

## Bills Selected for 2008 Legislative Scorecard

The following summaries describe the bills selected for use in the 2008 Legislative Scorecard. The “smart vote” (vote in favor of greater individual liberty and less government) is displayed in parentheses after each summary. The two-page brief and detailed scorecard can be accessed at [www.grassrootinstitute.org](http://www.grassrootinstitute.org).

### Personal Freedom

- [HB 2971](#) diversifies education options in the state by laying the groundwork for online learning. (Yes)
- [SB 2373](#) requires pharmacies to maintain a log of sales of pseudoephedrine products and to share this information monthly with the Department of Public Safety; constitutes a major invasion of privacy as guaranteed by the Fourth Amendment. (No)
- [HB 2557](#) limits compelled disclosure of sources or unpublished information for journalists, newscasters and persons participating in collection or dissemination of information of substantial public interest. Although the bill contains exceptions limiting journalists’ protection, the measure represents a step in the right direction to ensure freedom of the press in Hawaii and makes the state the 36<sup>th</sup> to implement a shield law for journalists<sup>1</sup>. (Yes)
- [HB 2974](#) removes the right of employees to a secret ballot in determining their representation by a labor organization, leaving employees vulnerable to outside pressure; constitutes a violation of privacy and hinders freedom of speech. (No)

### Taxes

- [SB 2365](#) allows the Department of Transportation to collect rental car facility charges and to create a special fund. Does not specify project for which Department would use revenues, and unfairly charges fee to customers of off-airport car rental operators. (No)
- [HB 1755](#) proposes that an existing phased reduction of taxes to wholesale rate be applied equally to the de-pyramiding of taxes on warranty payments. Hawaii was the only state to still impose a tax on warranty payments. (Yes)
- [SB 2843](#) requires electronics manufacturers to pay a \$5,000 annual registration fee when selling goods in Hawaii, and to collect and recycle electronic devices. According to Department of Health, budgeted startup costs of the program have not been calculated. (No)
- [HB 2843](#) institutes inspections fees for all freight brought into the state. The Tax Foundation of Hawaii has indicated that the measure would also constitute a tax increase as costs of the fee would be passed on to consumers. (No)
- [SB 1804](#) establishes funding mechanisms to create a trauma system special fund. Mechanisms include increasing cigarette taxes and costs of vehicle registrations. Wholesalers and dealers will be negatively impacted by the cost and forced to pass extra costs onto consumers. (No)
- [SB 3030](#) imposes licensing fees of up to 6 percent of admissions to mixed martial arts events. (No)

### Business Regulations

- [HB 2520](#) forms a working group to explore wage replacement for caregivers through a paid family leave program. Measure is harmful to businesses, increasing costs and burdening administrative functioning. Additionally, there is already a Family Leave Act in place in the state. (No)
- [HB 2250](#) proposes regulating Hawaiian air carriers in spite of a federal act prohibiting regulating airlines in interstate commerce; hampers growth and efficiency of airline operations while reducing competition between airlines, which may lead to airfare hikes. (No)
- [SB 644](#) mandates installation of solar water heater systems in new homes, increasing prices and upfront costs of homes. The measure also harms the ability of new homeowners to qualify for mortgage loans. Additionally, the measure erodes freedom and choice of homeowners. (No)
- [SB 3171](#) requires charitable and non-profit organizations to register annual financial reports with the attorney general. Several non-profits already provide annual reports to donors and agencies, and are

required to file financial reports to the IRS and other government agencies. These are all public records, rendering the measure redundant and unnecessary. (No)

- **SB 2292** requires that an agreement to operate an ATM may not prohibit or restrict the right of the owner to charge customer transaction fees; eliminates restrictions which currently cause domestic users to subsidize costs for international users. (Yes)
- **HB 2386** requires employer to pay temporary total disability benefits regardless of whether employer controverts the right to benefits. Measure erodes employers' rights and control over costs, and may encourage abuse of benefits to the detriment of employees who are actually in need of benefits. (No)
- **HB 2388** requires employer to continue medical services for injured employees despite disputes over whether treatment should be continued. (No)

### **Scope of Government**

- **HB 2519** establishes student loan payment and stipend programs to encourage physicians to serve underserved areas. Bill entails high administrative costs, as Department of Taxation notes that costs are not factored into the executive budget. Revenue loss is estimated at \$7 million annually. Medical tort reform would be a more effective and fiscally responsible way to remedy physician shortages. (No)
- **SB 2423** directs governor to acquire lands owned by Kuilima Resort Company (et. al) known as Turtle Bay Resort. Governor has not presented specific plan for what will be done with land purchase, and over 700 employees of Kuilima Resort would be negatively impacted. (No)
- **SB 2878** creates council and early learning system for children's program. There is no mention of the cost or budget of this measure, and there is no demonstrated need for such a program. Hawaii should focus on improving the existing system before adding even younger children to dismal government schools. (No)
- **HB 661** proposes project for public funding of county council elections. Measure constitutes government subsidization of political speech contrary to purpose of democracy and restricts content and amount of political advertising, infringing on free speech. (No)
- **HB 2704** establishes cultural preserve commission for Haiku Valley to be placed under Office of Hawaiian Affairs rather than the Department of Land and Natural Resources. Haiku Valley has universal value for all residents and should not be open exclusively to a specific population. (No)
- **HB 2507** appropriates funds to establish two positions for a 46 member taskforce to reduce greenhouse gas emissions. Salaries for additional positions would be publicly funded, and the specific roles of these positions in the taskforce are not sufficiently detailed. (No)

### **Effective Justice**

- **SB 2400** decriminalizes minor and nonviolent crimes such as traffic violations; saves valuable time and resources of the court, police force, citizenry, and jails. (Yes)
- **SB 2245** criminalizes guardians who leave a child unattended in a car for as little as five minutes. A justice system is already in place to punish guardians whose neglectful behavior results in harm or death to a child; measure would likely create more criminals out of guardians and contribute to over-saturation of justice system. (No)
- **SB 2425** requires individuals convicted of arson to reimburse damages; serves as appropriate punishment and effective additional deterrent to committing arson. (Yes)
- **SB 2895** adds a variety of acts as offenses against public order. Detracts public resources from tracking and penalizing criminals who present graver public safety concerns. (No)

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<sup>1</sup> Pollack, Matthew. Hawaii Governor Signs Shield Law. The Reporters Committee for Freedom of the Press. 7/7/2008. <http://www.rcfp.org/newsitems/index.php?i=6845>