



## Bills Selected for the 2009 Legislative Scorecard

Bills included in the 2009 Legislative Scorecard are summarized below. The Smart Vote (the vote in favor of greater individual liberty and less government) is displayed in parentheses after each summary. The chamber in which each bill was voted on is also indicated (H=House, S=Senate). Unless noted otherwise, all descriptions were taken from Hawaiivotes.org.

### Health Care

**HB 989** amends the Act 236, Session Laws of Hawaii 2007, which established the Hawaii Children's Health Care Program, to extend the program for three more years and require that participants receive primary health care services at federally qualified health centers. (No—H/S)

**HB 1504** creates the Hawaii Health Authority to develop a comprehensive plan to provide universal health care in Hawaii. (No—H/S)

**SB 43** creates a John A. Burns school of medicine special fund; establishes a \$60 physician workforce assessment fee to renew physician and osteopathic physician licenses; transfers those fees from compliance resolution fund for deposit to the special fund for Hawaii physician workforce assessment information; appropriates funds; requires annual and biennial reports; repeals the physician workforce assessment fee and the transfer of fees from the compliance resolution fund on June 30, 2012. (No—H/S)

**SB 695** requires the employer to continue medical services to an injured employee despite disputes over whether treatment should be continued, until the Director of Labor and Industrial Relations decides whether treatment should be continued. (No—H/S)

**SB 794** requires health insurance providers to cover weight management and obesity prevention, evaluation, and guidance services for children. (No—S)

### Taxes

**HB 35** authorizes a \$1 income tax credit for all state taxpayers, in compliance with the requirement in the state Constitution that when for two years running the state general fund balance exceeds the previous two years' balance by more than 5 percent, a tax credit must be given to state taxpayers. (No—H/S)

**HB 39** imposes a \$5 surcharge on every state application for a permit, license, certificate, registration, loan, grant, purchase, recording of a deed or any other document, and any other business that a citizen may have with state government for which a fee is or may be charged. (No—H/S)

**HB 371** repeals the sunset provision relating to the one cent tax on naphtha fuel used in a power-generating facility and makes it a permanent tax. (No—H/S)

**HB 895** increases the tobacco tax on tobacco products other than cigarettes from 40 percent to 80 percent of the wholesale price and deposits an unspecified percentage of the proceeds collected into the Community Health Centers Special Fund. (No—H/S)

**HB 1175** increases the cigarette tax from 10 cents per cigarette to 20 cents per cigarette. (No—H/S)

**HB 1271** establishes the Hawaii Economic Development Task Force to address Hawaii's energy and food security needs. Increases the tax collected on each barrel of petroleum product sold by a distributor. Allocates portions of the taxes collected to various funds, including the General Fund. Suspends for 36 months the requirement that gasoline sold in the State for use in motor vehicles contain 10% ethanol by volume. (No—H/S)

**HB 1405** amends the definition of engaging in business under section 237-2, HRS (general excise tax), to include persons who enter into an agreement with residents of the State where the person pays a commission for referral of potential customers. (No—H/S)

**HB 1544** conforms state tax exemptions to federal phaseout provisions under section 151(d)(3) of the IRC. Ties threshold to amounts in place in 2008. (No—H/S)

**HB 1550** imposes the state income tax on rollovers made by employees of state and county agencies and tax-exempt organizations from qualifying annuity plans and qualifying deferred compensation plans, to eligible retirement plans or individual retirement accounts. (No—H/S)

**HB 1741:** suspends temporarily the distribution of a portion of the Conveyance Tax to the Land Conservation Fund. Temporarily reduces the portions of the Conveyance Tax transferred to the Rental Housing Trust Fund and Natural Area Reserve Fund. (No—H/S)

**HB 1744** suspends for 6 years from 07/01/2009 to 06/30/2015 the distribution of transient accommodations tax revenues to the counties. (No—H/S)

**HB 1747** increases the income tax for high income brackets. (No—H/S)

**SB 38** increases the tobacco tax on tobacco products other than cigarettes from 40 per cent to 60 per cent of the wholesale price and deposits 33.3 per cent of the proceeds collected into the community health centers special fund. (No—S)

**SB 971** conforms Hawaii income tax law to the Internal Revenue Code. (No—H/S)

**SB 1111** increases the rate of the transient accommodations tax beginning on July 1, 2009, and requires the additional revenues collected from the increase to be deposited into the general fund. (No—H/S)

**SB 1461** requires all persons required to electronically file and pay federal taxes to electronically file and pay state taxes. Accelerates the filing and payment due dates for general excise, transient accommodations, fuel, cigarette, and rental motor vehicle and tour vehicle surcharge taxes. (No—H/S)

**SB 1611** increases the state liquid fuel tax; state vehicle registration fee; state vehicle weight fee. Establishes the land transportation modernization special fund. Provides funding for a six-year comprehensive modernization program. (No—H/S)

**SB 1624** allows the legislature to either fund the tax credit under article VII, section 6 of the state constitution or deposit the same amount into the emergency and budget reserve "rainy day" fund. (No—S)

**SB 1678** adopts amendments to Hawaii tax laws to implement the streamlined sales and use tax agreement. (No—H/S)

#### Business Regulations:

**HB 31** prohibits an employer from making employment decisions based on an individual's credit history, unless a good credit history is an established bona fide occupational requirement of a particular position. (No—H/S)

**HB 690** requires insurers that offer health care coverage to the regular employees of any group to offer the same coverage to part-time employees working at least fifteen hours per week. Requires the Insurance Commissioner to report to submit a cost-benefit report to the Legislature. (No—H/S)

**HB 952** certifies entities as exclusive representatives absent an election where no other representatives are certified as the exclusive bargaining representatives. Requires immediate collective bargaining between parties once entities are certified as exclusive representatives. (No—H/S)

**HB 1479** requires the certified copy of payroll that is submitted to the governmental contracting agency, include an itemized list of fringe benefit costs

paid for each employee by the general contractor or subcontractor to laborers and mechanics on public works projects. (No—H/S)

**HB 1526** requires a franchise retail food establishment to include nutritional information about each standard menu item. Establishes a penalty for violation. (No—H)

**HB 1611** requires gas-treated meat and fish to be labeled as such (redundant of FDA regulations). (No—H/S)

**SB 19** requires a procurement preference to a bidder in a public works construction contract of not less than \$250,000 if the bidder is a party to an apprenticeship agreement registered with the department of labor and industrial relations for each apprenticeable trade the bidder will employ to construct the public works (description found at [capitol.hawaii.gov](http://capitol.hawaii.gov)). (No—H/S)

**SB 1113** repeals the requirement that time share units in an existing hotel in a county with a population in excess of 500,000 are required to contain at least 60 units at least 40 percent of which are to be made available for sale or rental as residential apartments; Amendment offered in the Senate on February 26, 2009, preserves the provision of the current law that allowing timeshares in a county with a population in excess of five hundred thousand, in an existing hotel that has been converted to time share units, thus repealing only the existing language requiring that hotels with more than sixty units have at least forty per cent of the units available as residential apartments for sale or rent. (Yes—H/S)

#### Scope of Government

**HB 1536** defers and reduces for two years salary increases recommended by the 2006 State Commission on Salaries for legislators, judges, and senior officials of the Executive Branch for fiscal year 2010 and fiscal year 2011. (Yes—H/S).

**SB 21** creates temporary exemptions in procurement and rule making statutes for programs, services, and benefits using funds allocated to the State by the American Recovery and Reinvestment Act of 2009; creates an oversight commission to ensure transparency and accountability (description found at [capitol.hawaii.gov](http://capitol.hawaii.gov)). (No—H/S)

**SB 241** establishes specific performance standards and mandates the use of cool roofs on all new residential and commercial construction in Hawaii. (No—S)

**SB 387** reiterates the legislature's intent that appropriation transfers or changes between programs and agencies be made only pursuant to prior legislative authorization. (No—H/S)

**SB 659** establishes a website that includes for each State monetary award the name of the receiving entity, amount, and other information. Requires the Department of Accounting and General Services, in collaboration with the

Department of Budget and Finance to manage and update this information. (Yes—H/S)

**SB 884** transfers excess balance from the Deposit Beverage Container special fund to the general fund to address the budget shortfall in fiscal biennium 2009-2011 and authorize the administration to set reasonable deposit beverage container fees. (No—H/S)

**SB 1350** increases the reserved housing requirement for a planned development on a lot of at least 80,000 square feet in the Kakaako community development district, mauka area. (No—H/S)

**SB 1568** extends unemployment benefits to individuals seeking part-time work and to workers separated from employment for a compelling family reason. (No—H/S)

**SB 1621** provides a union representation privilege to protect the functions of the union as an exclusive bargaining representative to allow the union to perform its role in negotiations and contract enforcement; allows certification of union representatives through a card-check authorization; requires collective bargaining to begin upon union certification; sets certain deadlines for initial collective bargaining agreement procedures and conciliation of disputes; sets civil penalty for unfair labor practices; extends certain authorities to labor organizations representing employees for collective bargaining; allows labor disputes to be defenses against prosecution for certain violations of law. (No—H/S)

Controversial Bills – GRIH takes no position on these bills, but is including how legislators voted for your information.

**HB29** prohibits the commercial display of dead human bodies without a permit from the state department of health. This relates to plastinated bodies shown in "Body World"-type exhibits. (H)

**HB 444** establishes civil unions. (H/S)

Note: These are NOT the votes to amend the bill, which would make it different from the House version and kill the measure for the session. The Senate votes recorded in the spreadsheet are for the vote to recall the bill from committee and bring it to the floor for a vote by the full Senate.

**HB 643** prohibits contractors working on public works projects from employing persons not eligible to work in the United States. Imposes fines for violations. Authorizes the Contractors' License Board to suspend or revoke a license if a civil judgment is entered against the contractor on a complaint alleging that the

contractor hired ineligible workers. Requires worker verification by E-Verify.  
(H/S)

**HB 1378** requires insurers, mutual and fraternal benefit societies, and health maintenance organizations to recognize advanced practice registered nurses as participating providers and allow recognition as primary care providers. Grants increased signature authority and prescriptive rights. Sets new standards for board recognition of advanced practice registered nurses. (H/S)

**SB 199** establishes a temporary 80% tax credit cap and restricts carryover credits for the high technology business investment tax credit and the technology infrastructure renovation tax credit for investments made after May 1, 2009 and ending before January 1, 2011. Removes the partner distributive share tax incentive for the high technology business investment tax credit. Limits investment credit allocation ratio to 1 to 1. Temporarily suspends the capital goods excise tax credit for one year (H/S).  
(Description found at the State Capitol website)