



The Senate
State of Hawaii

STATE CAPITOL

HONOLULU, HAWAII 96813

April 3, 2006

TO: Members of the Senate Committee on Judiciary and Hawaiian Affairs
FROM: Sen. Colleen Hanabusa, Chair
SUBJECT: Chair's inclinations for decision making on Tuesday, April 4, 9:00 a.m.

The following measures were previously heard on Monday, April 3:

Bill NO.	Description	Referral
HB 237	RELATING TO TORTS.	JHW
HD3 (HSCR976) (Proposed SD1)	Amends section dealing with the abolition of joint and several liability for a government entity. Effective July 1, 2006. Chair's inclination: SD1 – Amend to: 1) insert language as suggested by Consumer Lawyers of Hawaii to provide that the abolition of joint and several liability under this section shall not apply to cases in which the subject matter of the claim against the State is covered by a primary insurance policy entered into by the State or any of its agencies; and 2) insert a defective effective date of July 1, 2050 to allow for further discussion. The Committee report will include strong language that this bill should not pass out of the legislature unless the bill receives three readings in the House. The Hawaii Supreme Court's decision in <u>Taomae v. Lingle</u> , 108 Hawaii 245 (2005), invalidated a constitutional amendment because the title of the bill was insufficient and the bill failed to receive three readings in each house of the legislature. Although the court's decision has been interpreted to be limited in its application to bills proposing a constitutional amendment, Article III, Section 15 of the State Constitution makes clear that the three reading requirement applies to all bills in providing that "[n]o bill shall become law unless it shall pass three readings in each house on separate days."	
HB 2265 HD2 (HSCR907-06)	RELATING TO CORRECTIONS. Transfers continuing supervisory and counseling functions of paroled individuals from Hawaii Paroling Authority to Department of Public Safety. (HB2265 HD2) Chair's inclination: SD1 – Amend to change the effective date from July 1, 2020 to upon its approval to provide the department of public safety adequate time to develop rules; provided that the actual transfer to and assumption of duties by the department of public safety shall take effect on July 1, 2007.	JHW
HB 2287 HD1 (SSCR3142)	RELATING TO CHILD SUPPORT ENFORCEMENT. Allows the CSEA to suspend licenses of those individuals who have become delinquent in making payment after entering into an agreement once notice was sent informing the individual of the license suspension process, rather than having to reinstate the entire license suspension process from the beginning. (HB2287 HD1) Chair's inclination: Pass As Is.	CPH, JHW

<p>HB 2901 (SSCR3138)</p>	<p>RELATING TO GARNISHMENT. Repeals the law requiring a creditor collecting money under a garnishment process to furnish duplicate receipts to the garnishee. Chair's inclination: Pass As Is.</p>	<p>CPH, JHW</p>
<p>HB 1873 HD2, SD1 (SSCR3131)</p>	<p>RELATING TO PRESCRIPTIONS. Prohibits the sale or transfer of patient prescription information by certain businesses as an unfair and deceptive act in the conduct of trade or commerce. (SD1) Chair's inclination: Hold.</p>	<p>CPH/HTH, JHW</p>
<p>HB 1977 HD1, SD1 (SSCR3129)</p>	<p>RELATING TO STRUCTURED SETTLEMENTS. Establishes procedures for the transfer of structured settlement payment rights. (SD1) Chair's inclination: SD2 – Technical, non-substantive amendments.</p>	<p>CPH, JHW</p>
<p>HB 2199 HD2, SD1 (SSCR2988)</p>	<p>RELATING TO INTERNATIONAL TRADE AGREEMENT. Prohibits state officials from binding the State to government procurement rules of an international trade agreement without legislative action. (SD1) Chair's inclination: Pass As Is.</p>	<p>TGO/EIA, JHW</p>