

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

NOTICE OF DECISION MAKING

DATE: Thursday, February 26, 2009
TIME: 9:00 a.m.
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

A G E N D A

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| <p><u>SB 121, SD1</u>
(SSCR241)
Testimony
Status</p> | <p>RELATING TO THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT.
Enacts Uniform Prudent Management of Institutional Funds Act to replace and update existing Uniform Management of Institutional Funds Act. Provides guidance and authority to charitable organizations concerning the management and investment of funds held by those organizations. Provides additional protections for charities and also protects the interests of donors. Modernizes rules governing expenditures from endowment funds. Gives institutions ability to cope more easily with fluctuations in the value of the endowment. Updates provisions governing the release and modification of restrictions on charitable funds to permit more efficient management of these funds. (SD1)</p> | <p>CPN, JGO</p> |
| <p><u>SB 449, SD1</u>
(SSCR421)
Testimony
Status</p> | <p>RELATING TO PATIENT PRESCRIPTION INFORMATION.
Prohibits, except for certain limited purposes, the use, transfer, licensing, or sale of a patient's prescription information for any commercial purpose. Assigns enforcement to the regulated industries complaints office. (SD1)</p> | <p>CPN, JGO</p> |
| <p><u>SB 1128</u>
(SSCR124)
Testimony
Status</p> | <p>RELATING TO METAL.
Repeals the 07/01/09 "sunset" date in Act 53, SLH 2008, that established the misdemeanor offense of theft of beer keg and imposed recordkeeping requirements on scrap metal dealers that purchase beer kegs. Effective 06/30/09.</p> | <p>CPN, JGO</p> |
| <p><u>SB 1130, SD1</u>
(SSCR266)
Testimony
Status</p> | <p>RELATING TO THE BUREAU OF CONVEYANCES.
Authorizes the redaction of social security numbers on judgments, decrees, and court orders for filing at the bureau of conveyances and land court. (SD1)</p> | <p>CPN, JGO</p> |

<p><u>SB 1352, SD1</u> (SSCR420) Testimony Status</p>	<p>RELATING TO BUREAU OF CONVEYANCES. Transfers fee time share interest from the land court system to the regular system; establishes a working group to resolve implementation issues. Establishes a pilot program to implement electronic recording of fee time share interests. Allows bureau of conveyances to charge a fee for deregistration of a fee time share interest. (SD1)</p>	<p>CPN/EDT, JGO</p>
<p><u>SB 438</u> (SSCR5) Testimony Status</p>	<p>RELATING TO BOARD OF EDUCATION MEETINGS. Authorizes the board of education to file any meeting notice that specifies legislation or legislation-related agenda items no fewer than two calendar days before a meeting during the period from the convening of the legislature in regular session to adjournment sine die of each regular session, and during any special session of the legislature.</p>	<p>EDH, JGO</p>
<p><u>SB 535</u> (SSCR167) Testimony Status</p>	<p>RELATING TO INTOXICATING LIQUOR. Prohibits possession of open liquor containers in public housing common areas and on streets and sidewalks.</p>	<p>EDH, JGO</p>
<p><u>SB 799</u> (SSCR172) Testimony Status</p>	<p>PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CLARIFY THE SELECTION OF THE STUDENT MEMBER OF THE BOARD OF EDUCATION. Proposes a constitutional amendment to article x, section 2, of the State constitution to clarify the selection of the student member of the board of education.</p>	<p>EDH, JGO</p>
<p><u>SB 1350, SD1</u> (SSCR379) Testimony Status</p>	<p>RELATING TO KAKAAKO. 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. (SD1)</p>	<p>EDH/WTL, JGO</p>
<p><u>SB 786, SD1</u> (SSCR396) Testimony Status</p>	<p>RELATING TO HISTORIC PLACES. Makes the entering or remaining unlawfully on property listed in the Hawaii register of historic places after warning or request to leave, an offense of criminal trespass in the first degree. Makes the intentional or knowing damage to property on the Hawaii register of historic places an offense of criminal property damage in the first degree. (SD1)</p>	<p>EDT, JGO</p>
<p><u>SB 466, SD1</u> (SSCR363) Testimony Status</p>	<p>RELATING TO POLLUTION. Prohibits the use of leaf blowers on certain days and during certain hours; restricts the use of leaf blowers for certain durations of time and near operable doors, windows, and air ducts of buildings. (SD1)</p>	<p>ENE, JGO</p>

<p>SB 1259, SD1 (SSCR400) Testimony Status</p>	<p>RELATING TO ENVIRONMENTAL RESPONSE. Amends chapter 128D, Hawaii Revised Statutes, to be consistent with federal law, which protects innocent purchasers of, and property owners who are contiguous to, contaminated property from liability for addressing contamination they did not cause. (SD1)</p>	<p>ENE, JGO</p>
<p>SB 112 (SSCR12) Testimony Status</p>	<p>RELATING TO THE CHILDREN'S JUSTICE PROGRAM. Establishes the confidentiality of children's justice program records, subject to exceptions for program and provider staff, mental and physical health professionals, and the courts.</p>	<p>HMS, JGO</p>
<p>SB 851, SD1 (SSCR89) Testimony Status</p>	<p>RELATING TO CHILD SUPPORT ENFORCEMENT. Clarifies that all income withholding payments be sent through the Child Support Enforcement Agency; allows the agency to disburse support by electronic deposit or debit card; allows for electronic copy or facsimile of a signature as proof of service for certified mail; clarifies lien payment and enforcement. (SD1)</p>	<p>HMS, JGO</p>
<p>SB 1183, SD1 (SSCR103) Testimony Status</p>	<p>RELATING TO DISCRIMINATORY PRACTICES. Amends the definition of disability. Amends and adds certain definitions to broaden protections against employment disability discrimination in the State. (SD1)</p>	<p>HMS/LBR, JGO</p>
<p>SB 230, SD1 (SSCR334) Testimony Status</p>	<p>RELATING TO THE RIGHTS OF VICTIMS. Amends the crime victims' bill of rights to include notice or waiver of notice as to an offender's unfitness to stand trial, transfer to the state hospital or other psychiatric facility, or regaining fitness to proceed. Requires the department of health to provide notice of offender unauthorized absences. (SD1)</p>	<p>HTH, JGO</p>
<p>SB 567 (SSCR301) Testimony Status</p>	<p>RELATING TO HEALTH. Lowers the minimum age requirement for blood donation to sixteen years old with parental consent.</p>	<p>HTH, JGO</p>
<p>SB 604, SD1 (SSCR337) Testimony Status</p>	<p>RELATING TO EMERGENCY CONTRACEPTIVES FOR SEXUAL ASSAULT SURVIVORS. Requires hospitals to provide information about emergency contraception to women who are sexually assaulted and to provide emergency contraception when requested. Provides for administrative penalties for noncompliance. (SD1)</p>	<p>HTH, JGO</p>
<p>SB 843, SD1 (SSCR332) Testimony Status</p>	<p>RELATING TO SENTENCING. To restore a statutory provision allowing for presentence mental health or medical examination of defendants for purposes of sentencing. (SD1)</p>	<p>HTH, JGO</p>

<p><u>SB 930</u> (SSCR309) Testimony Status</p>	<p>RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES. Provides for medical expenses and immunity from liability for licensed medical personnel providing volunteer medical services on behalf of the State or a county.</p>	<p>HTH, JGO</p>
<p><u>SB 932, SD1</u> (SSCR298) Testimony Status</p>	<p>RELATING TO INFECTIOUS DISEASE TESTING. Proposes to expand routine human immunodeficiency virus testing by health care providers to improve early diagnosis of human immunodeficiency virus by removing the requirement for health care providers to obtain written informed consent and to provide pre-test counseling prior to testing for human immunodeficiency virus. (SD1)</p>	<p>HTH, JGO</p>
<p><u>SB 937</u> (SSCR304) Testimony Status</p>	<p>RELATING TO MENTAL HEALTH. Clarifies that the provisions of section 704-412, Hawaii Revised Statutes, govern the timing and standards of decision for applications for conditional release or discharge from the custody of the Director of Health and includes a time frame for decisions on motions for conditional release or discharge.</p>	<p>HTH, JGO</p>
<p><u>SB 967, SD1</u> (SSCR297) Testimony Status</p>	<p>RELATING TO CONTROLLED SUBSTANCES. Makes Hawaii's controlled substance laws consistent with that of federal law and clarifies sections of chapter 329 relating to controlled substances. (SD1)</p>	<p>HTH, JGO</p>
<p><u>SB 1040, SD1</u> (SSCR327) Testimony Status</p>	<p>RELATING TO SMOKING. Prohibits smoking on public beaches, parks, and certain recreational areas during certain community events. (SD1)</p>	<p>HTH, JGO</p>
<p><u>SB 1142, SD1</u> (SSCR389) Testimony Status</p>	<p>RELATING TO PHYSICIAN ASSISTANTS. Authorizes physician assistants to sign certain documents; to provide emergency medical care without supervision; to administer immunizations; to prescribe medications for patients suffering from human immunodeficiency virus or acquired immune deficiency syndrome without preauthorization; limits liability of physician assistants under good Samaritan laws. (SD1)</p>	<p>HTH/CPN, JGO</p>
<p><u>SB 1263, SD1</u> (SSCR388) Testimony Status</p>	<p>RELATING TO TATTOO ARTISTS. Updates the regulation of tattoo artists and tattoo shops in the State. (SD1)</p>	<p>HTH/CPN, JGO</p>

<p><u>SB 667, SD1</u> <u>(SSCR393)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO WHISTLEBLOWERS' PROTECTION. Provides additional protection to public employees who report violations of the law, and other improper activities such as waste, gross misconduct, incompetence, or inefficiency. Expands the DLIR's responsibilities regarding whistleblowers. (SD1)</p>	<p>LBR, JGO</p>
<p><u>SB 1181, SD1</u> <u>(SSCR198)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO LABOR. Requires the department of labor and industrial relations to include in certified payroll records a fringe benefit reporting form which itemizes the cost of fringe benefits paid to both union and non-union laborers who perform work for the construction, alteration, or repair of public buildings and public works. (SD1)</p>	<p>LBR, JGO</p>
<p><u>SB 1621, SD1</u> <u>(SSCR431)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO COLLECTIVE BARGAINING. 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. (SD1)</p>	<p>LBR, JGO</p>
<p><u>SB 1622, SD1</u> <u>(SSCR429)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO EMPLOYMENT SECURITY. Requires certain employers to retain employees who were displaced from an employer by divestiture through a transfer of a covered establishment to a new employer. (SD1)</p>	<p>LBR, JGO</p>

Decision Making Only

Persons wishing to comment should submit their comments in one of the following ways:

- By Email: Comments may be emailed if less than 5 pages in length, to the Committee at JGOTestimony@Capitol.hawaii.gov . Please indicate the measure, date and time of the hearing. Email sent to individual offices or any other Senate office will not be accepted.
- By Web: Comments may be submitted online if less than 4MB in size, at <http://www.capitol.hawaii.gov/emailtestimony>.
- In person: 1 copy of their Comments to the committee clerk, Room 219, State Capitol.

- By fax: Comments may be faxed if less than 5 pages in length, to the Senate Sergeant-At-Arms Office at 586-6659 or 1-800-586-6659 (toll free for neighbor islands), at least 24 hours prior to the hearing. When faxing, please indicate to which committee the comments is being submitted and the date and time of the hearing.

If you require special assistance or auxiliary aids or services to participate in the public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the committee clerk 24 hours prior to the hearing so arrangements can be made.

Please note: All comments received by the Hawaii Senate will be posted on the Hawaii Legislature's Website. Documents made available through the Testimony hyperlink(s) above may not be posted until the start of the hearing.

Public Folder. A folder labeled "Public Folder" containing the measures and comments for the hearing will be available for shared use by members of the public.

FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT 586-6460.

Senator Brian T. Taniguchi
Chair