

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

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

AMENDED NOTICE OF DECISION MAKING

DATE: Tuesday, February 23, 2010
TIME: 10:00 a.m.
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

A M E N D E D A G E N D A

The following measure(s) were previously heard by the respective Senate Committee(s):

<u>SB 2472, SD1</u> <u>(SSCR2246)</u> <u>Testimony</u> <u>Status</u>	RELATING TO MORTGAGE FORECLOSURES. Requires notice of intent to foreclose that includes notice of the availability of mortgage counseling. Requires a foreclosing mortgagee to provide a copy of the promissory note and mortgage documents upon request. Specifies that a public sale price of seventy per cent of assessed value is fair and reasonable. (SD1)	CPN, JGO
<u>SB 2350, SD1</u> <u>(SSCR2218)</u> <u>Testimony</u> <u>Status</u>	PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION. Allows the student board of education member to be a voting member and mandates the election of the student board of education member to be made by public secondary school students. (SD1)	EDH, JGO
<u>SB 2570, SD1</u> <u>(SSCR2265)</u> <u>Testimony</u> <u>Status</u>	PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD. Proposes a constitutional amendment to require voting members of the board of education to be appointed by the governor, with the advice and consent of the senate, as provided by law. (SD1)	EDH, JGO
<u>SB 2571, SD1</u> <u>(SSCR2323)</u> <u>Testimony</u> <u>Status</u>	RELATING TO THE BOARD OF EDUCATION. Establishes the board of education candidate nomination commission to nominate candidates for the board of education to be appointed by the governor. Allows the board of education student member certain voting privileges upon ratification of an appropriate constitutional amendment. (SD1)	EDH, JGO
<u>SB 2873</u> <u>(SSCR2219)</u> <u>Testimony</u> <u>Status</u>	RELATING TO CODE OF ETHICS. Exempts teachers from the code of ethics to allow teachers to provide instruction to current, future, or former students when special circumstances exist.	EDH, JGO

<p><u>SB 2291, SD1</u> <u>(SSCR2220)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO ECONOMIC DEVELOPMENT. Expands the procurement preference for high technology goods or services provided by Hawaii businesses; specifies a five per cent preference; requires the state procurement office to report to the 2012 legislature on implementation of the preference; requires the state procurement office to authorize reseller agreements in multi-state contracting agreements. (SD1)</p>	<p>EDT, JGO</p>
<p><u>SB 2710, SD1</u> <u>(SSCR2135)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO BOARD MEETINGS. Expands the ability of a board or commission to facilitate public meetings through interactive conference technology. (SD1)</p>	<p>EDT, JGO</p>
<p><u>SB 2361, SD1</u> <u>(SSCR2084)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO WASTE STREAM REDUCTION. Requires telephone directories to be distributed only to persons who have signed a written authorization to receive the directory; exempts telephone directory distributors that implement opt in or opt out programs. (SD1)</p>	<p>ENE, CPN/JGO {Measure deleted on 02-19-10}</p>
<p><u>SB 2559, SD1</u> <u>(SSCR2175)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO ENVIRONMENTAL PROTECTION. Requires retailers in the State to distribute only reusable or biodegradable checkout bags. (SD1)</p>	<p>ENE, JGO</p>
<p><u>SB 2028</u> <u>(SSCR2015)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO FAMILY COURT. Establishes a program in the family court for the registration of child custody evaluators. Allows board of family court judges to adopt certification of child custody evaluators.</p>	<p>HMS, JGO</p>
<p><u>SB 2226, SD1</u> <u>(SSCR2076)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO SENIOR CITIZENS. Establishes a task force to develop an efficient, cost-effective process for creating and operating an identification database of services and at risk adults if they go missing. (SD1)</p>	<p>HMS, JGO</p>
<p><u>SB 2368</u> <u>(SSCR2014)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO CHILD VISITATION. Permits family court to award reasonable visitation to grandparents if denial of visitation would cause significant harm to the child. Establishes presumption that visitation decisions by parent are in the best interests of the child. Presumption may be rebutted by a preponderance of the evidence. Identifies factors court may consider in awarding visitation.</p>	<p>HMS, JGO</p>
<p><u>SB 2662, SD1</u> <u>(SSCR2176)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN. Amends the offense of promoting pornography to minors to include disseminating pornographic material to another person who represents that person to be a minor; and adds the offense of promoting child abuse in the third degree to the information charging law. (SD1)</p>	<p>HMS, JGO</p>

<p><u>SB 2716, SD1</u> <u>(SSCR2312)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO CHILD PROTECTIVE ACT. Establishes child protective provisions in the Hawaii Revised Statutes that are consistent with federal Title IV-E provisions. (SD1)</p>	<p>HMS, JGO</p>
<p><u>SB 2099, SD1</u> <u>(SSCR2204)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO HEALTH. Establishes limits on requests for proposals from health and human services providers for QUEST contracts that exceed \$100,000,000 and commence after the term of the agency director expires. (SD1)</p>	<p>HMS/HTH, JGO</p>
<p><u>SB 2474</u> <u>(SSCR2191)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS. Establishes an immunity from prosecution for consumption of intoxicating liquor by a minor if the minor summons medical treatment for another minor who requires such treatment as a result of consuming liquor. Also applies to the intoxicated minor and one or two other minors assisting summoning minor.</p>	<p>HMS/HTH, JGO</p>
<p><u>SB 2100, SD1</u> <u>(SSCR2261)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO HEALTH CARE DATA. Ensures that appropriate health care entities are able to receive lab data in electronic format to facilitate the use and development of health care exchange networks. (SD1)</p>	<p>HTH, JGO</p>
<p><u>SB 2162, SD1</u> <u>(SSCR2212)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO THE RIGHTS OF VICTIMS. Amends 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 an offender's unauthorized absences to the county victim witness assistance divisions of the department of the prosecuting attorney. (SD1)</p>	<p>HTH, JGO</p>
<p><u>SB 2726, SD1</u> <u>(SSCR2264)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO TIME FRAMES TO REGAIN FITNESS TO PROCEED. Establishes specific time frames for a commitment or release on conditions when unfit defendants are charged with non-violent petty misdemeanors (60 days) and non-violent misdemeanors (120 days). Effective 7/1/50. (SD1)</p>	<p>HTH, JGO</p>
<p><u>SB 2383</u> <u>(SSCR2045)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO DISLOCATED WORKERS. Authorizes the department of labor and industrial relations to exercise enforcement powers against an employer in a covered establishment that would require the employer to adhere to, and comply with, the notification and penalty provisions of section 394B-9, HRS.</p>	<p>LBR, JGO</p>
<p><u>SB 2369, SD1</u> <u>(SSCR2313)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO DOMESTIC VIOLENCE. Provides emergency, nonrecurring, benefits for victims of domestic or sexual violence and expands current provisions for unemployment insurance, emergency leaves of absence, and insurance protections. Effective 7/1/2050. (SD1)</p>	<p>LBR/HMS, JGO</p>

<p><u>SB 2883, SD1</u> <u>(SSCR2266)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO EMPLOYMENT PRACTICES. Clarifies that conflicts between a collective bargaining agreement and an employer's policy that concern accrued and available sick leave shall require the terms of the collective bargaining agreement to prevail. (SD1)</p>	<p>LBR, JGO</p>
<p><u>SB 2025, SD1</u> <u>(SSCR2060)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO PAROLE. Repeals provision to require annual review by the paroling authority of paroled prisoner who is not granted a final discharge and full pardon. Repeals provision to allow a paroled prisoner who enters military service of the U.S. to petition for final discharge from parole based on an honorable discharge from the military. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 2202, SD1</u> <u>(SSCR2196)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO THE CIVIL DEFENSE AND EMERGENCY ACT. Extends immunity from liability to a person who voluntarily permits the use of the person's property to shelter people during a natural or man-made disaster. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 2534, SD1</u> <u>(SSCR2147)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO BAIL. Requires law enforcement agencies to accept cash bail, certified copies of pre-filed bail bonds, and original bail bonds when the court is closed, including nights, weekends, and holidays. Specifies from whom bail may be accepted. Requires prompt release after acceptance of bail. Requires bail bond filing fee. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 2745, SD1</u> <u>(SSCR2314)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO CONTROLLED SUBSTANCES. Makes Hawaii's controlled substance laws consistent with that of federal law and clarifies sections of chapter 329, Hawaii Revised Statutes relating to controlled substances. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 2768, SD1</u> <u>(SSCR2194)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO PAROLE. Allows the Hawaii paroling authority to use a continuum of administrative sanctions when a parolee violates a term or condition of parole. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 2911, SD1</u> <u>(SSCR2192)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO THE POWER OF ARREST. Updates references to customs and border protection service, and citizenship and immigration services to reflect current names of agencies within the federal department of homeland security. Adds the federal bureau of investigations, immigration and customs enforcement to the list of federal agencies whose officers may make arrests for certain offenses under state law. (SD1)</p>	<p>PSM, JGO</p>
<p><u>SB 2137, SD1</u> <u>(SSCR2211)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO HEALTH CLUBS. Allows military personnel deployed outside the State on federal active duty to cancel or suspend health club membership at any time during the contract term under certain conditions. Requires pro rata refund of fees. (SD1)</p>	<p>PSM/CPN, JGO</p>

<p><u>SB 950, SD1</u> <u>(SSCR2295)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO ELECTRIC GUNS. Authorizes law enforcement officers of the department of public safety and conservation and resources enforcement officers of the department of land and natural resources to use electric guns and related equipment while performing their duties. Effective 7/1/50. (SD1)</p>	<p>PSM/WTL, JGO</p>
<p><u>SB 2182</u> <u>(SSCR2166)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO PARKING SPACES RESERVED FOR PERSONS WITH DISABILITIES. Clarifies that a violation is committed by a driver or registered owner of a vehicle. Allows citations to be handed to the violator or affixed to the vehicle if the vehicle is unattended. Clarifies that a citation may be mailed when the violator refuses the citation.</p>	<p>TIA, JGO</p>
<p><u>SB 2614</u> <u>(SSCR2026)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO EXCESSIVE SPEEDING. Authorizes the court, in its discretion, to order forfeiture of a defendant's vehicle if it was used in the commission of the excessive speeding offense and in at least two prior excessive speeding convictions.</p>	<p>TIA, JGO</p>
<p><u>SB 2755, SD1</u> <u>(SSCR2048)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO HIGHWAY SAFETY. Promotes safer roadways and fewer distractions while driving by prohibiting the use of mobile electronic devices while operating a motor vehicle. (SD1)</p>	<p>TIA, JGO</p>
<p><u>SB 2897, SD1</u> <u>(SSCR2167)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO HIGHWAY SAFETY. Enacts the recommendations of the Ignition Interlock Implementation Task Force made pursuant to Act 171, Session Laws of Hawaii 2008. (SD1)</p>	<p>TIA, JGO</p>
<p><u>SB 2187, SD1</u> <u>(SSCR2051)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO THE HAWAII TOURISM AUTHORITY. Authorizes the Hawaii Tourism Authority to maintain the confidentiality of competitively sensitive information. Preserves certain autonomy provisions of Act 58, SLH 2004. (SD1)</p>	<p>TSM, JGO</p>
<p><u>SB 2807, SD1</u> <u>(SSCR2210)</u> <u>Testimony</u> <u>Status</u></p>	<p>PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT. Proposes a constitutional amendment to article VII, section 6 of the state constitution to authorize the legislature to determine whether excess funds should be used as tax refunds or tax credits to taxpayers of the State or diverted to the State's emergency and budget reserve fund.</p>	<p>WAM, JGO</p>
<p><u>SB 2169, SD1</u> <u>(SSCR2168)</u> <u>Testimony</u> <u>Status</u></p>	<p>RELATING TO SHARK FINS. Prohibits the possession, sale, and distribution of shark fins in the State; repeals the ban on the practice of shark finning. (SD1)</p>	<p>WTL, JGO</p>

SB 2170

(SSCR2104)

Testimony

Status

RELATING TO FORCE FEEDING.

Prohibits the sale and distribution of foie gras produced using the method of force feeding.

WTL, JGO

FOR AMENDED HEARING NOTICES: If the notice is an amended notice, measures that have been deleted are stricken through and measures that have been added are underscored. If there is a measure that is both underscored and stricken through, that measure has been deleted from the agenda.

Decision Making Only, No Oral Testimony Will Be Accepted.

Persons wishing to comment should submit 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 comments for the decision making 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

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