April 7, 2014

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 7, 2014, the following bill was signed into law:

HB 1650 RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAIʻI FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS  
ACT 009 (14)

Sincerely,

NEIL ABERCROMBIE  
Governor, State of Hawaiʻi
A BILL FOR AN ACT

RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 102-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The bidding requirements of subsection (a) shall not apply to concessions or space on public property set aside for the following purposes:

(1) For operation of ground transportation services and parking lot operations at airports, except for motor vehicle rental operations under chapter 437D;

(2) For lei vendors;

(3) For airline and aircraft operations;

(4) For automated teller machines and vending machines, except vending machines located at public schools operated by blind or visually handicapped persons in accordance with section 302A-412;

(5) For operation of concessions set aside without any charge;"
(6) For operation of concessions by handicapped or blind persons; except concessions operated in the public schools by blind or visually handicapped persons in accordance with section 302A-412;

(7) For operation of concessions on permits revocable on notice of thirty days or less; provided that no such permits shall be issued for more than a one year period;

(8) For operation of concessions or concession spaces for a beach service association dedicated to the preservation of the Hawaii beach boy tradition, incorporated as a nonprofit corporation in accordance with state law, and whose members are appropriately licensed or certified as required by law;

(9) For operation of concessions at county zoos, botanic gardens, or other county parks which are environmentally, culturally, historically, or operationally unique and are supported, by nonprofit corporations incorporated in accordance with state law solely for purposes of supporting county aims and goals of the zoo, botanic garden, or other county park, and operating under agreement with the
appropriate agency solely for such purposes, aims, and
goals;

(10) For operation of concessions that furnish goods or
services for which there is only one source, as
determined by the head of the awarding government
agency in writing that shall be included in the
contract file; and

(11) For any of the operations of the Hawaii health systems
corporation and its regional system boards."

SECTION 2. Section 209E-2, Hawaii Revised Statutes, is
amended by amending the definition of "leased employee" to read
as follows:

""Leased employee" means an employee under a professional
[employment] employer organization arrangement who is assigned
to a particular client company on a substantially full-time
basis for at least one year."

SECTION 3. Section 302A-101, Hawaii Revised Statutes, is
amended by amending the definition of "charter schools" to read
as follows:

""Charter schools" means public schools holding [charteres]
charter contracts to operate as charter schools under chapter
[+]302D[+], including start-up and conversion charter schools,
that have the flexibility to implement alternative frameworks
with regard to curriculum, facilities management, instructional
approach, length of the school day, week, or year, and personnel
management."

SECTION 4. Section 412:3-502, Hawaii Revised Statutes, is
amended to read as follows:

"§412:3-502 Foreign financial institution. No foreign
financial institution shall receive deposits, lend money, or pay
checks, negotiate orders of withdrawal or share drafts from any
principal office, branch, agency, [automated] automated teller
machine, or other location in this State, unless expressly
authorized by this chapter, other laws of this State, or federal
law; provided that nothing in this section shall prohibit any
foreign financial institution from participating in the
disbursement of cash through an [automated] automated teller
machine network or from operating from any location in this
State as a licensee under chapter 454F, or as a real estate
collection servicing agent."

SECTION 5. Section 412:12-101, Hawaii Revised Statutes, is
amended by amending the definition of "branch" to read as
follows:
"Branch" means a place of business of a bank, other than its main office, which is open to the public and at which deposits are received and paid. The term does not include an automated teller machine as defined in section 412:3-501.

SECTION 6. Section 454F-1, Hawaii Revised Statutes, is amended by amending the definitions of "exempt sponsoring mortgage loan originator company" and "unique identifier" to read as follows:

"Exempt sponsoring mortgage loan originator company" means any person exempt from or not included in the licensing requirements of this chapter who registers with [NMLS] for purposes of sponsoring a mortgage loan originator.

"Unique identifier" means a number or other identifier assigned by protocols established by [NMLS].

SECTION 7. Section 454F-25, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) An employee who performs mortgage loan originator activities for a nonprofit organization is exempt from registration and licensure as a mortgage loan originator; provided that:
(1) The employee's actions are part of the employee's
duties as an employee of the nonprofit organization;
(2) The employee only provides mortgage loan originator
services with respect to residential mortgage loans
with terms favorable to the borrower; and
(3) The nonprofit organization registers with [+NMLS[+].
(b) The commissioner shall periodically examine the books
and activities of nonprofit organizations as defined in section
454F-1 and shall revoke an organization's registration as a
nonprofit organization with [+NMLS[+] if the nonprofit
organization fails to meet the requirements to be a nonprofit
organization."

SECTION 8. Section 466J-8, Hawaii Revised Statutes, is
amended by amending subsection (d) to read as follows:
"(d) The board shall not renew or reinstate, or shall deny
or suspend any license or application[+] if the board has
received certification from an administering entity pursuant to
chapter 436C that the licensee or applicant either: is in
default or breach of any obligation under any student loan,
student loan repayment contract, or scholarship contract that
financed the licensee's or applicant's education; or has failed
to comply with a repayment plan.

HB LRB 14-0488.doc
[The board in] Upon receipt of a certification pursuant to chapter 436C, the board, without further review or hearing, shall, as applicable:

1. Suspend the license; or

2. Deny the application or request for renewal of the license; or

3. Deny the request for reinstatement of the license.

Unless otherwise provided by law, the board shall renew, reinstate, or grant the license only upon receipt of an authorization from the administering entity."

SECTION 9. Section 459-16, Hawaii Revised Statutes, is repealed.

"[§459-16] Adverse effects, temporary reporting requirements. The board of examiners in optometry shall promulgate rules and regulations as will require a licensed optometrist to report findings of adverse effects experienced by any of the optometrist's patients from the optometrist's use of pharmaceutical agents during an examination. This requirement shall expire on June 30, 1988."]
SECTION 10. Act 212, Session Laws of Hawaii 2008, as amended by Acts 11 and 96, Session Laws of Hawaii 2009, as amended by Act 184, Session Laws of Hawaii 2013, is amended by amending section 7 to read as follows:

"SECTION 7. This Act shall take effect upon its approval and shall be repealed on January 1, 2016; provided that section 461-14, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act."

SECTION 11. Section 321-15.62, Hawaii Revised Statutes, is amended by ratifying the reenactment by the revisor of subsection (b) to read as follows:

"(b) The director of health shall adopt rules regarding expanded adult residential care homes in accordance with chapter 91 that shall implement a social model of health care designed to:

(1) Protect the health, safety, civil rights, and rights of choice of residents in a nursing facility or in home- or community-based care;

(2) Provide for the licensing of expanded adult residential care homes for persons who are certified by the department of human services, a physician,
advanced practice registered nurse, or registered
nurse case manager as requiring skilled nursing
facility level or intermediate care facility level of
care who have no financial relationship with the home
care operator or facility staff; provided that the
rules shall allow group living in the following two
categories of expanded adult residential care homes as
licensed by the department of health:

(A) A type I home shall consist of five or fewer
residents with no more than two nursing facility
level residents; provided that more nursing
facility level residents may be allowed at the
discretion of the department; and provided
further that up to six residents may be allowed
at the discretion of the department to live in a
type I home; provided that the primary caregiver
or home operator is a certified nurse aide who
has completed a state-approved training program
and other training as required by the department;
and

(B) A type II home shall consist of six or more
residents, with no more than twenty per cent of
the home's licensed capacity as nursing facility
level residents; provided that more nursing
facility level residents may be allowed at the
discretion of the department;
provided further that the department shall exercise
its discretion for a resident presently residing in a
type I or type II home, to allow the resident to
remain as an additional nursing facility level
resident based upon the best interests of the
resident. The best interests of the resident shall be
determined by the department after consultation with
the resident, the resident's family, primary
physician, case manager, primary caregiver, and home
operator;
(3) Comply with applicable federal laws and regulations of
title XVI of the Social Security Act, as amended; and
(4) Provide penalties for the failure to comply with any
rule."
SECTION 12. Act 175, Session Laws of Hawaii 2010, is
amended by amending section 5 to read as follows:
"SECTION 5. This Act shall take effect on July 1, 2010[~],
provided that the amendments made to section 201-12.8(a), Hawaii
Revised Statutes, by this Act shall not be repealed when that section is reenacted on June 30, 2015, pursuant to section 14 of Act 73, Session Laws of Hawaii 2010."

SECTION 13. Act 205, Session Laws of Hawaii 2013, is amended by amending the prefatory language in section 4 to read as follows:

"SECTION 4. Section [711-1100] 711-1100, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:"

SECTION 14. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 15. This Act shall take effect upon its approval.
H.B. NO. 1650

APPROVED this 7 day of APR, 2014

Neil Abercrombie
GOVERNOR OF THE STATE OF HAWAII