

## *2008 LEGISLATIVE ACCOMPLISHMENTS*

Here is a brief summary of some of the bills the Legislature approved.

### ***Public Safety***

Indecent exposure to minors via the internet is a crime, with a term of imprisonment to be determined by the court. HB 3040, *Indecent Electronic Display*.

The teacher's license of a teacher convicted of sexual offenses may be suspended by the Hawaii Teacher Standards Board, with the possibility of permanent revocation. SB 2080, *Teacher Licensure; Sexual Offenses*.

The Department of Human Services will conduct criminal history record checks will be done for those persons serving vulnerable adults and children. SB 3051, *Criminal History Background Checks*.

Impersonating another to cause harm is a new offense, harassment by impersonation, under SB 2456, *Harassment by Impersonation*.

Each government agency will implement the recommendations of the Hawaii Identity Theft Task Force. Agencies will assist individuals who have identity theft and other privacy-related concerns, provide education and information to agency staff on privacy and security concerns, and coordinate identity theft investigations with law enforcement. SB 2803, *Identity Theft*.

Pharmacies and retailers are required to maintain an electronic log of sales of pseudoephedrine and related products and transmit the information monthly to the Narcotics Enforcement Division of the Department of Public Safety. SB 2373, *Pseudoephedrine; Sales; Electronic Log*.

Multiple prison sentences will run concurrently unless the law or court mandates consecutive prison terms. HB 3383, *Hawaii Penal Code; Multiple Sentence of Imprisonment*.

Leaving a child unattended in a motor vehicle is a new traffic violation under SB 2245. Driver's license applicants will be tested on knowledge of this, and notice will be posted in rental cars. SB 2245, *Motor Vehicles, Unattended*.

Returning female prisoners incarcerated on the mainland is a priority of mine, because their children need time and contact with their mothers. SB 2082 funds planning by the Department of Public Safety to provide facilities and services to returning female inmates. SB 2082, *Public Safety; Women Prisoners*.

## ***Agriculture***

Farms will continue to receive enterprise zone benefits in case of natural disasters. HB 2739, *Enterprise Zones*.

Farmers will be able to provide on-site housing as an incentive to attract and retain agricultural workers. Tax credits will also be available to farmers. The Board of Agriculture may guarantee loans from commercial lenders to agricultural producers to help farmers develop agricultural products. SB 2646, *Agriculture; Important Agricultural Lands*.

Lower rates for water helps farmers continue to operate and stay competitive. The Public Utilities Commission is authorized to establish preferential water rates for agriculture. HB 2810, *Agricultural Water Rates*.

## ***Consumer Protection***

Hawaii charities have over \$2 billion in revenues, but is ranked last in oversight and enforcement. Lack of oversight leaves the system open to abuses such as a preschool with \$2million in annual revenues that paid its top executive an annual salary of \$250,000, made an illegal loan to another executive's spouse, and paid \$1,200 per month for luxury cars for its husband-wife managers. Registration will help law enforcement to identify questionable transactions or compensation deals. Charitable trusts and nonprofits are required to register and file annual financial reports with the attorney general. These organizations will also be prohibited from using the services of unregistered solicitors for fundraising. SB 3171, *Charitable Trusts and Nonprofit Organizations; Accountability*.

Interpretation and enforcement of condominium association bylaws, house rules, or other matters will be conducted within specified dispute resolution parameters. Parties whose dispute is not resolved by mediation may file for arbitration or a hearing with the Department of Commerce and Consumer Affairs. HB 3331, *Condominiums; Mediation*.

Cigarettes sold in Hawaii as of September 30, 2009, must be made with fire-safe paper. HB 2438, *Fire-safe Cigarettes*.

## ***Energy***

An expedited review and action process is established for state and county permits required for the siting, development, construction and operation of a new renewable energy facility of at least 200 MW, to help the state decrease its dependence on fossil fuels. HB 2863, *Renewable Energy Facility Siting Process*.

Renewable energy use reduces dependence on imported fossil fuels and greenhouse gas emissions, and lessens vulnerability to price volatility and supply disruptions, thereby increasing

Hawaii's energy security. SB 988, Photovoltaic Rebate Program, creates a ratepayer-funded rebate program to help consumers afford the purchase of photovoltaic systems for their homes.

Hawaii's economic viability is dependent on affordable energy. Tax credits to encourage solar water heaters have not resulted in as many systems being installed as are needed to significantly decrease dependence on fossil fuel. SB 644 seeks to provide the public benefit of working toward economic viability and protection against the volatile-priced energy market by requiring solar water heaters. SB 644, Solar Energy Devices; Water Heating; Residential; Tax Credit.

### ***Environment***

A conservation incentive tax credit is now available to landowners who donate the fee simple interest of land to the State for conservation or preservation, or who voluntarily invest management of land under a legal instrument for these purposes. SB 2198, Land Conservation.

Clotheslines will be allowed on privately-owned single-family homes or townhouses, to help consumers save energy and save on electric bills. SB 2933, Household Energy Demand.

Electronic device makers are required to collect and recycle those devices. A TV manufacturers working group is created to develop a TV recycling plan. SB 2843, Electronic Device Recycling.

Landfills on all islands are approaching or have already reached maximum capacity, and the NIMBY factor makes it difficult for the counties to find alternative landfills. Public schools are among the largest institutional sources of food waste. A three-year pilot project in schools to recycle food waste to reduce the amount sent to landfills is created. SB 871, Food Waste Recycling.

### ***Education***

About 1600 new teachers are hired each year, but one-third leave teaching after three years, and nearly half will leave within five years. The primary reported reason for leaving is dissatisfaction with an overall lack of professional support. Funding professional development efforts is an attempt to counteract the trend. Focus in this area has been shown to help hard-to-fill schools nurture their own future teachers, better prepare teacher candidates to teach, have a positive affect on achievement in Gr. Pre-K to 12, and improve teacher retention. SB 3252, Teacher Recruitment and Retention.

To be consistent with negotiated labor union contracts over the last several years, provisions relating to the probationary period for first-time teachers, vice-principals, and principals that contradict contract terms are now repealed. SB 2449, DOE Employees; Probationary Period.

Young families are moving into newer subdivisions, and older residential areas are seeing a decline in school enrollment. The School Facilities Alignment Commission will set criteria for selecting and recommending which schools will be consolidated or closed. HB 2972, School Facilities; Facilities Alignment Commission.

## ***Government Operations***

Hawaii lags behind other states in electronic tax filings, with an overall 15% rate, compared to a 30% rate elsewhere. Electronic filings save tons of paper, improve the speed of processing, reduce the labor costs associated with processing, improve taxpayer services, reduce operating costs, and increase collections without undue burdens to taxpayers. HB 1412, establishes the integrated tax services and management special fund to improve the system. Department of Taxation.

State tax refunds will be available for electronic deposit for those who have requested an electronic refund at the federal level. SB 2838, Taxation.

The Harbors Modernization Group is created to develop the statewide harbors modernization plan, with the assistance of the Aloha Tower Development Corporation. The Department of Transportation is authorized to issue revenue bonds to finance harbor improvements. SB 3227, Harbors; Modernization Plan.

Prime or subcontractors who misrepresent information will be sanctioned, including disqualification of the offered proposal and a one year suspension for procurement awards. SB 2867, Procurement; False Information; Sanctions.

Contractors found to have falsified records or delaying or interfering with an investigation under wage and hour laws will be suspended. SB 3087, Public Works; Falsification of Records; Suspension.

## ***Health Care and Human Services***

The state will try to attract physicians and dentists to practice in rural areas by providing student loan repayment and stipend programs. HB 2519, Hawaii Health Corps Program Working Group.

The Director of Health is authorized to establish a statewide organ donor registry with a centralized database and automated system that allows individuals to register as organ donors 24/7, in coordination with the department of transportation, county motor vehicle agencies, attorneys, and organ donation awareness programs. HB 2366, Organ Donor Registry.

The factors that family courts must review in determining the "best interests" of a child when determining custody or visitation, are set out. SB 2054, Family Court; Custody.

SB 2730 establishes preference for placing children who need child protective services. SB 2730, Child Protection Act.

## ***Labor***

Funds from the unemployment trust fund are appropriated to the Hawaii and Maui County Workforce Investment Boards to improve employer outreach and services, expand the labor pool and build up workforce skills. SB 2876, Employment Security.

These bills now await the Governor's signature for approval, approval without her signature, or veto.

## AND THE NOMINEES ARE....

The Senate, on its constitutional "advise and consent" duty, reviews the Governor nominees to fill vacancies on Boards and Commissions that are established by our state constitution, statutes, or executive orders. The expertise and experience of these volunteers provides oversight and guidance within their subject area. Nominee's qualifications are presented to the Senate in Governor's Messages. Subject matter committees hold hearings to garner public input, and then recommend to the full Senate whether or not a nomination should be confirmed. Nominees may be asked questions such as *"Why do you wish to be a member of the Board?"*, *"How do you perceive the roles and responsibilities as a member of the Board?"*, *"Why do you believe you are qualified for the position?"*, *"What do you hope to accomplish during your term of service?"*, *"How would you benefit the Board?"* If you are interested in serving on one of the over 150 Boards or Commissions, go to the [hawaii.gov/gov/team/boardscommissions](http://hawaii.gov/gov/team/boardscommissions), to see what vacancies there are and to submit your application