

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: Friday, February 27, 2009
TIME: 9:30 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 1036</u>
<u>Testimony</u>
<u>Status</u></p> | <p>RELATING TO ELECTIONS.
With regard to elections procurement, requires a final decision to be issued within 30 days of: (1) the receipt of a request for an administrative hearing; or (2) the filing of an application for judicial review.</p> | <p>JGO</p> |
| <p><u>SB 687, SD1</u>
<u>(SSCR342)</u>
<u>Testimony</u>
<u>Status</u></p> | <p>RELATING TO PROCUREMENT.
Enacts the responsible construction contractor law for government procurements of construction projects. (SD1)</p> | <p>LBR, JGO</p> |
| <p><u>SB 1125, SD1</u>
<u>(SSCR343)</u>
<u>Testimony</u>
<u>Status</u></p> | <p>RELATING TO PROCUREMENT.
Requires an offeror for certain construction contracts subject to the state public procurement code, to be a party to an apprenticeship agreement registered with the department of labor and industrial relations at the time of general bidding. (SD1)</p> | <p>LBR, JGO</p> |
| <p><u>The following measure was previously heard on February 11, 2009:</u></p> | | |
| <p><u>SB 850, SD1</u>
<u>(SSCR93)</u>
<u>Testimony</u>
<u>Status</u></p> | <p>RELATING TO NOTARY PUBLIC SEALS.
Requires a notary public to include on the notary public's stamp or seal the notary public's commission number. (SD1)</p> | <p>CPN, JGO</p> |
| <p><u>The following measure was previously heard on February 10, 2009:</u></p> | | |
| <p><u>SB 1349</u>
<u>Testimony</u>
<u>Status</u></p> | <p>RELATING TO NOTARIES PUBLIC.
Clarifies the law with respect to the duties of a notary public.</p> | <p>JGO</p> |

<p><u>SB 212, SD1</u> (SSCR272) Testimony Status</p>	<p>RELATING TO PUBLIC SAFETY. Requires privately owned prisons or out-of-state detention facilities holding prisoners under a contract with the State to follow state freedom of information laws pursuant to chapter 92F, Hawaii Revised Statutes. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 478, SD1</u> (SSCR142) Testimony Status</p>	<p>RELATING TO DISASTER RELIEF. Activates provisions of the State's disaster relief law to apply to emergencies, except for enemy attack. Clarifies the use of the governor's emergency powers in response to a natural or manmade disaster. Limits the governor's powers to provide disaster relief or the length of time that the governor may provide disaster relief in specific circumstances without legislative authorization. States that, in certain cases, emergency powers in force prior to the effective date of this measure expire at the end of the 2009 regular session unless reauthorized by the legislature. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 898, SD1</u> (SSCR221) Testimony Status</p>	<p>RELATING TO CIVIL DEFENSE. Supports State Civil Defense's Shelter-in-Place initiative by exempting civil liability for care homes and schools, in addition to hotels, during an officially designated emergency. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 969, SD1</u> (SSCR340) Testimony Status</p>	<p>RELATING TO RESTRICTED ACCESS TO CORRECTIONAL FACILITIES. Permits the conditional search of persons and vehicles entering state correctional or detention facility grounds. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 1058, SD1</u> (SSCR341) Testimony Status</p>	<p>RELATING TO CONTROLLED SUBSTANCES. Directs the attorney general to coordinate a review of the impact of diverting marijuana and low-level felony drug offenders out of the criminal justice system into treatment. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 1059, SD1</u> (SSCR222) Testimony Status</p>	<p>RELATING TO FIREWORKS. Establishes an illegal fireworks task force to stop the importation of illegal fireworks and explosives. Requires the task force to report a preliminary plan to the legislature no later than January 10, 2010. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 1147, SD1</u> (SSCR223) Testimony Status</p>	<p>RELATING TO STATE DISASTER RELIEF. Clarifies that the governor has the authority to declare a disaster emergency. Requires the state civil defense division after the governor has proclaimed a disaster emergency, to report to the governor, legislature, and each county mayor on the disaster, including specified information. (SD1)</p>	<p>PSM, JGO</p>

<p><u>SB 1148, SD1</u> <u>(SSCR375)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM. Clarifies various provisions of the comprehensive offender reentry system; mandates written reentry plans; limits the maximum number of Hawaii inmates housed in out-of-state prisons to 2,000 by 12/31/2010; establishes a reentry commission; sunsets the legislative oversight committee on July 1, 2009. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 15</u> <u>(SSCR73)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO THE POWER OF ARREST. Updates references to U.S. Customs and Border Protection Service and Citizenship and Immigration Services to reflect current names of agencies within the federal Department of Homeland Security.</p>	<p>TIA, JGO</p>
<p><u>SB 979, SD1</u> <u>(SSCR39)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO COMMERCIAL DRIVERS. Revises standard for a court-issued license to drive for work-related purposes. (SD1)</p>	<p>TIA, JGO</p>
<p><u>SB 1054, SD1</u> <u>(SSCR69)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO HIGHWAY SAFETY. Prohibits provisional licensees under 18 and holders of a temporary permit who are age fifteen years and six months but less than eighteen years of age from engaging in various tasks that distract from the primary task of driving such as, the use of all cell phones (including hands-free devices) and all other electronic devices, consuming food or beverages, engaging in personal grooming or attempting to reach for any other object or device, while operating a motor vehicle. (SD1)</p>	<p>TIA, JGO</p>
<p><u>SB 1056, SD1</u> <u>(SSCR40)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO COMMERCIAL DRIVERS. Conforms penalty for violating an out-of-service order to federal regulation; provides penalty for operating a commercial motor vehicle with an alcohol concentration of an amount of 0.04 percent or more and imposes a penalty for operating a commercial motor vehicle with any amount of alcohol concentration. (SD1)</p>	<p>TIA, JGO</p>
<p><u>SB 973</u> <u>(SSCR373)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO TAX ADMINISTRATION. Deters tax fraud and promotes uniformity in the tax system by conforming Hawaii tax law to the Internal Revenue Code for preparer penalties and accuracy-related penalties.</p>	<p>WAM, JGO</p>
<p><u>SB 1624</u> <u>(SSCR372)</u> <u>Testimony</u> <u>Status</u></p>	<p>PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO ALLOW THE LEGISLATURE TO EITHER FUND THE TAX CREDIT UNDER ARTICLE VII, SECTION 6 OF THE CONSTITUTION, OR DEPOSIT THE SAME AMOUNT INTO THE EMERGENCY AND BUDGET RESERVE FUND. Allows the legislature to either fund the tax credit under article VII, section 6 of the state constitution or deposit the same amount into the emergency and budget reserve "rainy day" fund.</p>	<p>WAM, JGO</p>

<p><u>SB 580, SD1</u> <u>(SSCR33)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO FORFEITURE. Clarifies that the forfeiture laws apply to violations of conservation and resources statutes and rules and to the protection of caves, historic preservation, and the Kaho'olawe island reserve. (SD1)</p>	<p>WTL, JGO</p>
<p><u>SB 1088, SD1</u> <u>(SSCR96)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO PUBLIC ACCESS. Amends definition of obstruction for access to public property. Creates a private right of action for a person to enforce the prohibition of obstruction. (SD1)</p>	<p>WTL, JGO</p>
<p><u>SB 1152</u> <u>(SSCR137)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO AGRICULTURAL LANDS. Establishes a one hundred year moratorium on the development of agricultural lands located in state senate districts twenty-two and twenty-three for which general planning has not commenced; sunsets on 6/30/2109.</p>	<p>WTL, JGO</p>
<p><u>The following measure was previously heard on February 10, 2009:</u></p>		
<p><u>SB 477</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO GOVERNMENT RETENTION OF ATTORNEYS. Authorizes the speaker of the house of representatives or the president of the senate, separately as well as jointly, to employ or retain attorneys.</p>	<p>JGO</p>
<p><u>SB 30, SD1</u> <u>(SSCR15)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO ANIMALS. Prohibits, with exceptions, the practice of tethering dogs. Sunsets on June 30, 2014. (SD1)</p>	<p>WTL, JGO</p>
<p><u>The following measures were previously heard on February 13, 2009:</u></p>		
<p><u>SB 488</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO ANIMAL CRUELTY. Prohibits the tethering or restraining of companion animals unless certain circumstances exist.</p>	<p>JGO</p>
<p><u>SB 1188</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO ANIMALS. Prohibits the unreasonable or unsafe restraint of dogs and cats.</p>	<p>JGO</p>
<p><u>SB 763</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO CRUELTY TO ANIMALS. Repeals existing prohibition against dog fighting and enacts more comprehensive prohibition of dog fighting and related conduct. Provides enhanced penalties.</p>	<p>JGO</p>
<p><u>SB 1222</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO THE HUMANE TREATMENT OF PET ANIMALS. Prohibits the confinement of a pet animal on public property (with certain exceptions) and amends the law on animal hoarding.</p>	<p>JGO</p>

Decision making meeting only, no oral testimony will be accepted.

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