



The Senate  
State of Hawaii

STATE CAPITOL

HONOLULU, HAWAII 96813

March 31, 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 Monday, April 3, 9:00 a.m.

**The following measures were previously heard on Friday, March 24:**

Bill NO.	Description	Referral
HB 1706 HD3, SD1 (SSCR2977)	RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT. Provides for environmental covenants for contaminated property to ensure long-term compliance with requirements needed to protect the public and environment when complete removal of contaminants is not feasible, practical, or necessary. (SD1) <b>Chair's inclination: Defer to Wednesday, April 5, 2006 at 9:00 am in CR 229</b>	EIA, JHW
HB 2708 HD2, SD1 (SSCR2996)	RELATING TO ADVERTISING. Prohibits commercial advertising for compensation on vehicles. Provides penalties. (SD1) <b>Chair's inclination: SD2</b> – Amend to stipulate that it is unlawful for any person to operate or park any vehicle or trailer carrying a vehicular advertising device for consideration or any other economic benefit if the vehicle or trailer is used primarily to display a vehicular advertising device. The Committee report will note that this bill is aimed at vehicles or trailers whose primary purpose is advertising. This bill would not make unlawful a vehicular advertising device on vehicles or trailers in which the primary purpose is to transport goods, persons, or provide service, maintenance, or repairs. Furthermore, the Committee report will note that similar prohibitions in other states have been upheld in state and federal courts.	TGO/IGA, JHW

**The following measures were previously heard on Wednesday, March 29:**

Bill NO.	Description	Referral
HB 1871 HD1, SD1 (SSCR3119)	RELATING TO CONSUMER CREDIT REPORTING AGENCIES. Allows consumers who are victims of identity theft to place a security freeze on their credit reports which will prohibit a consumer reporting agency from releasing any information to unauthorized parties without the consumer's express authorization and will provide consumers more control over who has access to their credit report. (SD1) <b>Chair's inclination: SD2</b> – Amend to: 1) change the chapter name to Consumer Credit Reporting Agencies in order to ensure that the bill's title is consistent with its contents; 2) change the definition to reflect consumer credit reporting agency or consumer reporting agency; 3) reinstate the references to specific "party, or parties" in addition to "period of time" in reference to the release of a consumer's credit at the request by the consumer, which DCCA explained would provide additional safety for the consumer and is consistent with laws in numerous other states; and 4) insert clarifying language to minimize consumer frustration when they are not able to easily identify where the file freeze request should be sent to.	Referral CPH/MAT, JHW

**The following measures were previously heard on Thursday, March 30:**

Bill NO.	Description	Referral
HB 2367 HD1, SD1 (SSCR3064)	RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES. Authorizes the Office of Youth Services to obtain criminal history information on employees, prospective employees, and volunteers of its contracted providers and subcontractors, in positions that necessitate close proximity to youth when providing services on its behalf. (SD1) <b>Chair's inclination: Pass As Is.</b>	Referral HMS, JHW
HB 2286 (SSCR3063)	RELATING TO CHILD SUPPORT ENFORCEMENT. Clarifies that information maintained by the CSEA may be disclosed to persons who are directly involved with the administration and implementation of a program approved by Title IV-E of the Social Security Act. <b>Chair's inclination: Pass As Is.</b>	HMS, JHW
HB 1995 HD1, SD1 (SSCR3062)	RELATING TO ENDANGERING THE WELFARE OF A MINOR. Expands the crimes of endangering the welfare of a minor in the first degree and second degree to include the illegal use of a controlled substance in the presence of, or as witnessed by, a minor. (SD1) <b>Chair's inclination: SD2</b> – Amend to change the effective date from July 1, 2096 to July 1, 2006.	HMS, JHW
HB 1787 HD1, SD1 (SSCR3095)	RELATING TO CHILD ENDANGERMENT. Establishes a motor vehicle violation that prohibits leaving a child unsupervised in a motor vehicle. Requires the examiner of drivers to test driver's license applicants for knowledge of this offense. (SD1) <b>Chair's inclination: Pass As Is.</b>	HMS, JHW

<p>HB 1825 HD1, SD1 (SSCR2995)</p>	<p>RELATING TO TRAFFIC INFRACTIONS. Clarifies that the motor vehicle owner is responsible for paying parking citations; clarifies that unpaid parking citations do not prevent the transfer of registration or ownership. (SD1) <b>Chair's inclination: SD2</b> – Amend to insert an effective date of January 1, 2007 based upon the recommendation of the Judiciary.</p>	<p>TGO/IGA, JHW</p>
<p>HB 1833 HD1, SD1 (SSCR3084)</p>	<p>RELATING TO FIREWORKS. Broadens the authority of a county with a population of less than 500,000 to issue fireworks permits by an authorized designee of the county. Effective on approval. (SD1) <b>Chair's inclination: SD2</b> – Amend in accordance with the testimony received from the State Fire Council to delete the provision that designees authorized by a county having a population in excess of 500,000 shall not sell fireworks for permits that were issued or obtained at the same establishment.</p>	<p>TGO/IGA, JHW</p>
<p>HB 3257 HD1, SD1 (SSCR3085)</p>	<p>RELATING TO USE OF INTOXICANTS. Requires police to inform a person arrested for driving under the influence of intoxicants of the sanctions for refusal to submit to breath, blood, or urine test only if person withdraws consent to testing implied by operation of a vehicle on public highway or waters of the State. Effective on approval. (SD1) <b>Chair's inclination: SD2</b> – Amend to insert an effective date of January 1, 2007 based upon the recommendation of the Department of the Prosecuting Attorney of the City and County of Honolulu. The Committee report will note that under this measure, drivers who first refuse to submit to a breath, blood, or urine test may change their minds after they are informed of the sanctions resulting from refusal, which addresses the concern raised by the Office of the Public Defender.</p>	<p>TGO/IGA, JHW</p>
<p>HB 1899 HD1, SD1 (SSCR2936)</p>	<p>RELATING TO THE USE OF SAFETY HELMETS BY MINORS. Mandates safety helmet use for moped drivers under the age of 18 years. Eff. on approval. (SD1) <b>Chair's inclination: Pass As Is.</b></p>	<p>TGO, JHW</p>
<p>HB 3037 HD1, SD1 (SSCR2998)</p>	<p>RELATING TO DRIVER LICENSING. Provides that information be made available to a driver's license examiner which pertains to persons under the age of eighteen who have pending violations or proceedings that could result in the suspension or revocation of a driver's license or any pending adjudication for offenses relating to the operation of a motor vehicle. Effective 7/1/07. (SD1) <b>Chair's inclination: Pass As Is.</b></p>	<p>TGO/IGA, JHW</p>

<p>HB 2737 HD1, SD1 (SSCR2997)</p>	<p>RELATING TO THE HONOPOU DISTRICT OF THE COUNTY OF MAUI. Requires the attorney general to assist in resolving ownership issues relating to Honopou road, including Honopou bridge, of the Honopou district in Maui County; requires the department of transportation to determine the costs of strengthening Honopou bridge to allow firetrucks to safely cross and reach area residents. Effective on approval. (SD1) <b>Chair's inclination: Pass As Is.</b></p>	<p>TGO/IGA, JHW</p>
<p>HB 2747 HD2, SD1 (SSCR3081)</p>	<p>RELATING TO DRIVER LICENSING. Allows the examiner of drivers to issue an instruction permit to an applicant with disabilities who possesses a valid driver's license from another state but who fails to pass a road test to obtain a license under this state. Effective on approval. (SD1) <b>Chair's inclination: Pass As Is.</b></p>	<p>TGO/IGA, JHW</p>
<p>HB 2454 HD1, SD1 (SSCR2943)</p>	<p>RELATING TO LEGISLATIVE VACANCIES. Requires the Governor, in filling vacancies in the Senate, House of Representatives, and U.S. Senate, to select from a list of three prospective appointees nominated by the political party of the prior incumbent. Requires prospective appointees to be registered members of nominating political parties for at least six months prior to the appointment. Effective on approval. (SD1) <b>Chair's inclination: SD2</b> – Amend to 1) allow a political party ample time to submit the list of prospective appointees to the governor following the first day of vacancy by providing thirty instead of twenty calendar days and 2) change the effective date from July 1, 2096 to upon approval.</p>	<p>TGO, JHW</p>
<p>HB 2343 HD1, SD1 (SSCR2938)</p>	<p>RELATING TO THE PENAL CODE. Increases the criminal penalties for the commission of certain crimes during a time of civil defense emergency proclaimed by the Governor. Eff. on approval. (SD1) <b>Chair's inclination: SD2</b> – Amend to insert a defective effective date of July 1, 2050 to allow for further discussion.</p>	<p>TGO, JHW</p>