

The following are bills that I have introduced during the Twenty-fourth Legislative Session of 2008 and became law.

The brief description shown is NOT a detailed synopsis and **all measures listed should NOT to be considered legal advice or opinion.** If legal advice is needed, a qualified attorney should be consulted.

The information provided is as accurate as of August 2008. If you want details on the measures listed, **click on the link.**

Should you need more information on the following or other concerns, Click on : <http://michaelfornorthshore.com/contact/>

Caregiver Recognition Day

Established a method to celebrate and bring public attention to the thousands of caregivers who perform essential services for family members and patients each and every day performing caregiving duties as a natural extension of their family lives, even though it can mean great personal and professional sacrifice (**H.B. No. 2138, H.D. 1, Act 6 SLH 2008**)

http://capitol.hawaii.gov/session2008/bills/HB2138_HD1_.htm

Revised Uniform Anatomical Gift Act: Organ Donations

Improved the process for organ donations for transplantation by adopting the Revised Uniform Anatomical Gift Act to:

- Direct the process for making anatomical gifts of a deceased person's body or body parts for transplantation, therapy, research, or education;
- Stipulate the manner by which such gifts can be made;
- Establish a priority list of persons who are reasonably available, who may make an anatomical gift of deceased person's body or body part;
- Limit the liability of persons who act in good faith in making the decision that a deceased person meant to make an anatomical gift; and
- Prohibit falsification of records or fraudulent actions by a person trying to make a profit from anatomical gifts (**H. No. 2139, C.D. 1, Act 122 SLH 2008**)

http://capitol.hawaii.gov/session2008/bills/HB2139_CD1_.htm http://capitol.hawaii.gov/session2008/bills/HB2139_CD1_.htm

Pre-audit of Proposed University of Hawaii Payments

Provided for more efficient financial operations at UH by limiting UH's duty to pre-audit all proposed payments to those that amount to \$10,000 or more (**H.B. No. 2163, S.D. 1, Act 37, SLH 2008**).

http://capitol.hawaii.gov/session2008/bills/HB2163_SD1_.htm

Cancer Research

Supported the Cancer Research Center of Hawaii (Center) and expanded the sources of revenue available for the Hawaii Cancer Research Special Fund (Special Fund) by:

- Allowing the Special Fund to be used for capital expenditures; and
- Requiring all other fees, charges, and other moneys received in conjunction with the programs of the Center and transfers from other accounts or funds to be deposited into the Special Fund (**H.B. No. 2164, S.D. 1, Act 84 SLH 2008**)

http://capitol.hawaii.gov/session2008/bills/HB2164_SD1_.htm

Registered Nurses; Licensure

Addressed the shortage of nurses in Hawaii and responded to student interest by allowing an individual who has:

- Received a bachelor's degree; and
- Satisfactorily completed the pre-licensure portion of a master's entry program in nursing at an accredited school of nursing, to apply for a license to practice as a registered nurse by examination **(H.B. No. 2165, Act 23, SLH 2008)**.
http://capitol.hawaii.gov/session2008/bills/HB2165_.htm

University of Hawaii Commercial Enterprises

Provided UH with the flexibility to generate additional revenue through alternative means to benefit the whole university by authorizing the transfer of all UH funds, with the exception of general funds and UH Tuition and Fees Special Fund (Special Fund) moneys, into the UH Commercial Enterprises Revolving Fund (Revolving Fund) to finance the establishment of new commercial enterprises. Also allowed no more than ten percent of Special Fund moneys to be loaned to the Revolving Fund for the same purpose **(H.B. No. 2245, C.D. 1, Act 106 SLH 2008)**
http://capitol.hawaii.gov/session2008/bills/HB2245_CD1_.htm

Sustainable Project Loans; Agriculture and Aquaculture

Provided financial assistance for farming operations across the state by establishing farm and aquaculture sustainable project loans for projects, such as photovoltaic energy and wind power generation, that improve the viability of the farming operation **(H.B. No. 2261, S.D. 1, Act 209 SLH 2008)**
http://capitol.hawaii.gov/session2008/bills/HB2261_SD1_.htm

Organ Donor Registry

Helped save the lives of individuals in need of organ transplants by establishing a statewide organ donor registry and directing DOH to apply for federal grant moneys to support the registry **(H.B. No. 2366 C.D. 1, Act 165 SLH 2008)**
http://capitol.hawaii.gov/session2008/bills/HB2366_CD1_.htm

Lands Adjacent to Agricultural District; Boundary Amendments.

Required that any decision approving a petition for a boundary amendment where lands in the petition area are contiguous or adjacent to lands in the agricultural district to contain the following conditions for approval:

- A prohibition on actions that would interfere with or restrain farming operations, provided that the farming operations are consistent with generally accepted agricultural and management practices; and

- Notification to certain entities that farming operations and practices are protected under the Hawaii Right To Farm Act, and requiring that the notice be included in any disclosure required for the sale or transfer of real property or any interest in real property **(H.B. No. 2450, C.D. 1, Act 124 SLH 2008)**
http://capitol.hawaii.gov/session2008/bills/HB2450_CD1_.htm

Real Estate Seller's Disclosure

Ensured sufficient disclosures in real estate transactions by:

- Requiring sellers of residential real property to disclose all restrictions or conditions on use relating to the property and contained in a recorded document and any unrecorded rules or guidelines issued by any entity responsible for enforcing the restrictions or conditions;

- Specifying the types of planned communities for which seller disclosure statements must include the planned community declaration and association documents; and

- Requiring the minutes of board of directors' meetings for a planned community association to include the recorded vote of each board member present on all motions except motions voted upon in executive session **(H.B. No. 2492, C.D. 1, Act 191 SLH 2008)**
http://capitol.hawaii.gov/session2008/bills/HB2492_CD1_.htm

Solar Energy Facility; Class D or E Agricultural Lands

Benefited Hawaii's economy, environment, energy security, and sustainability by permitting solar energy facilities on agriculturally marginal lands with a soil classification of D or E **(H.B. No. 2502, H.D. 2, Act 31, SLH 2008)**.
http://capitol.hawaii.gov/session2008/bills/HB2502_HD2_.htm

Renewable Energy Facilitator; Renewable Energy Project Funding

Provided the means to reach the State's renewable energy self-sufficiency goals by:

- Establishing and appropriating \$112,000 for a full-time, temporary Renewable Energy Facilitator (Facilitator) position in DBEDT to, among other things:
 - Facilitate the permitting process for renewable energy projects;
 - Initiate the implementation of key renewable energy projects by permitting various efficiency improvement strategies identified by DBEDT; and -

Administer the day-to-day coordination of renewable energy projects for DBEDT and the day-to-day operations of the renewable energy facility siting process;

- Creating the Energy Security Special Fund for the restricted purposes of supporting energy programs and funding the Facilitator position; and

- Specifically authorizing legislative appropriations from the Environmental Response Revolving Fund into the Energy Security Special Fund **(H.B. No. 2505, C.D. 1, Act 31 SLH 2008)**

http://capitol.hawaii.gov/session2008/bills/HB2505_CD1_.htm

Greenhouse Gas Emissions Reduction Task Force; Positions

Assisted the Greenhouse Gas Emissions Reduction Task Force to reduce greenhouse gas emissions to levels at or below the estimated 1990 level by appropriating \$140,000 for FY 2008-2009 for temporary, full-time Task Force Program Manager and Project Assistant/Researcher positions **(H.B. No. 2507, C.D. 1, Act 235 SLH 2008)**

http://capitol.hawaii.gov/session2008/bills/HB2507_CD1_.htm

Rental Assistance

Assisted lower-income individuals seeking rental housing by allowing an individual who qualifies for a rent supplement up to 90 days to find a rental unit after the individual's application for the rent supplement is approved **(H.B. No. 2511, C.D. 1, Act 166 SLH 2008)**

http://capitol.hawaii.gov/session2008/bills/HB2511_CD1_.htm

Restricted Plants and Noxious Weeds; Department of Agriculture

Further protected the state from the introduction of invasive species by:

- Authorizing DOA, in addition to presently regulating the importation and movement of restricted plants, to regulate or prohibit the sale of plants on the list of restricted plants;

- Specifying that the plants on the list of restricted plants, includes plants that may be detrimental or potentially harmful to agriculture, horticulture, the environment, or animal or public health; and

- Requiring a permit for the importation of noxious weeds; if the weeds are only for research purposes **(H.B. No. 2517, S.D. 1, Act 40, SLH 2008)**.

http://capitol.hawaii.gov/session2008/bills/HB2517_SD1_.htm

Hawaii Health Corps Program Working Group

Ensured access to health care in rural, medically underserved areas of the state by:

- Establishing the Hawaii Health Corps Program Working Group (Working Group) to be placed within DBEDT, to develop a plan to create the Hawaii Health Corps Program (HHCP) that will address physician and dentist shortages including student loan repayment and stipend programs;

- Specifying specific components the Working Group must incorporate into its plan in developing the HHCP; and

- Requiring the Working Group to prepare a plan to be fully implemented by January 1, 2010, and submit the plan and any proposed legislation to the Legislature prior to the 2009 Regular Session (**H.B. No. 2519, C.D. 1, Act 242 SLH 2008**)

http://capitol.hawaii.gov/session2008/bills/HB2519_CD1_.htm

Family Caregivers; Paid Family Leave

Supported family caregivers by establishing a working group to explore ways to provide wage replacement benefits to a caregiver needing to take time off from work to care for a family member with a serious health condition, including:

- Reviewing and analyzing various sources of data, including previous findings of the 2007 Joint Legislative Committee on Family Caregiving, caregiver needs assessment, proposals to use temporary disability insurance as a method of wage replacement, and approaches taken by other states;

- Inventorying the eldercare policies and practices that currently exist in the workplace and the extent to which they exist; and

- Considering drafting enabling legislation for the 2009 Regular Session regarding wage replacement programs (**H.B. No. 2520, C.D. 1, Act 243 SLH 2008**)

http://capitol.hawaii.gov/session2008/bills/HB2520_CD1_.htm

Land Use Commission; Decision-making Criteria

Ensured county planning policies are considered in land use reclassifications, by amending the Land Use Commission's decision-making criteria for petitions to reclassify land to include the County General Plan and all community, development, or community development plans adopted pursuant to county general plans (**H.B. No. 2523, Act 26, SLH 2008**).

http://capitol.hawaii.gov/session2008/bills/HB2523_.htm

Enterprise Zones; Force Majeure

Specified that qualifying agricultural businesses shall remain eligible for tax incentives under the Enterprise Zone Program (Program) in the event of force majeure and allowed agricultural businesses to meet gross revenue requirements in lieu of meeting certain full-time employment requirements of the Program (**H.B. No. 2739, C.D. 1, Act 143 SLH 2008**)

http://capitol.hawaii.gov/session2008/bills/HB2739_CD1_.htm

Small Business Regulatory Review Board; Rule Impact.

Reduced regulatory burdens on small business by:

- Establishing a Small Business Bill of Rights;
- Strengthening procedures to identify and reject rules that that would unjustifiably impose standards higher than under comparable or related federal, state, or county law; and

- Requiring the Small Business Regulatory Review Board to examine rulemaking procedures under the Small Business Regulatory Flexibility Act (**H.B. No. 2781, C.D. 1, Act 230 SLH 2008**)

http://capitol.hawaii.gov/session2008/bills/HB2781_CD1_.htm

Bishop Museum; Archaeological Data Survey

Expanded the use of Hawaii's archaeological information by:

- Establishing an archaeological data survey database as a program of the State of Hawaii Museum of Natural and Cultural History (Museum) accessible to the public through the internet, including archaeological information such as reports, photographs, drawings, maps, and archived documents, to be developed and maintained by Museum in consultation with the State Historic Preservation Division (SHPD) and other appropriate state and federal agencies and private organizations;

- Providing that the survey shall not include any information required to remain confidential under federal, state, or county laws, rules, or regulations; and

- Authorizing the Museum, in consultation with OHA and SHPD, to withhold information from the database, either temporarily or permanently, due to a valid threat of destruction or loss of the information, or if disclosure may frustrate the legitimate and necessary function of protecting a valuable archaeological site or artifact (**H.B. No. 2955, S.D. 1, Act 161 SLH 2008**)

http://capitol.hawaii.gov/session2008/bills/HB2955_SD1_.htm

Coqui Frogs and Brown Tree Snakes Coqui Frog; Communities

Required appropriate state agencies to collaborate with the counties and communities to develop and implement a systematic approach to reduce and control coqui frog infestations on public lands that are near or adjacent to communities and to provide annual reports on the progress made in achieving this objective (**H.B. No. 2977, C.D. 1, Act 160 SLH 2008**)

http://capitol.hawaii.gov/session2008/bills/HB2977_CD1_.htm

University of Hawaii Budgeting

Improved the state's higher education system by:

- Requiring UH to prepare an annual incentive and performance report and plan that will assist the Legislature in appropriating up to two percent of UH's annual budget to facilitate UH's strategic plan and related state goals; and

- Establishing a task force to assist UH in developing a budgetary system that includes an equitable, consistent, and responsive funding formula for the distribution of fiscal resources to the various UH campuses (**H.B. No. 2978, C.D. 1, Act 188 SLH 2008**)

http://capitol.hawaii.gov/session2008/bills/HB2978_CD1_.htm

Uniform Land Sales Practices Act; Time-shares

Streamlined the registration of time-share plans by exempting registered time-share plans from the registration requirements of the Uniform Land Sales Practices Act (**H.B. No. 3325, H.D. 2, Act 14, SLH 2008**).

http://capitol.hawaii.gov/session2008/bills/HB3325_HD2_.htm

Condominiums; Dispute Resolution

Clarified dispute resolution procedures relating to the interpretation or enforcement of a condominium association's declaration, bylaws, house rules, or certain other matters by, among other things:

- Clarifying the types of disputes that are subject to mediation;
- Allowing the parties to a failed mediation to pursue arbitration no sooner than 30 days from the termination of mediation;
- Clarifying that the option to file for arbitration or an administrative hearing applies to parties to a proposed or terminated mediation, including instances where a party refuses to participate in mediation;
- Specifying how the termination date of mediations is to be determined for purposes of the time limitations for parties to file for arbitration or an administrative hearing;

- Requiring the administrative hearings officer to hear any matter identified in the mediation request in instances where no mediation has occurred prior to the hearing; and

- Expanding the availability of administrative hearings for failed mediations by including this option in the newer condominium law under Chapter 514B, HRS (**H.B. No. 3331, C.D. 2, Act 205 SLH 2008**)
http://capitol.hawaii.gov/session2008/bills/HB3331_CD2_.htm

Filipino-American History Month

Commemorated the contributions of Filipino-Americans to Hawaii and the U.S. by designating October as Filipino-American History Month (**H.B. No. 3343, H.D. 1, Act 15, SLH 2008**).
http://capitol.hawaii.gov/session2008/bills/HB3343_HD1_.htm

Highway Safety; Driving Under the Influence

Promoted safety on Hawaii's roadways by, among other things:

- Requiring the installation of an ignition interlock device (ignition interlock), a device that prevents the starting or operating of the motor vehicle of a person with more than a minimal alcohol concentration, into the motor vehicles of persons who were arrested for driving under the influence of an intoxicant (DUII), while their cases are pending and while their licenses are revoked;

- Requiring the cost of the installation and maintenance of an ignition interlock to be borne by the defendant;

- Establishing the Ignition Interlock Special Fund to be administered by the DOT to fund the costs of installing and operating ignition interlock systems in vehicles of persons who are required to install these devices in their vehicles but who are indigent;

- Decreasing the revocation period for a person whose record shows three or more prior alcohol enforcement or drug enforcement contacts during the five years preceding the date the notice of administrative revocation was issued, from lifetime revocation to a minimum of five years and a maximum of ten years;

- Stipulating that a driver under the age of 18 who was arrested for DUII shall be subject to an additional penalty of being prohibited from driving during the period preceding the driver's eighteenth birthday, and thereafter shall be subject to the ignition interlock requirement until the license revocation is completed;

- Allowing the issuance of permits authorizing the use of a vehicle without ignition interlock if the operation of the vehicle is required for employment and specifying when permits shall not be issued;

- Allowing the courts additionally flexibility in sentencing first time DUII offenders to license suspension or license revocation and installation of an ignition interlock device;
- Increasing license revocation periods for highly intoxicated drivers and repeat DUII offenders;
 - Requiring DOT to establish standards and procedures for the certification of ignition interlocks and for vendors who install and maintain them;
 - Exempting persons convicted of a first offense of highly intoxicated driving from the financial responsibility (SR22) requirement;
 - Establishing the Hawaii Ignition Interlock Implementation Task Force (Task Force) to plan for the implementation of ignition interlock provisions contained in this bill and prepare reports and recommendations for the Legislature, including any additional proposed legislation to implement this program; and
- Appropriating \$50,000 for the Task Force to carry out its responsibilities **(H.B. No. 3377, C.D. 1, Act 171 SLH 2008)**
http://capitol.hawaii.gov/session2008/bills/HB3377_CD1_.htm

Sentencing; Multiple Terms

Promoted consistency in sentencing laws by requiring multiple terms of imprisonment, whether imposed at the same time or at different times, to run concurrently unless the court orders or the statute mandates that the terms run consecutively **(H.B. No. 3383, C.D. 1, Act 193 SLH 2008)**
http://capitol.hawaii.gov/session2008/bills/HB3383_CD1_.htm