, Saiki, Shimabukuro, Takai, Wakai, Aquino, Choy, Coffman
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 June 15, 2010 – Signed into law, Act 167

HB 2533 HD1 SD2 CD1 RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS

Act 179 (06/28/10)

Establishes provisions relating to employment of retirants. Prohibits a retirant from being employed by the State or by any county unless the retirant is reenrolled in the pension and retirement system or the employment is authorized without reenrollment. Provides that a retirant whose employment is authorized without reenrollment shall not acquire service credit or retirement rights. Allows a retirant to be employed without reenrollment in the system or loss or interruption of benefits provided they are hired as an elective officer, as a juror or precinct official, as a part time or temporary employee excluded from membership in the system, in a position identified by the appropriate jurisdiction as a labor shortage or difficult to fill position, or as a teacher or an administrator in a teacher shortage area identified by the Department of Education or in a charter school or as a mentor for new classroom teachers. Annual report to the legislature by the director of human resources. Repeals Act 286, SLH 2006, and Act 156, SLH 2008.

INTRODUCED BY: Say (BR)
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 June 28, 2010 – Signed into law, Act 179

HB 2542 HD1 SD2 CD1 RELATING TO NON-GENERAL FUNDS

Act 192 (07/06/10)

Authorizes the Director of Finance to transfer from the Agricultural Loan Reserve Fund, State Motor Pool Revolving Fund, State Risk Management Revolving Fund, Stadium Special Fund, Medicaid Investigations Recovery Fund, Hawai'i Community Development Revolving Fund, Convention Center Enterprise Special Fund, Foreign Trade Zones Special Fund, Compliance Resolution Fund - Business Registration Fund account, Department of Commerce and Consumer Affairs Special Drivers Education Fund account, Loss Mitigation Grant Fund, Department of Education Drivers Education Fund account, Deposit Beverage Container Deposit Special Fund, Hawai'i Tobacco Settlement Special Fund, Neurotrauma Special Fund, special fund for disability benefits, Land Conservation Fund, Natural Area Reserve Fund, Federal Reimbursement Maximization Special Fund, University of Hawai'i Housing Assistance Revolving Fund, University Revenue Undertakings Fund, University of Hawai'i Research and Training Revolving Fund, Judiciary Computer System Special Fund, Driver Education and Training Fund, and the Disaster Loan Revolving Fund. Amends provisions relating to fuel income tax credit for commercial fishers to provide payment from the State Highway Fund. -- Amends provisions relating to the cigarette tax and tobacco tax law. Repeals the tax increase after June 30, 2010, and changes the tax increase for after June 30, 2011 to June 30, 2013. (\$\$)

INTRODUCED BY: Say (BR)
 UH POSITION: Oppose
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Became law without Governor's Signature, Act 192

HB 2561 SD1 RELATING TO LANDS CONTROLLED BY THE STATE**Act 056 (04/24/10)**

Amends provisions relating to legislature approval of sale or gift of lands. Exempts non-ceded lands conveyed to the University of Hawai'i after December 31, 1989 to which the University of Hawai'i holds title.

INTRODUCED BY: Say (BR)
 UH POSITION: Support
 CURRENT STATUS: April 12, 2010 – Transmitted to Governor
 April 24, 2010 – Signed into law, Act 056

HB 2575 HD2 SD2 CD1 RELATING TO TRAUMA**Act 133 (05/24/10)**

Amends provisions relating to proceedings and records of peer review committees and quality assurance committees. Redefines quality assurance committee to include an authorized state agency. Allows the Department of Health to establish quality assurance committees for the purpose of monitoring, improving and evaluating patient care within the statewide trauma care systems. Provides exemption from the public agency meeting and records law and the uniform information practices law.

INTRODUCED BY: Say (BR)
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 May 24, 2010 – Signed into law, Act 133

HB 2698 HD2 SD2 CD1 RELATING TO TECHNOLOGY**Act 199 (07/06/10)**

Establishes provisions relating to other duties of the director; broadband services. Provides that in conjunction with expanded digital cable programming and service the Director of Commerce and Consumer Affairs shall promote and encourage use of telework alternatives for public and private employees; advise and assist state agencies, and upon request of the counties, advise and assist the counties, in planning, developing, and administering programs, projects, plans, policies, and other activities to promote telecommuting by employees of state and county agencies; support the efforts of both public and private entities in Hawai'i to enhance or facilitate the deployment of, and access to competitively priced, advanced electronic communications services, including broadband and its products and services, and internet access services of general application throughout Hawai'i; make recommendations to establish affordable, accessible broadband services to unserved and underserved areas of Hawai'i and monitor advancements in communication that will facilitate this goal; advocate for, and facilitate the development and deployment of, expanded broadband applications, programs, and services including, but not limited to telework, telemedicine, and e-learning that will bolster the usage of and demand for broadband level telecommunications; serve as a broadband information and applications clearinghouse for the State and a coordination point for federal American Recovery and Reinvestment Act of 2009 broadband related services and programs; and promote, advocate, and facilitate the implementation of the findings and recommendations of the Hawai'i Broadband Task Force. Report to the legislature. Allows the director to appoint and employ engineers, accountants, attorneys, and professional clerical, stenographic, or other assistants for proper administration and enforcement. -- Establishes within the Department of Commerce and Consumer Affairs for administrative purposes, the broadband assistance advisory council to advise the administrator of the cable television division on

policy and funding priorities to promote and encourage use of telework alternatives for public and private employees, and expedite deployment of affordable and accessible broadband services in Hawai'i. -- Requires the administrator to convene a work group to develop procedures for streamlined permitting functions that are applicable to the development of broadband services and broadband technology. Report to the legislature. -- Requires department to annually report to the legislature on the receipt and expenditure of federal moneys from the American Recovery and Reinvesting Act of 2009 and other federal moneys for the purposes of purchasing broadband facilities, services, or equipment or for entering into contracts for broadband projects. Appropriations out of the compliance resolution fund subaccount CCA102 to be expended by the Department of Commerce and Consumer Affairs.

INTRODUCED BY: Yamashita, Awana, Carroll, Chong, Coffman, Herkes, Keith-Agaran, Manahan, McKelvey, Mizuno, Morita, B. Oshiro, Tsuji, Wakai, Yamane, Say
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Became law without Governor's Signature, Act 199

HB 2775 HD2 SD2 CD1 RELATING TO AGRICULTURE

Act 172 (06/23/10)

Establishes provisions relating to processing fees for importation and possession requests. Establishes fees for the processing of requests for the importation or possession of plants, animals, or soil that require a permit, or for the importation or possession of microorganisms that require a permit, letter of authorization or registration. Requires the fees to be deposited into the pest inspection, quarantine, and eradication fund. Appropriation out of the fund for the review and processing of permits and other requests for the importation or possession of plants, animals, microorganisms, or soil into or transferred within the state.

INTRODUCED BY: Chong, Tsuji, Wooley, Yamane, Yamashita
 UH POSITION: Support Intent
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 June 23, 2010 – Signed into law, Act 172

HB 2832 HD1 SD2 CD1 RELATING TO TARO SECURITY

Act 196 (07/06/10)

Establishes procedures relating to Taro Security; funding. Allows the Office of Hawaiian Affairs to seek available federal, state, county, or private funding to restore taro and loi cultivation. Amends Act 211, SLH 2008, relating to taro, by requiring the Taro Security and Purity Task Force to implement the recommendations in the report submitted in 2010 and to submit a preliminary report and final report to the legislature.

INTRODUCED BY: Wooley
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Became law without Governor's Signature, Act 196

SENATE BILLS

SB 0506 SD1 HD3 CD1 RELATING TO PROCUREMENT

Act 140 (05/25/10)

Amends provisions relating to contract not binding unless funds available. Permits the state or county to certify that there are sufficient funds for the utility's portion of the contract price if the amounts that a utility is obligated to pay under a legal agreement between the utility and the state, or a county, are sufficient to pay that portion of the contract price. Requires that a legal agreement to be executed prior to the execution of the state or country contract and shall not jeopardize any federal, state, or county funds.

INTRODUCED BY: Tokuda, Baker, Espero, Fukunaga, Hooser, Ige, Kidani, Kokubun, Takamine
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 May 25, 2010 – Signed into law, Act 140

SB 0930 HD2 CD1 RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES

Act 134 (05/24/10)

Establishes provisions relating to volunteer medical assistance personnel. Provides volunteer medical assistance personnel licensed or certified in this State, or employed by a health care facility, while providing volunteer medical assistance service and injured in the performance of volunteer medical assistance service, shall be entitled to the benefits under Workers Compensation Law. Provides indemnity against liability except in cases of willful or criminal misconduct, gross negligence, or reckless misconduct, any volunteer medical assistance personnel providing volunteer assistance services shall not be liable for the death of or injury to persons, or for damages to property, as a result of any act or omission in the course of rendering volunteer medical assistance services.

INTRODUCED BY: Hanabusa (BR)
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 May 24, 2010 – Signed into law, Act 134

SB 1105 SD2 HD1 CD1 RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES

Vetoed (07/06/10)

Establishes provisions relating to hearings on reports. Requires that reports to the legislature of studies and audits by executive departments and agencies, including the Hawai'i Health Systems Corporation, the Legislative Auditor, the Judiciary, the Legislative Reference Bureau or the Office of Hawaiian Affairs as requested by a concurrent resolution or required by law, including budget measures, to be submitted to the clerk of each house, to the President of the Senate and Speaker of the House of Representatives, and to the Chair of the applicable subject matter committee of each chamber and the Legislative Reference Bureau library. Requires that the respective chairs of the committees to whom a report is submitted to conduct a public hearing or informational briefing on the report during the legislative session or during the legislative interim in which the report is submitted within 1 year of receipt. Exempts annual report to legislature.

INTRODUCED BY: Kim, Espero, Galuteria, Hooser, Kidani, Kokubun, Sakamoto, Tsutsui

UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Vetoed by Governor

SB 1311 SD1 HD1 RELATING TO AQUATIC RESOURCES

Vetoed (03/02/10)

Allows the University of Hawai‘i the privilege, free of charge, to use the staff of the Department of Land and Natural Resources for the purposes of a biological laboratory and for research. - Exempts the University of Hawai‘i from any law that requires a permit or application to carry out repair and maintenance of the Hawai‘i Marine Laboratory Refuge.

INTRODUCED BY: Hanabusa (BR)
 UH POSITION: Support
 CURRENT STATUS: February 10, 2010 – Transmitted to Governor
 March 2, 2010 – Vetoed by Governor

SB 2050 RELATING TO VOCATIONAL REHABILITATION IN WORKERS' COMPENSATION LAW

Act 018 (04/13/10)

Amends provisions relating to vocational rehabilitation under Workers' Compensation Law. Requires the providers plan to include using the process of determining if modified work or other work with the same employer represents suitable gainful employment.

INTRODUCED BY: Takamine, Chun Oakland, Baker, Fukunaga, Ihara, Kokubun, Nishihara, Taniguchi, Tokuda
 UH POSITION: Watched
 CURRENT STATUS: April 8, 2010 – Transmitted to Governor
 April 13, 2010 – Signed into law, Act 018

SB 2068 SD2 HD1 CD1 RELATING TO EARLY EDUCATION

Act 183 (06/29/10)

Amends provisions relating to junior kindergartens and kindergarten programs. Provides that a child who will be at least 5 years of age on the 1st day of instruction may attend kindergarten. Requires the Department of Education and the Early Learning Council to work together to develop a plan to assess the success of junior kindergarten programs at individual schools. Report to the legislature.

INTRODUCED BY: Chun Oakland, Fukunaga, Ige, Kidani, Ihara
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 June 29, 2010 – Signed into law, Act 183

SB 2115 SD1 HD2 CD1 RELATING TO PREAUDITS FOR PROPOSED PAYMENTS

Act 161 (06/02/10)

Amends provisions relating to comptroller to supervise accounts, etc. Requires the comptroller to have the power to withhold any disbursement for which no appropriation has been made or which would cause a specific appropriation to be exceeded. Exempts the University of Hawai‘i and the Department of Education from June 30, 2011 to June 30, 2015 (sunset). Requires the comptroller to preaudit all

proposed payments of 10,000 dollars or more. Requires the comptroller to issue warrants for the release of funds for operating costs of the University or the Department of Education in amounts and at times mutually agreed upon by the Governor or Director of Finance and the University or Department of Education provide that the amounts released shall not exceed the allotment ceilings for the funding sources; and the comptroller may issue warrants as an advance from the State Treasury to establish a checking account and provide working capital in amounts. Requires the University of Hawai'i and the Department of Education to preaudit all proposed payments of 10,000 dollars or more and shall preaudit samples of the populations of proposed payments of less than 10,000 dollars, provided that the sample size comprises at least 5 per cent of the population to determine the propriety of expenditures and compliance with applicable laws, executive orders, and rules.

INTRODUCED BY: Sakamoto, Kidani
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 June 2, 2010 – Signed into law, Act 161

SB 2121 RELATING TO THE EARLY LEARNING COUNCIL

Act 063 (04/28/10)

Establishes provisions relating to council meeting by teleconference. Allows the Early Learning Council to meet by teleconference.

INTRODUCED BY: Sakamoto, Chun Oakland, Kidani, Galuteria, Tsutsui
 UH POSITION: Watched
 CURRENT STATUS: April 14, 2010 – Transmitted to Governor
 April 28, 2010 – Became law without Governor's signature, Act 063

SB 2122 SD1 RELATING TO RESEARCH

Act 041 (04/20/10)

Establishes provisions relating to departmental data sharing. Requires the Department of Education, University of Hawai'i, and the Department of Labor and Industrial Relations, and any other state agency as appropriate to share data to support research that will improve educational and workforce outcomes and meet longitudinal data requirements of the federal American Recovery and Reinvestment Act of 2009.

INTRODUCED BY: Sakamoto, Chun Oakland, Kidani, Galuteria, Tsutsui
 UH POSITION: Support
 CURRENT STATUS: April 8, 2010 – Transmitted to Governor
 April 20, 2010 – Signed into law, Act 041

SB 2124 SD2 HD1 CD1 RELATING TO THE HAWAI'I HURRICANE RELIEF FUND

Act 143 (05/25/10)

Appropriation out of the Hawai'i Hurricane Relief Fund to the Department of Education to restore instructional days for 2010 - 2011 school years that have been negotiated under the collective bargaining process. Requires completion of all negotiations necessary to execute the restoration of instructional days.

INTRODUCED BY: Tokuda, Baker, Chun Oakland, English, Espero, Fukunaga, Gabbard, Galuteria, Hooser, Ige, Ihara, Kidani, Nishihara, Sakamoto, Tsutsui, Bunda, Hee, Kokubun, Taniguchi
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 May 25, 2010 – Signed into law, Act 143

SB 2163 SD2 HD1 RELATING TO THE PRACTICE OF NURSING

Act 057 (04/24/10)

Establishes provisions relating to practice of nursing. Requires the State Board of Nursing to adopt the provisions of the National Council of State Boards of Nursing (NCSBN) Model Nursing Practice Act and Model Nursing Administrative Rules relating to the scope and standards of nursing practice for registered nurses, licensed practical nurses, and advanced practice registered nurses and to adopt any subsequent modifications adopted by the Delegate Assembly of the NCSBN. Amends provisions relating to prescriptive authority for advanced practice registered nurses. Allows an advanced practice registered nurse with prescriptive authority to prescribe and administer over the counter and legend drugs, and controlled substances.

INTRODUCED BY: Baker, Chun Oakland, Espero, Ige, Nishihara, Sakamoto
 UH POSITION: Support
 CURRENT STATUS: April 12, 2010 – Transmitted to Governor
 April 24, 2010 – Signed into law, Act 057

SB 2165 SD1 HD2 CD1 RELATING TO PRIVATE GUARDS

Act 208 (07/06/10)

Establishes provisions relating to guards; registration, instruction, training, testing, and continuing education require; renewal of registration. Effective July 1, 2013, requires all guards, agents, operatives, and assistants employed by a guard agency, private business entity, or government agency who act in a guard capacity to apply with the Board of Private Detectives and Guards and meet registration, instruction, and training requirements. Allows the board to adopt rules that mandate additional training, instruction, testing, and continuing education. Prior to the June 30, 2014 renewal of the guard registration and every registration renewal thereafter, requires the applicant to pay all required fees and have had at least 4 hours of continuing education. Further allows the board to conduct random audit of registrants applying for renewal of a registration to determine whether the continuing education requirements of this subsection have been met. Redefines guards to mean a registered uniformed or non-uniformed person. A guard shall not include any active duty federal, state, or county law enforcement officers or personnel. Amends provisions relating to replacing guards with principal guards and guard agencies; qualifications for license. Requires a firm applying for a guard agency license to have in its employ an individual who is licensed and registered as a guard. Further requires that these employees to have had a high school education or its equivalent. Amends provisions relating to form of application for license to include “or registration.” Repeals provisions that exempts a person employed exclusively and regularly by 1 employer in connection with the affairs of such employer only and where there exists an employer employee relationship. Act to be repealed on July 1, 2016 (sunset).

INTRODUCED BY: Baker, Espero, Green, Ige, Ihara, Taniguchi
 UH POSITION: Support Intent
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Became law without Governor’s Signature, Act 208

SB 2169 SD2 HD2 CD1 RELATING TO SHARK FINS**Act 148 (05/28/10)**

Establishes provisions relating to shark fins; prohibited. Prohibits any person to possess, sell, offer for sale, trade, or distribute shark fins. Establishes fines for 1st offense and additional fines and seizure and forfeiture of shark fins, commercial marine licenses, vessels, fishing equipment, or other property involved in the violation under criminal forfeiture laws for 2nd and 3rd or subsequent offenses.

INTRODUCED BY: Hee, Bunda, Fukunaga, Ihara, Kokubun
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 May 28, 2010 – Signed into law, Act 148

SB 2173 SD1 HD1 CD1 RELATING TO STATE BONDS**Act 181 (06/28/10)**

Establishes debt limit on general obligation bonds. Authorizes the issuance of general obligation bonds. Authorizes the issuance of general obligation bonds to refund any general obligation bonds.

INTRODUCED BY: Kim
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 June 28, 2010 – Signed into law, Act 181

SB 2257 SD2 HD1 CD1 RELATING TO ELECTRONIC WARRANT VOUCHERS**Act 111 (05/17/10)**

Amends provisions relating to warrants for supplies, incidentals. Allows the comptroller or the respective chief financial officers of the University of Hawai'i and the Department of Education to accept an electronically mailed warrant voucher or other bill or supporting document as an original warrant voucher, bill, or supporting document.

INTRODUCED BY: Sakamoto
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 May 17, 2010 – Signed into law, Act 111

SB 2346 SD1 HD1 CD1 RELATING TO THE HAWAI'I TEACHER STANDARDS BOARD**Act 184 (06/29/10)**

Amends provisions relating to powers and duties of the Hawai'i Teacher Standards Board. Requires the board to include expenditures in its annual report. Authorizes the board to delegate any powers and duties of the board as it deems reasonable and proper to the executive director or other designee. -- Requires applicants for licensure to submit verification that the individual has completed activities specified by the board in fulfillment of each of the teacher performance standards established by the board; show evidence of successful teaching in the previous 5 years through verification by a supervisor; and meet the professional fitness requirements established by the board. -- Requires the board to review implementation of the revised fee collections and determine if the changes result in sufficient increased income and if not, to submit a report to the legislature a plan and timetable for increasing fees. -- Further requires the board to develop a comprehensive plan for transferring nonessential functions and duties to

other agencies, including the Department of Education. Report to the legislature. -- Further requires the board to review its license renewal process. Report to the legislature. -- Requires the board and the Department of Education to clarify their respective powers, duties, responsibilities, and relationship for the sharing of data necessary for licensing and verifying the status of teachers. Report to the legislature.

INTRODUCED BY: Sakamoto
 UH POSITION: Support Concept
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 June 29, 2010 – Signed into law, Act 184

SB 2385 SD1 HD1 CD1 RELATING TO THE UNIVERSITY OF HAWAI'I
Act 124 (05/19/10)

Amends provisions relating to comptroller; powers and duties. Extends the exemption of the University of Hawai'i to June 30, 2016 (sunset). Provides that the comptroller shall issue warrants for the release of funds for the operating funds of the University in amounts and at times mutually agreed upon by the Governor or Director of Finance and the University. Requires the University to preaudit all proposed payments of 10,000 dollars or more.

INTRODUCED BY: Tokuda, Baker, Chun Oakland, English, Ige, Tsutsui, Kokubun, Takamine
 UH POSITION: Support
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 May 19, 2010 – Signed into law, Act 124

SB 2386 HD1 CD1 RELATING TO THE UNIVERSITY OF HAWAI'I CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND
Act 202 (07/06/10)

Establishes provisions relating to the University of Hawai'i Capital Improvements Program Project Assessment Special Fund. Requires the President of the University of Hawai'i or the President's designee to make assessments on University capital improvements program projects, repair and maintenance projects, and major renovation projects managed by the University. Further requires the assessments to be deposited into the special fund and that the special fund be administered by the Office of Capital Improvements. Provides that the special fund shall be used to defray the costs in carrying out capital improvements program projects; assessing, collecting, and distributing moneys for other expenses associated with capital improvements program projects, repair and maintenance projects, and major renovation projects; and managing the payment of expenses assessable against projects managed by or through the University and managing funds representing accumulated vacation and sick leave credits and retirement benefits for non-general fund employees under the capital improvements program projects managed by the University.

INTRODUCED BY: Tokuda, Baker, Chun Oakland, English, Tsutsui, Espero, Ige, Kokubun, Takamine
 UH POSITION: Support
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Became law without Governor's Signature, Act 202

SB 2389 RELATING TO THE UNIVERSITY OF HAWAI'I**Act 042 (04/20/10)**

Amends Act 106, SLH 2008, as amend by Act 11, SLH 2009, relating to the University of Hawai'i Commercial Enterprises Revolving Fund by repealing the sunset date.

INTRODUCED BY: Tokuda, Baker, Chun Oakland, English, Espero, Ige, Tsutsui, Kokubun, Takamine
 UH POSITION: Support
 CURRENT STATUS: April 8, 2010 – Transmitted to Governor
 April 20, 2010 – Signed into law, Act 042

SB 2390 SD2 HD2 RELATING TO PHARMACIST LICENSURE**Act 050 (04/23/10)**

Amends provisions relating to Pharmacists and Pharmacy Law. Defines territory to mean Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, or American Samoa. Amends provisions relating to qualifications for license by allowing practical experience in a territory or the District of Columbia. Requires service and experience under the supervision of a pharmacist who is duly registered or licensed in the state, territory, or district where the experience is obtained.

INTRODUCED BY: Tokuda, Sakamoto, Baker, Chun Oakland, English, Espero, Green, Ige, Kokubun, Takamine, Taniguchi
 UH POSITION: Support
 CURRENT STATUS: April 12, 2010 – Transmitted to Governor
 April 23, 2010 – Signed into law, Act 050

SB 2432 RELATING TO HAWAI'I INSTITUTE FOR EDUCATIONAL PARTNERSHIPS**Act 025 (04/15/10)**

Repeals the Hawai'i Institute for Educational Partnerships.

INTRODUCED BY: Sakamoto
 UH POSITION: Support
 CURRENT STATUS: April 1, 2010 – Transmitted to Governor
 April 15, 2010 – Signed into law, Act 025

SB 2454 SD2 HD1 CD1 RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS**Act 189 (07/06/10)**

Amends provisions relating to no fees for copies of pleadings, etc. Repeals the prohibition of charging fees and allows fees established by court rules to be charged for the certification of copies of any pleading, order, or other papers or document filed in any court and provides for an exemption for state agencies.

INTRODUCED BY: Taniguchi
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Became law without Governor's Signature, Act 189

SB 2491 SD2 HD1 CD1 RELATING TO TELEMEDICINE**Vetoed (07/06/10)**

Requires the insurance commissioner to study the impact of coverage of telehealth services under medical malpractice policies and its impact on malpractice premium rates in various states across the country and in Hawai'i. Report to the legislature. Establishes provisions relating to telehealth services; medicaid and QUEST. Prohibits the Department of Human Services to require the department's approval for a health plan under the department's Medicaid or QUEST programs to deliver services using a telehealth service or in person visits to qualify any telehealth service for coverage under the department's Medicaid or QUEST programs.

INTRODUCED BY: Ige, Kokubun
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Vetoed by Governor

SB 2548 SD2 HD1 CD1 RELATING TO INFORMATION TECHNOLOGY**Act 200 (07/06/10)**

Establishes provisions relating to information technology; Chief Information Officer; information technology steering committee; establishment; responsibilities. Establishes a position for a Chief Information Officer within the Office of the Governor to oversee statewide information technology governance including the supervision and oversight of the Information and Communication Services Division of the Department of Accounting and General Services. Requires the Chief Information Officer to report directly to the Governor and in conjunction with the Information Technology Steering Committee to develop, implement, and manage statewide information technology governance; develop, implement, and manage the State's information technology strategic plans; develop and implement statewide technology standards; and report annually to the Governor and report to the legislature on the status and implementation of the Information Technology Strategic Plan. Establishes an Information Technology Steering Committee to assist the Chief Information Officer in developing and implementing the State Information Technology Strategic Plans; assessing the executive branch departments' progress in meeting the objectives defined in the State Information Technology Strategic Plans and identifying best practices for shared or consolidated services; ensuring technology projects are selected based on their potential impact and risk to the State, as well as their strategic value; ensuring that state executive branch departments maintain sufficient tools to assess the value and benefits of technology initiatives; assisting the Chief Information Officer in developing State Information Technology Standards and Policies; and clarifying the roles, responsibilities, and authority of the Information and Communication Services Division within the Department of Accounting and General Services, specifically as it relates to its statewide duties. Establishes the Shared Services Technology Special Fund administered and expended by the officer within the Department of Budget and Finance to fund the operations of the Chief Information Officer and the Information Technology Steering Committee, including the employment and training of staff. Requires the Governor to report to the legislature.

INTRODUCED BY: Fukunaga, Baker, Espero, Ige, Hee
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Became law without Governor's Signature, Act 200

SB 2589 SD2 HD1 CD1 RELATING TO CHARTER SCHOOLS**Act 144 (05/26/10)**

Establishes provisions relating to use of vacant public school facilities by charter schools. Requires the Department of Education to submit a notice of possible availability of a public school and if a vacancy is established a notice of vacancy shall be submitted to the review panel. Requires the review panel to solicit application from interested charter schools and to submit a prioritized list to the department for final determination. Allows the department and the panel to enter into agreements to use the vacant school facility. -- Prohibits the sale of a vacant school facility or portion of a school facility before the facility is made available to charter schools. -- Amends provisions relating to charter school review panel. Requires the panel to compile and submit prioritized lists of charter schools to use vacant school facilities and to enter into agreements with the Department of Education to use the facilities; adopt an organizational and educational criteria, including student achievement as a significant factor, for the authorization and reauthorization of school charters; and to evaluate each school charter to determine reauthorization no later than 4 years following the initial issue of a charter and every 6 years thereafter and when concerns arise. -- Amends provisions relating to limits on charter schools by changing it to encouraging the growth of successful charter schools. Allows the review panel to authorize up to 3 new startup charter schools for each existing startup charter school that has received a 3 year or longer accreditation and 1 new startup charter school for each for each startup charter school whose charter is revoked or voluntarily closes. -- Amends provisions relating to charter school administrative office. Requires the office to withhold funds for its operational expenses including salaries of the executive director and staff from the annual charter school general fund appropriation. Requires the office to annually report to the review panel individual and aggregate expenditures of charter schools, distinguishing between operational and instructional purposes. Requires the office to develop a standardized method for charter schools to report the expenditures for operational expenses and instructional purposes and provides that if any charter school fails to report, the office may retain a portion of that charter school's per pupil allocation. Requires the office to calculate a general fund per pupil amount based upon the amount of general funds appropriated by the legislature and released by the governor and the projected enrollment amount used to calculate the general funds appropriated. Annual report to the legislature. Increases the percentage of charter school per pupil allocation given to the charter school by July 20 of each fiscal year. Creates the charter schools account as a separate account into which shall be deposited per pupil distributions.

INTRODUCED BY: Sakamoto, Galuteria, Kidani

UH POSITION: Watched

CURRENT STATUS: May 3, 2010 – Transmitted to Governor

May 26, 2010 – Signed into law, Act 144

SB 2597 HD1 RELATING TO THE HAWAI'I EMPLOYERS' MUTUAL INSURANCE COMPANY**Act 052 (04/23/10)**

Amends provisions relating to the Hawai'i Employers' Mutual Insurance Company. Prohibits any implied 3rd party duty or impose additional legal liability for the company toward its members or beneficiaries beyond that explicitly created purpose, or common law and generally applicable to all issuers of workers' compensation insurance in this State. Prohibits a person to serve more than 2 consecutive full terms as director. Repeals provisions requiring the administrator to be the president of the company. Requires the company to promote safety program to policyholders through programs and activities and provides that where the company finds, upon the completion of a detailed inspection that an insured has policies and practices in place that demonstrate a high regard for employee work safety, the company may apply a deviation to the insured's rate structure.

INTRODUCED BY: Baker, Bunda, Espero, Fukunaga, Green, Ige, Ihara, Takamine, Taniguchi
 UH POSITION: Watched
 CURRENT STATUS: April 12, 2010 – Transmitted to Governor
 April 23, 2010 – Signed into law, Act 052

SB 2601 SD1 HD2 CD1 RELATING TO ATHLETIC TRAINERS

Act 108 (05/14/10)

Requires the legislative auditor to perform a sunrise analysis of the licensure of athletic trainers. Report to the legislature.

INTRODUCED BY: Baker, Espero, Ige, Ihara, Taniguchi, Tokuda
 UH POSITION: Comments
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 May 14, 2010 – Signed into law, Act 108

SB 2649 SD2 RELATING TO UNIVERSITY OF HAWAI‘I PROJECTS

Act 046 (04/22/10)

Amends Act 138, SLH 2005, relating to appropriation for the construction and repair of university housing units by extending the appropriation to June 30, 2012 (sunset). (\$\$)

INTRODUCED BY: Tokuda, Tsutsui, Baker, English, Fukunaga, Hee, Hooser, Kokubun, Sakamoto, Takamine, Taniguchi
 UH POSITION: Support
 CURRENT STATUS: April 8, 2010 – Transmitted to Governor
 April 22, 2010 – Signed into law, Act 046

SB 2803 SD1 HD1 RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL

Act 058 (04/25/10)

Amends provisions relating to Regents Candidate Advisory Council for the Board of Regents of the University of Hawai‘i. Requires the council to ensure student involvement in the recruitment and evaluation of candidates for the student member of the Board of Regents by establishing a Student Advisory Group. Prohibits anyone from being appointed as a member of the Regents Candidate Advisory Council if within the 5 years immediately preceding that appointment, the person served on the All Campus Council of Faculty Senate Chairs of the University of Hawai‘i. Prohibits anyone from being appointed beginning on July 1, 2010, as a member of the council if within 1 year immediately preceding that appointment, the person served on the Executive Council of the University of Hawai‘i Student Caucus.

INTRODUCED BY: Tokuda, Baker, Kokubun, Sakamoto, Takamine
 UH POSITION: Support
 CURRENT STATUS: April 12, 2010 – Transmitted to Governor
 April 25, 2010 – Became law without Governor’s signature, Act 058

**SB 2806 SD2 HD1 CD1 RELATING TO THE EMERGENCY AND BUDGET
RESERVE FUND**

Act 138 (05/25/10)

Amends provisions relating to the Emergency and Budget Reserve Fund (Rainy Day Fund). Requires the Director of Finance to deposit 5 per cent of the State General Fund balance at the close of the fiscal year, whenever State general fund revenues for each of 2 successive fiscal years exceeds revenues for each fiscal year by 5 per cent. Prohibits transfers to be made to the fund whenever the balance of the fund is equal to or more than 10 per cent of general fund revenues for the preceding fiscal year. Requires all money deposited into the fund to be kept in separate and distinct accounts. Requires all interest earned from moneys in the fund to be credited to the fund instead of the general fund. Adds that expenditures from the Emergency and Budget Reserve Fund to be a temporary supplemental source of funding for the State during times of severe economic downturn, or unforeseen reduction in revenues. Amends Act 119, SLH 2009.

Introduced by: Tsutsui, Chun Oakland, Galuteria, Hooser, Kidani, Nishihara, Sakamoto,
Tokuda, Baker, Bunda, English, Hee, Ihara, Kim, Takamine
UH Position: Watched
CURRENT STATUS: May 3, 2010 – Transmitted to Governor
May 25, 2010 – Signed into law, Act 138

SB 2831 SD1 HD1 CD1 RELATING TO THE PROCUREMENT CODE

Act 107 (05/13/10)

Amends Act 175, SLH 2009, relating to competitive sealed bid by repealing the sunset of the amendments made to contractors provisions for retainage; subcontractors.

INTRODUCED BY: Sakamoto
UH POSITION: Watched
CURRENT STATUS: May 3, 2010 – Transmitted to Governor
May 13, 2010 – Signed into law, Act 107

SB 2837 SD1 HD1 RELATING TO LICENSING

Act 035 (04/19/10)

Amends provisions relating to minimum requirements under electrician and plumbers. Changes minimum qualifications for journey worker electrician; journey worker specialty electrician; supervising electrician; supervising specialty electrician; journey worker plumber; master plumber; maintenance electrician; journey worker industrial electrician and supervising industrial electrician to be licensed.

INTRODUCED BY: Tsutsui
UH POSITION: Support
CURRENT STATUS: April 8, 2010 – Transmitted to Governor
April 19, 2010 – Signed into law, Act 035

SB 2840 SD2 HD1 RELATING TO PUBLIC PROCUREMENT**Act 068 (04/29/10)**

Establishes the employment of state residents on Construction Procurement Contracts Law. Requires a contractor awarded any contract work to ensure that Hawai'i residents comprise at least 80 per cent of the workforce employed to perform the contract.

INTRODUCED BY: Bunda, Espero, Ihara, Takamine
 UH POSITION: Watched
 CURRENT STATUS: April 12, 2010 – Transmitted to Governor
 April 25, 2010 – Vetoed by Governor
 April 29, 2010 – Governor's Veto Overridden, Act 068

SB 2849 SD2 HD1 CD1 RELATING TO THE HAWAI'I EMPLOYER-UNION HEALTH BENEFITS TRUST FUND**Vetoed (07/06/10)**

Establishes provisions relating to the restriction on Hawai'i Employer Union Health Benefits Trust Fund appropriations. Requires that all moneys appropriated by the legislature to the fund to pay trust fund benefits be transferred directly to the fund and not be subject to the allotment procedures of the budgeting process. Amends provisions relating to quorum; board actions; voting. Requires that each trustee of the board have one vote for matters concerning board actions. Changes from 2 to 6 the number of votes required for any action by the board. -- Amends provisions relating to the Hawai'i Employer Union Health Benefits Trust Fund; establishment. Requires that any surplus be held in trust by the board for the exclusive use and benefit of the employee beneficiaries and dependent beneficiaries and shall not be subject to transfer for any other purpose.

INTRODUCED BY: Takamine, Baker, Hooser, Kim, Kokubun, Taniguchi, Tsutsui
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Vetoed by Governor

SB 2883 SD1 HD2 CD1 RELATING TO EMPLOYMENT PRACTICES**Vetoed (07/06/10)**

Amends provisions relating to unlawful suspension, discharge, or discrimination under employment practices law. Provides that it shall be unlawful practice for any employer or labor organization to bar or discharge from employment, withhold pay from, or demote an employee because the employee legitimately uses accrued and available negotiated sick leave in accordance with the employer's attendant and negotiated sick leave policies, except for abuse of sick leave. Provides that employers and labor organizations are not prohibited from barring or discharging from employment, withholding pay from, or demoting a employee if the employee is unable to fulfill the essential job function or requirements of the employee's position and shall only apply to employers who have a collective bargaining agreement with their employees; and 100 or more employees.

INTRODUCED BY: Takamine
 UH POSITION: Watched
 CURRENT STATUS: May 3, 2010 – Transmitted to Governor
 July 6, 2010 – Vetoed by Governor

**SB 2898 SD1 HD1 RELATING TO DIVERSION PROGRAM FOR CHEMICALLY
DEPENDANT NURSES****Act 054 (04/23/10)**

Amends provisions relating to the program for chemically dependent nurses. Provides that the function of the diversion program shall be to assess and, where appropriate, rehabilitate nurses whose competencies may be impaired and to provide treatment so that nurses are able to return to or continue the practice of nursing in a manner that is beneficial to the public. Requires nurses who participate in the diversion program to provide evidence verified by licensed professional health care providers of successful completion of all terms and conditions of the program and of sufficient rehabilitation to safely practice nursing and shall not be subject to further disciplinary action by the board upon full compliance and requirement of the diversion program. Requires all records of a nurse participating in a diversion program that are not required by law to be reported to the board or the regulated industries complaints office and do not involve disciplinary action by those entities to be privileged and to not be subject to discovery or subpoena by any person or entity other than a law enforcement agency investigating the conduct of the nurse, the board and the regulated industries complaints office.

INTRODUCED BY: Baker, Chun Oakland, Fukunaga, Green, Ige, English, Hooser, Kim, Sakamoto,
Takamine, Tokuda, Tsutsui
UH POSITION: Support
CURRENT STATUS: April 12, 2010 – Transmitted to Governor
April 23, 2010 – Signed into law, Act 054

SB 2937 SD1 HD1 CD1 RELATING TO INFORMATION PRACTICES**Act 100 (05/12/10)**

Amends provisions relating to government records; exceptions to general rule. Exempts disclosure of government records in response to duplicate requests under certain conditions. Act to be repealed on July 1, 2014 (sunset).

INTRODUCED BY: Espero, English, Kidani
UH POSITION: Watched
CURRENT STATUS: May 3, 2010 – Transmitted to Governor
May 12, 2010 – Signed into law, Act 100

HOUSE CONCURRENT RESOLUTIONS

HCR 13

EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ON ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING

INTRODUCED BY: M. Lee, Mizuno, Morita, Shimabukuro, Rhoads
 POSITION: Watched
 CURRENT STATUS: May 29, 2010 – Adopted in Final Form

HCR 18

EXPRESSING SUPPORT FOR THE CANCER RESEARCH CENTER OF HAWAII

INTRODUCED BY: Yamane, Chang, Say
 POSITION: Support
 CURRENT STATUS: March 19, 2010 – Adopted in Final Form

HCR 89

RECOGNIZING FEBRUARY AS " HAWAII -GROWN CACAO MONTH."

INTRODUCED BY: Ching, McKelvey, Berg, Carroll, Magaoay, Marumoto, Nakashima, B. Oshiro, Takumi
 POSITION: Support
 CURRENT STATUS: April 16, 2010 – Adopted in Final Form

HCR 123

RECOGNIZING AEROSPACE AS A STRATEGIC AND TIMELY GROWTH INDUSTRY FOR HAWAII AND REQUESTING THE STATE ADMINISTRATION TO TAKE PROACTIVE, COORDINATED, AND SUSTAINED ACTION TO FULLY REALIZE THE SIGNIFICANT SCIENTIFIC, EDUCATIONAL, AND COMMERCIAL BENEFITS THE AEROSPACE INDUSTRY CAN BRING TO THE STATE

INTRODUCED BY: Wakai, Brower, Hanohano, Herkes, C. Lee, Marumoto, McKelvey, Ward, Aquino, Bertram, Evans, Morita, Nakashima, Rhoads, Takumi
 UH POSITION: Support
 CURRENT STATUS: April 23, 2010 – Adopted in Final Form

HCR 155

REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE

INTRODUCED BY: M. Lee, Aquino, Brower, Choy, Coffman, C. Lee, M. Oshiro, Sagum
 UH POSITION: Watched
 CURRENT STATUS: April 28, 2010 – Adopted in Final Form

HCR 167 HD1

REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY FOR THE INTEGRATION OF A PEDAGOGY OF ALOHA IN PUBLIC SCHOOLS FOR IMPROVED LEARNING IN THE 21ST CENTURY

INTRODUCED BY: Berg, Brower, Carroll, Coffman, Hanohano, C. Lee, Luke, Morita, Sagum, Shimabukuro, Tsuji
UH POSITION: Watched
CURRENT STATUS: April 23, 2010 – Adopted in Final Form

HCR 174

URGING PRESIDENT BARACK OBAMA TO SELECT A LOCATION IN HAWAI‘I AS THE SITE FOR HIS PRESIDENTIAL LIBRARY

INTRODUCED BY: Takai, Aquino, Belatti, Bertram, Brower, Cabanilla, Carroll, Ching, Hanohano, Herkes, Karamatsu, Keith-Agaran, C. Lee, M. Lee, Luke, Magaoay, Manahan, Marumoto, Mizuno, Nishimoto, B. Oshiro, M. Oshiro, Pine, Rhoads, Sagum, Shimabukuro, Souki, Thielen, Wooley, Awana, Berg, Chang, Chong, Choy, Coffman, Evans, Finnegan, Ito, McKelvey, Morita, Nakashima, Saiki, Tokioka, Tsuji, Ward, Yamane, Yamashita
UH POSITION: Support
CURRENT STATUS: April 28, 2010 – Adopted in Final Form

HCR 230

URGING THE HAWAI‘I CLEAN ENERGY INITIATIVE END-USE EFFICIENCY WORKING GROUP TO CONVENE DEVELOPMENT AND BUILDING INDUSTRY STAKEHOLDERS TO IDENTIFY BARRIERS TO IMPLEMENTATION AND WORK TOWARDS A CONSENSUS POSITION TO PROMOTE THE DESIGN AND CONSTRUCTION OF NET ZERO ENERGY BUILDINGS

INTRODUCED BY: Morita, Coffman, Herkes, Cabanilla, Ito, Sagum
UH POSITION: Watched
CURRENT STATUS: April 16, 2010 – Adopted in Final Form

HCR 237

REQUESTING THE ECONOMIC STIMULUS OVERSIGHT COMMISSION TO EXPAND ITS MONITORING OF FEDERAL STIMULUS FUNDS AVAILABLE TO HAWAI‘I

INTRODUCED BY: M. Oshiro (BR)
UH POSITION: Watched
CURRENT STATUS: April 28, 2010 – Adopted in Final Form

HCR 262 HD1

REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS

INTRODUCED BY: Shimabukuro, Awana, Keith-Agaran, Wooley
UH POSITION: Support
CURRENT STATUS: April 23, 2010 – Adopted in Final Form

HCR 288 HD1

REQUESTING THE UNIVERSITY OF HAWAI'I PROCUREMENT INSTITUTE TO REVIEW THE POLICIES AND REQUIREMENTS IN THE AWARDING OF STATE ENERGY SERVICE CONTRACTS

INTRODUCED BY: B. Oshiro, Coffman, Morita, Herkes
UH POSITION: Watched
CURRENT STATUS: April 28, 2010 – Adopted in Final Form

HCR 289 HD1

REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING MORE OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAI'I AGRICULTURAL PRODUCTS

INTRODUCED BY: B. Oshiro, Tsuji, Wooley
UH POSITION: Watched
CURRENT STATUS: April 23, 2010 – Adopted in Final Form

HCR 297 SD1 CD1

REQUESTING REPORTS ON THE ECONOMIC VALUE OF EXPANDED WORKFORCE DEVELOPMENT CAPACITY AND STEM INITIATIVES

INTRODUCED BY: McKelvey, Chong, Evans, Keith-Agaran, Ward, Yamashita, Choy
UH POSITION: Watched
CURRENT STATUS: April 29, 2010 – Adopted in Final Form

SENATE CONCURRENT RESOLUTIONS

SCR 79 SD1

URGING THE PROVISION OF ORIENTATION AND ADDITIONAL TRAINING TO INCREASE THE ABILITY OF STATE AGENCY CASE WORKERS TO ADDRESS THE ISSUES FACED BY GRANDPARENTS RAISING GRANDCHILDREN

INTRODUCED BY: Ihara, Chun Oakland, Espero, Green, Baker, Bunda, English, Fukunaga, Galuteria, Hemmings, Hooser, Ige, Kidani, Kim, Nishihara, Sakamoto, Slom, Tokuda

UH POSITION: Watched

CURRENT STATUS: April 20, 2010 – Adopted in Final Form

SCR 108 SD2

REQUESTING THE CONVENING OF A TASK FORCE TO ESTABLISH A CONSISTENT FUNDING FORMULA, PROCESS, OR BOTH, BY WHICH EQUITABLE FUNDING TO CHARTER SCHOOLS IS DETERMINED

INTRODUCED BY: Sakamoto, Baker, Chun Oakland, Kidani, Gabbard, Galuteria, Ihara, Kim

UH POSITION: Watched

CURRENT STATUS: April 21, 2010 – Adopted in Final Form

SCR 110 SD2 HD1

REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO DEVELOP A COMPREHENSIVE PLAN TO IMPROVE AWARENESS OF AND STRENGTHEN SUPPORT FOR PERSONS WITH DYSLEXIA

INTRODUCED BY: Sakamoto, Chun Oakland, Baker, Gabbard, Galuteria, Ihara, Kidani, Kim, Tokuda

UH POSITION: Watched

CURRENT STATUS: April 22, 2010 – Adopted in Final Form

SCR 167 SD2

REQUESTING THE HAWAI'I STATE CENTER FOR NURSING TO EVALUATE THE NEED FOR AND RESOURCES REQUIRED TO ESTABLISH A CONTINUING EDUCATION PROGRAM FOR NURSES

INTRODUCED BY: Ige, Baker, Espero, Green, Ihara, Nishihara

UH POSITION: Watched

CURRENT STATUS: April 20, 2010 – Adopted in Final Form

SCR 178 SD1

URGING HAWAI'I HEALTH SYSTEMS CORPORATION HOSPITALS AND CLINICS TO ACCEPT MEDICAL STUDENT ROTATIONS FROM A.T. STILL UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE BASED OUT OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, THE UNIVERSITY OF HAWAI'I JOHN A. BURNS SCHOOL OF MEDICINE, AND OTHER HAWAI'I - BASED MEDICAL SCHOOLS

INTRODUCED BY: Green, Espero, Nishihara

UH POSITION: Support

CURRENT STATUS: April 12, 2010 – Adopted in Final Form

SCR 194

REQUESTING THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO AUTHORIZE THE JOINT LEGISLATIVE COMMITTEE ON AGING IN PLACE TO CONTINUE TO MEET AND CARRY OUT THE WORK OF THE COMMITTEE

INTRODUCED BY: Ihara, Baker, Bunda, Chun Oakland, Espero, Fukunaga, Gabbard, Galuteria, Green, Hemmings, Hooser, Ige, Nishihara, Sakamoto, Slom, Takamine, Taniguchi, Tokuda

UH POSITION: Watched

CURRENT STATUS: April 20, 2010 – Adopted in Final Form

GOVERNOR'S MESSAGES**GM 203**

Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, FLORDELINE B. VILA, for a term to expire 6-30-2013

Current Status: April 7, 2010 – Confirmed by the State Senate

GM 277

Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, VOLETTA NOE NOE TOM, for a term to expire 6-30-2013

Current Status: April 1, 2010 – Confirmed by the State Senate

GM 314

Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, CATHERINE A. ADAMS RN, for a term to expire 6-30-2014

Current Status: April 8, 2010 – Confirmed by the State Senate

GM 377

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, MATTHEW R. WILLIAMS, for a term to expire 6-30-2012

Current Status: April 23, 2010 – Confirmed by the State Senate

GM 378

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, CHUCK Y. GEE, for a term to expire 6-30-2015

Current Status: April 23, 2010 – Confirmed by the State Senate

GM 379

Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, RONALD D. MONTGOMERY, for a term to expire 6-30-2015

Current Status: April 23, 2010 – Failed to be Confirmed by the State Senate

GM 397

Submitting for consideration and confirmation to the Hawai'i Medical Education Council, Gubernatorial Nominee, FEREDOUN DON PARSA, MD, for a term to expire 6-30-2013

Current Status: April 16, 2010 – Confirmed by the State Senate

GM 398

Submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, Gubernatorial Nominee, MARK ITARU YAMADA, for a term to expire 6-30-2014

Current Status: April 19, 2010 – Confirmed by the State Senate

GM 408

Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, ALVIN NAAWAO PARKER, for a term to expire 6-30-2013

Current Status: April 20, 2010 – Confirmed by the State Senate

GM 412

Submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, CHARLES E. LARSON, for a term to expire 6-30-2012

Current Status: April 14, 2010 – Confirmed by the State Senate

GM 413

Submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, CRYSTAL RAY K. NAONE, for a term to expire 6-30-2012

Current Status: April 14, 2010 – Confirmed by the State Senate

GM 415

Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, DALE M. ALLISON PHD, APRN, FAAN, for a term to expire 6-30-2014

Current Status: April 19, 2010 – Confirmed by the State Senate

GM 416

Submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, Gubernatorial Nominee, DONN MASAO TAKAKI, for a term to expire 6-30-2014

Current Status: April 19, 2010 – Confirmed by the State Senate

GM 429

Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, GAIL H. AWAKUNI, for a term to expire 6-30-2013

Current Status: April 20, 2010 – Confirmed by the State Senate

GM 430

Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, LEONARDO FLORES DELGADO, for a term to expire 6-30-2012

Current Status: April 20, 2010 – Confirmed by the State Senate

GM 431

Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, JONATHAN D. KISSIDA, for a term to expire 6-30-2013

Current Status: April 20, 2010 – Confirmed by the State Senate

GM 432

Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, RUTH L. SILBERSTEIN, for a term to expire 6-30-2013

Current Status: April 20, 2010 – Confirmed by the State Senate

GM 436

Submitting for consideration and confirmation to the Western Interstate Commission for Higher Education (WICHE), Gubernatorial Nominee, STEVEN CHARLES WHEELWRIGHT, for a term to expire 6-30-2014

Current Status: April 16, 2010 – Confirmed by the State Senate

BUDGET PROVISOS**HB 2200 HD1 SD2 CD1**

RELATING TO THE STATE BUDGET

SECTION 4. Part III, Act 162, Session Laws of Hawai'i 2009, is amended:

(14) By amending section 28 to read as follows:

"SECTION 28. Provided that of the special fund appropriation for tobacco settlement (HTH 590), the sum of [~~\$15,981,387~~] \$13,581,144 or so much thereof as may be necessary for fiscal year 2009-2010 and the sum of [~~\$15,981,387~~] \$13,626,537 or so much thereof as may be necessary for fiscal year 2010-2011 shall be deposited into the university revenue-undertakings fund[-] for the purposes of section 328L-2(b)(4), Hawai'i Revised Statutes; provided further that the University of Hawai'i shall prepare a detailed report on the use of the funds including but not limited to changes in bond principal and interest payments and itemized lists of all other expenditures and uses; and provided further that the University of Hawai'i shall submit the report to the legislature no later than twenty days prior to the convening of the 2011 regular session."

SECTION 6. Part V, Act 162, Session Laws of Hawai'i 2009, is amended:

(6) By adding a new section to read as follows:

"SECTION 70.4. Provided that of the general obligation bond fund appropriation for the University of Hawai'i, systemwide support (UOH 900), the sum of \$62,285,000, or so much thereof as may be necessary for fiscal year 2010-2011, shall be used for capital renewal and deferred maintenance projects; provided that:

- (1) \$520,000 for a new gymnasium to replace Klum gym at the University of Hawai'i at Mānoa
- (2) \$1,700,000 for improvements to the softball stadium, including installation of new field lighting system, roofs over the first and third base bleacher stands, and locker rooms; and
- (3) \$2,000,000 for a four-sided scoreboard and video display system, all auxiliary, shot clock, and locker room clock at Stan Sheriff Center."

SECTION 8. Part VII, Act 162, Session Laws of Hawai'i 2009, is amended by:

(1) By adding a new section to read as follows:

"SECTION 95.1. Provided that in the event that authorized appropriations specified for University of Hawai'i capital improvements program projects listed in this Act or in any other act currently authorized by the legislature are insufficient, and where the source of funding for the project is designated as the general obligation bond fund, the governor may make supplemental allotments from the University of Hawai'i project adjustment fund appropriated in part II and described in part IV of this Act to supplement any currently authorized capital improvements program cost element; 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 2011 regular session."

(4) By amending section 134 to read as follows:

"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 new 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."

(11) By adding a new section to read as follows:

"SECTION 160.1. Provided that the University of Hawai'i shall prepare a detailed report on the sources of revenue for the research training and revolving fund, including the following information:

- (1) Purposes of the federal indirect overhead reimbursements;
- (2) A discussion on why reimbursements for overhead costs borne by the University and the general fund are directed to specific programs;
- (3) The basis for distribution formulas and discretionary distribution and parties involved in determining said distributions;
- (4) An analysis on how other universities in the Western Region utilize their indirect overhead funds;
- (5) Alternative methods of determining equitable and more transparent distributions of federal indirect overhead funds;
- (6) An analysis on how increased capital improvement expenditures can increase the federal indirect rate and estimates of the fiscal impacts to the University; and
- (7) Discussion on what level of reimbursements to the general fund would be appropriate for additional investments in capital improvements;

and provided further that the university shall submit the report to the legislature no later than twenty days prior to the convening of the 2011 regular session."

COMPARISON ON 2009 & 2010 STATE LEGISLATURE

	<u>2009 Session</u>	<u>2010 Session</u>
Number of Bills Introduced / Tracked:	H – 1843 / 245 S – 1680 / 195	H – 1151 / 189* S – 961 / 194*
Number of Bills Testified / Total Submitted:	H – 48 / 78 S – 44 / 81	H – 29 / 56 S – 31 / 65
Number of Bills Passed by the Legislature:	H – 22 S – 23	H – 17 S – 37
Number of Bills Enacted / Vetoed / Overridden:	H – 16 / 2 / 5 S – 15 / 3 / 5	H – 13 / 2 / 2 S – 31 / 1 / 5

**Does not include carryover measures from 2009*

Number of Concurrent Resolutions Introduced / Tracked:	H – 313 / 28 S – 191 / 29	H – 339 / 68 S – 241 / 52
Number of Concurrent Resolutions Testified / Total Submitted:	H – 12 / 15 S – 13 / 15	H – 11 / 14 S – 9 / 10
Number of Concurrent Resolutions Adopted:	H – 4 S – 8	H – 13 S – 7

Number of Governor's Messages Tracked:	S – 32	S – 18
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PREPARING FOR THE 2011 LEGISLATIVE SESSION

2011 LEGISLATIVE PROPOSALS

To prepare for the 2011 Legislative Session and to meet the Governor's and the Board of Regent's deadlines, the date below has been established for legislative proposals. The UH legislative package is scheduled to be discussed at the October meeting of the BOR.

Action	No. of copies	UH Deadline
Proposed bills and/or resolutions with justification sheets due to Government Relations Office	Electronic version only	August 25, 2010

If your unit requires an extension, please notify Stephanie Kim at 956-4250 or via email at 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.

Attached to this memo 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 2011 Legislative Session.

ANNUAL AND REQUESTED REPORTS TO THE 2011 LEGISLATURE**Legislative Reports Requiring Board of Regents Approval**

(Identified by a (N) on attached list)

Action	No. of copies	UH Deadline
Reports requiring Board action due to Government Relations Office	Electronic version only	October 14, 2010
Final VP's approval due to Government Relations Office		October 27, 2010

Legislative Reports

Action	No. of copies	UH Deadline
Final draft of annual and requested reports due to Government Relations Office	Electronic version only	November 22 , 2010*
Lead VP's approval or request for changes to report		November 29 , 2010
Report in final form to Government Relations Office	18 copies and electronic version	December 3, 2010

* Act 188, SLH 2008, is due one month prior to the November 30th deadline

Hard copies of annual reports should be sent to Bachman 109J with the electronic version sent to Stephanie Kim (scskim@hawaii.edu) and Robbie Watland (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 2011 LEGISLATURE
revised 07/12/10

STATUTE/BILL/ RESO#	TITLE	LEAD OFFICE	LEAD VP	BOR Action
ANNUAL REPORTS				
HRS 37-74	Annual Report on Transfer of Appropriated Funds and Positions	CFO	CFO	
HRS 40-82	Annual Report Summarizing Uncollectible Accounts	VPR	VPR, 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	OHR	CFO	√
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-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-1905	Annual report on the Mauna Kea lands.	Hilo	VPR	√
HRS 304A-2001	Report on Periodic Review of All UH System Programs Relative to Benchmarks (due 2nd year of biennium)	VPAPP	VPAPP, CFO	
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, CFO	
HRS 304A-2168	Semi-annual report on the moneys in the Hawai'i Cancer Research Special Fund, beginning on January 1, 2010.	Mānoa	CFO/VPR	
HRS 304A-2253	Annual Report on Research & Training Revolving Fund	VPR	VPR, CFO	
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	VPSA	VPAPP	√
HRS 304A-3253	Annual Report on Operations of the Hawai'i 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)	VPCC/CFO	VPCC/CFO	
Act 18, Special Session 2009 (Section 5)	Report by the John A. Burns School of Medicine on the assessment of the physician workforce (due each odd-numbered year)	Mānoa	VPAPP/VPR	
Act 137, SLH 2009 (Section 4)	Report by Hawai'i EPSCoR on Hawai'i state science and technology plan (commence 2011 and update reports every five years thereafter)	VPR	VPR	

UNIVERSITY OF HAWAII
ANNUAL REPORTS TO THE 2011 LEGISLATURE
revised 07/12/10

STATUTE/BILL/ RESO#	TITLE	LEAD OFFICE	LEAD VP	BOR Action
2009 REQUESTS				
Act 162, SLH 2009 (Section 84)	Report on uses of University of Hawai'i special funds to finance projects where the method of financing is designated to be by University of Hawai'i Revenue Bonds for 2010 and 2011 regular sessions.	CFO	CFO	
Act 162, SLH 2009 (Section 95)	Report on the University of Hawai'i project adjustment fund for the previous twelve month period from December 1 to November 30 for 2010 and 2011 regular sessions.	OCI	OCI	
Act 162, SLH 2009 (Section 160)	Report on amounts budgeted for personnel costs for 2010 and 2011 regular sessions	CFO	CFO	
SCR 146 (2009)	Report by the Hawai'i P-20 Partnerships for Education on a state longitudinal data system for 2011.	VPAPP	VPAPP	
NEW REQUESTS				
Act 24, SLH 2010 (amended 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 January 19, 2011), Final Report (due by January 18, 2012)	Mānoa	VPAPP	
Act 82, SLH 2010	Report on procurement process for 2011 and 2012	CFO	CFO	
Act 180, SLH 2010 (Sec. 4 (14))	Report on the use of the university revenue-undertakings funds for 2011	CFO	CFO	
Act 180, SLH 2010 (Sec. 8 (1))	Report by Governor on all supplemental funding for CIP projects (UH Supplemental Adjustment Fund) for 2011	OCI/CFO	OCI/CFO	
Act 180, SLH 2010 (Sec. 8 (11))	Report on the sources of revenue for the research training and revolving fund for 2011	VPR/CFO	VPR/CFO	
HCR 288 HD1 (2010)	Report by the UH Procurement Institute on reviewing and if necessary convening a working group to review the pre-qualification criteria for "preferred vendor" status for 2011	Mānoa	CFO	
HCR 289 HD1 (2010)	Report on the status of their respective purchases and use of locally-produced produce or other Hawai'i agricultural products and any recommendations for improvements in meeting this goal for 2011	CFO	CFO	
HCR 297 SD1 CD1 (2010)	Report by the UH College of Engineering on STEM initiatives for 2011	Mānoa	VPAPP	
SCR 110 SD2 HD1 (2010)	Report on the Comprehensive Plan by the Department of Education and the University of Hawaii's working group on any proposed legislation that furthers dyslexia awareness for 2012	Mānoa	VPAPP	

UNIVERSITY OF HAWAII
 ANNUAL REPORTS TO THE 2011 LEGISLATURE
 revised 07/12/10

STATUTE/BILL/ RESO#	TITLE	LEAD OFFICE	LEAD VP	BOR Action
CONDITIONAL REPORTS				
HRS 487N-4	Report on Personal Information Security Breach Notification	Affected Campus/Unit	CIO	
HRS 487J-4	Report on Notification of social security number disclosure	Affected Campus/Unit	CIO	
HRS 487R-4	Report on Unauthorized Access Due to or After Disposal of Personal Information	Affected Campus/Unit	CIO	
Act 94, SLH 2009 (Section 3)	Report on issuance of the additional revenue bonds authorized by section 2, including a detailed listing and description of all projects to be funded through the revenue bonds authorized pursuant to this Act.	CFO	CFO	
Act 162, SLH 2009 (Section 114)	Report on transferring positions within UH position ceiling for the purpose of maximizing the utilization of personnel resources and staff productivity; within five days of each use of this proviso; and a summary report of all uses of this proviso for the previous twelve month period from December 1 to November 30 for 2010 and 2011 regular sessions	CFO	CFO	