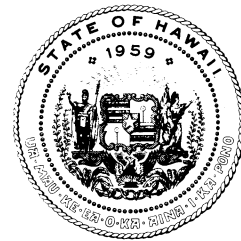


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The Senate
The Twenty-Third Legislature
of the
State of Hawaii

STATE CAPITOL
HONOLULU, HAWAII 96813



May 1, 2006

TO: Members of the Senate Committee on Judiciary and Hawaiian Affairs

FR: Senator Colleen Hanabusa, Chair
Senate Committee on Judiciary and Hawaiian Affairs

RE: Measures that passed out of JHW and moved out of conference
with amendments

The following measures passed out of JHW as lead Committee
and moved out of conference with amendments:

HB 1918, HD1, SD2, CD1 **RELATING TO COMMISSION ON SALARIES**
Pursuant to a proposed constitutional amendment, establishes a commission on salaries to recommend the salary of the governor, lieutenant governor, the members of the legislature, justices and judges of all state courts, the administrative director of the State or an equivalent position, and the department heads or executive officers and the deputies or assistants to the department heads of all state departments.

The Committee on Conference amended this bill by: (1) Requiring the first Commission to submit its salary recommendations to the Legislature during the regular session of 2007 instead of 2008; (2) Providing that any change in salary that becomes effective shall not apply to the Legislature to which the recommendation for the change in salary was submitted; (3) Amending sections 26-51, 26-52, 26-53, 26-54, 601-3, 602-2, 602-52, 603-5, and 604-2.5, Hawaii Revised Statutes, to replace references to both the Executive and Judicial Salary Commissions; (4) Directing the Commission to also recommend the salary of the department head and deputy of the Department of Defense; (5) Deleting the appropriation provision; (6) Deleting the effective date of July 1, 3000; and (7) Making technical, nonsubstantive amendments for style, clarity, and consistency.

HB 2051, HD1, SD2, CD1 **RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING**
Establishes a task force to compile and review law and information from other states regarding support

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FOURTH DISTRICT
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SAM SLOM
NINTH DISTRICT
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RON MENOR
EIGHTEENTH DISTRICT
CLARENCE K. NISHIHARA
NINETEENTH DISTRICT
BRIAN KANNO
TWENTIETH DISTRICT
WILL ESPERO
TWENTY-FIRST DISTRICT
COLLEEN HANABUSA
TWENTY-SECOND DISTRICT
ROBERT BUNDA
TWENTY-THIRD DISTRICT
CLAYTON HEE
TWENTY-FOURTH DISTRICT
BOB HOGUE
TWENTY-FIFTH DISTRICT
FRED HEMMINGS
CHIEF CLERK
PAUL T. KAWAGUCHI

for victims of human trafficking and to recommend changes to Hawaii law and programs.

The Committee on Conference amended this bill by: (1) Appropriating \$5,000 to support the work of the Task Force; (2) Changing the effective date to July 1, 2006; and (3) Making technical, nonsubstantive amendments for clarity and style.

HB 2277, HD2,
SD2, CD1

MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.

Provides for the authorization and payment of claims against the State for judgments, settlements, and other miscellaneous payments.

The Committee on Conference amended this bill by: (1) Appropriating funds for five additional claims that have been resolved, totaling \$871,138.59; (2) Correcting the appropriation for *Rodenhurst v. State of Hawaii, et al.* from \$31,342.17 to \$31,342.71; and (3) Making technical, nonsubstantive amendments for clarity and style.

HB 2540, HD2,
SD2, CD1

MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS.

Makes an appropriation to increase volunteer precinct official stipends.

The Committee on Conference amended this bill by appropriating \$96,542 to increase stipends for precinct officials.

HB 2595, HD1,
SD2, CD1

RELATING TO FAMILY VISITS

Restricts the department of public safety from canceling preapproved and prescheduled family visits with inmates in cases where the family has incurred substantial costs.

The Committee on Conference amended this bill by: (1) Deleting appropriations to DPS for the purposes of retrofitting facilities with non-contact visitation areas and amending the bill accordingly; (2) Adding reciprocal beneficiaries to the definition of family members; (3) Changing the effective date to July 1, 2006; and (4) Making technical, nonsubstantive amendments for consistency, clarity, and style.

SB 439, HD2,
CD1

RELATING TO ADMINISTRATIVE FINES UNDER
THE STATE ETHICS CODE

Authorizes the State Ethics Commission to impose an administrative fine not to exceed \$500 for a violation of the state ethics law.

The Committee on Conference amended this measure to change the effective date from July 1, 2020 to upon approval.

SB 467, SD2,
HD2, CD1

RELATING TO CORRECTIONS

Requires the office of youth services and department of public safety to develop and implement gender-responsive, community-based programs for female adjudicated youth and female offenders, respectively. Appropriates funds.

The Committee on Conference amended this measure to: (1) Insert the S.D. 2 language regarding parity to female offenders and female adjudicated youths; (2) Insert the amount of \$175,000 to be appropriated for gender-responsive, community based programs for women; (3) Insert the amount of \$25,000 to be appropriated for gender-responsive, community based programs for female adjudicated youths; (4) Change the effective date to July 1, 2006; and (5) Make technical changes.

SB 965, SD2,
HD1, CD1

RELATING TO ELECTRONIC SURVEILLANCE
Amends State's electronic eavesdropping statute.

The Committee on Conference amended this measure to: (1) Modify section 641-13, Hawaii Revised Statutes, to provide for an appeal from a denial of an intercept order; (2) Insert language to take into account installation of tracking devices which are installed by or with the consent of the owner, such as a global position system like On-Star; (3) Rephrase language that addresses *State v. Lo*, 66 Haw. 653 (1983); (4) Delete the provision that explicitly authorizes a person to disclose an illegally intercepted communication in the course of publication of truthful information of public concern; (5) Add distribution of dangerous, harmful or detrimental drugs and conspiracy to commit murder, kidnapping, felony criminal property damage, or distribution of dangerous, harmful or detrimental drugs to the list of predicate crimes that do not require an organized crime component; (6) Add money laundering as a crime for which interception can be authorized when connected with organized crime; (7) Insert language to prohibit the use of wiretap evidence in the State's case in chief if the highest grade of offense charged is a

misdemeanor; (8) Add language to prohibit the contents of wire, oral, or electronic communication and evidence derived therefrom from being used in court proceedings if the communication or evidence was gathered in violation of the electronic surveillance law; (9) Insert an exception to the requirements of an application for an order authorizing or approving an interception of a wire, oral, or electronic communication relating to the specification of the location of the facilities from which the communication is to be intercepted; (10) State that an application for an order authorizing or approving an interception of a wire, oral, or electronic communication is to have a full and complete but not unduly technical or complex statement of the facts concerning how the interception is to be accomplished; (11) Change the period of extension from fifteen days to thirty days; (12) Add a provision allowing the denial of an application as a trigger of the ninety-day period in which to serve an inventory; (13) Insert language to give judges more discretion as to what shall be made available for inspection and for disclosure; (14) Delete the requirement that inventory include notice of whether the intercepted statements were incriminating; (15) Add a provision that allows the government to require a provider or remote computing service to preserve records for ninety days pending a court order; (16) Add language to conform various sections to federal law; (17) Make technical changes for clarity, style, and conformity; and (18) Change the effective date to upon approval.

SB 1294, SD2, RELATING TO PUBLIC LAND TRUST REVENUES
HD1, CD1 Appropriates \$180,000 from the public land trust as
described in section 10-3, Hawaii Revised Statutes,
for the repair and maintenance of the Royal
Mausoleum at Mauna`Ala.

The Committee on Conference amended this measure to: (1) Make a one time appropriation of \$180,000 of the funds derived from the public land trust as described in section 10-3, Hawaii Revised Statutes, for the repair and maintenance of Mauna`Ala; (2) Insert language to specify that the sum appropriated shall not come from the public land trust proceeds designated for the Office of Hawaiian Affairs pursuant to section 10-13.5, Hawaii Revised Statutes; (3) Designate the Office of Hawaiian Affairs as the expending agency; and (4) Change the effective date from July 1, 2093 to July 1, 2006.

The following measures passed out of JHW as second Committee and moved out of conference with amendments. Since JHW is the second Committee, the bills are listed below, but an explanation of the changes should be requested from the lead Committee.

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|---------------------------|---|
| HB 2211, HD1,
SD1, CD1 | RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION
Repeals the definition of "day" or "days" under the State's workers' compensation law. |
| HB 2778, HD2,
SD2, CD1 | RELATING TO LANGUAGE ACCESS
Provides for effective and timely communication between all levels of government and individuals who are precluded from using public services due to language-proficiency barriers. |
| HB 3244, HD1,
SD2, CD1 | RELATING TO IDENTITY THEFT
Changes name of task force, expands its responsibilities, and extends its life until 12/31/07. Adds additional members to the task force. Appropriates funds to the auditor. Appropriates funds for an expanded law enforcement effort to compile a uniform identity theft complaint tracking system. |
| SB 2145, SD2,
HD2, CD1 | RELATING TO THE ENVIRONMENT
Requires OEQC to contract with the UH environmental center to perform a comprehensive review of the EIS process. Appropriates money to DOH to fund the contract. Appropriates money for the environmental council to contract with a consultant to coordinate the State's environmental justice activities. |
| SB 2334, SD2,
HD2, CD1 | MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY
Makes an emergency appropriation to the Hawaii Youth Correctional Facility. |

SB 2343, SD2,
HD2, CD1 RELATING TO CRIMINAL HISTORY RECORD
CHECKS
Requires criminal history record checks on persons
providing care or having access to residents of
healthcare facilities.

SB 2984, SD1,
HD1, CD1 MAKING AN APPROPRIATION TO THE KIKALA-
KEOKEA HOUSING REVOLVING FUND
Appropriates funds to the Kikala-Keokea housing
revolving fund.

Finally, the following bills were deferred:

HB 1825, HD1,
SD2 RELATING TO TRAFFIC INFRACTIONS

HB 2440, HD2,
SD2 RELATING TO THE UNIFORM ATHLETE AGENTS
ACT

HB 2625, HD1,
SD2 RELATING TO UNIFORM STATE LAWS

SB 613, SD2,
HD1 RELATING TO INTERMEDIATE SANCTIONS

SB 2433, SD2,
HD1 MAKING APPROPRIATIONS FOR CAREER
CRIMINAL PROSECUTION UNITS AND VICTIM
WITNESS ASSISTANCE PROGRAMS

SB 2688, SD2,
HD2 RELATING TO CORRECTIONS

SB 2926, SD1,
HD2 RELATING TO PUBLIC SAFETY

SB 2949, SD2,
HD1 RELATING TO PUBLIC SAFETY

SB 3021, SD2,
HD2 RELATING TO EMPLOYMENT PRACTICES

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or concerns.