

THE SENATE  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2011

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

AMENDED NOTICE OF DECISION MAKING

DATE: Wednesday, April 6, 2011  
TIME: 9:00 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 their respective subject matter committees:

<a href="#"><u>HB 49, HD1</u></a> <a href="#"><u>(SSCR819)</u></a> <a href="#"><u>Testimony</u></a> <a href="#"><u>Status</u></a>	RELATING TO ARMED FORCES SERVICE MEMBERS. Recognizes the federally prescribed DD Form 93, or its successor form, as an acceptable method of determining the person authorized to direct disposition of an armed forces service member's remains. Effective January 7, 2059. (HB49 HD1)	PGM, JDL
<a href="#"><u>HB 56, HD2, SD1</u></a> <a href="#"><u>(SSCR842)</u></a> <a href="#"><u>Testimony</u></a> <a href="#"><u>Status</u></a>	RELATING TO CHILD VISITATION. Permits family court to award reasonable visitation to grandparents if the denial of visitation would cause significant harm to the child. Establishes a rebuttable presumption that visitation decisions made by a parent are in the best interests of the child. Presumption may be rebutted by clear and convincing evidence. Identifies factors the court may consider in awarding visitation. Effective July 1, 2050. (SD1)	HMS, JDL
<a href="#"><u>HB 393, HD2, SD1</u></a> <a href="#"><u>(SSCR881)</u></a> <a href="#"><u>Testimony</u></a> <a href="#"><u>Status</u></a>	RELATING TO CRIME. Amends the driver's license revocation provision to require a maximum license revocation period of up to ten years upon conviction of a driver for manslaughter involving the operation of a vehicle. Gives discretion to the courts to revoke the license of any driver for up to five years upon a conviction of a driver of negligent homicide in the first degree or negligent homicide in the second degree. Allows up to two years of imprisonment when a convicted defendant is sentenced to probation for manslaughter. Clarifies that probation is an applicable sentence for manslaughter. (SD1)	TIA, JDL
<a href="#"><u>HB 616, HD2, SD1</u></a> <a href="#"><u>(SSCR843)</u></a> <a href="#"><u>Testimony</u></a> <a href="#"><u>Status</u></a>	RELATING TO CHILD CUSTODY. Clarifies that awards of visitation rights may include visitation by electronic communication. Establishes factors that shall be considered and authorizes courts to set guidelines for visitation by electronic communication. Effective July 1, 2050. (SD1)	HMS, JDL



<p><b><u>HB 663, HD2, SD1</u></b>  <a href="#">(SSCR816)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO CONTRACTS.  Requires clear and conspicuous disclosure of automatic renewal clauses and cancellation procedures for all consumer contracts and offers with an automatic renewal provision and additional disclosure for contracts with a specified term of twelve months or more. Effective July 1, 2050. (SD1)</p>	<p>CPN, JDL</p>
<p><b><u>HB 761, HD1, SD1</u></b>  <a href="#">(SSCR895)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO INTELLECTUAL DISABILITIES.  Changes references in the Hawaii Revised Statutes by substituting "intellectual disabilities", or like term, wherever the term "mental retardation", or like term, appears. Effective July 1, 2030. (SD1)</p>	<p>HMS, JDL</p>
<p><b><u>HB 845, HD2, SD1</u></b>  <a href="#">(SSCR948)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO GROUND LEASES.  Requires notice of intended disposition of land subject to an expiring long-term residential ground lease; provides for extension of a long-term residential ground lease; provides for the conversion of owner-occupancy or long-term rental of units subject to an expired long-term residential ground lease to tenancy subject to the landlord-tenant code; provides an income tax credit for rental income collected from property subject to an extension of thirty years or more of a long-term residential ground lease. Effective 7/1/2050. (SD1)</p>	<p>CPN, JDL</p>
<p><b><u>HB 889, HD2, SD1</u></b>  <a href="#">(SSCR856)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO HEALTH.  Establishes health care-associated infection reporting requirements. Effective July 1, 2050. (SD1)</p>	<p>HTH, JDL</p>
<p><b><u>HB 909, HD2, SD1</u></b>  <a href="#">(SSCR896)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO FAMILY COURT.  Authorizes family court to issue financial restraining orders, and consider the unauthorized dissipation of marital assets in ordering payment of attorney fees and costs. Effective July 1, 2050. (SD1)</p>	<p>HMS, JDL</p>
<p><b><u>HB 1008, HD2, SD1</u></b>  <a href="#">(SSCR905)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO THE POWER OF ARREST.  Adds the federal bureau of investigation and the United States immigration and customs enforcement to the list of federal agencies whose officers may make arrests for certain offenses under state law. Removes the citizenship and immigration services from the list. Adds proper titles of the heads of the district offices for the listed federal agencies. (SD1)</p>	<p>PGM, JDL</p>
<p><b><u>HB 1067, HD1</u></b>  <a href="#">(SSCR839)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY.  Repeals the authority of the Executive Director of the Office of Youth Services to transfer youth committed to the Hawaii Youth Correctional Facility to adult correctional facilities for disciplinary or other reasons. Effective July 1, 2011. (HB1067 HD1)</p>	<p>HMS/PGM, JDL</p>



<p><b><u>HB 1071, HD2, SD1</u></b>  <a href="#">(SSCR873)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL.  Requires the Department of Health to provide a fitness restoration program for defendants unfit to proceed with court proceedings and on conditional release, and to report information regarding defendant's program and compliance to the prosecutor of the county where the defendant was charged. (SD1)</p>	<p>HTH/PGM, JDL</p>
<p><b><u>HB 1093, HD1, SD1</u></b>  <a href="#">(SSCR880)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO COMMERCIAL DRIVER LICENSING.  Amends the portions of the respective statutes concerning alcohol concentration for commercial motor vehicle drivers to make them consistent with current federal regulations. (SD1)</p>	<p>TIA, JDL</p>
<p><b><u>HB 1094, HD1, SD1</u></b>  <a href="#">(SSCR875)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO COMMERCIAL DRIVER LICENSING.  Amends the licensing process and medical requirements for commercial driver's licensing to comply with the Federal Motor Carrier Safety Regulations. (SD1)</p>	<p>CPN/TIA, JDL</p>
<p><b><u>HB 1107, HD1, SD1</u></b>  <a href="#">(SSCR815)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO THE HAWAII NATIONAL GUARD.  Authorizes qualified members of the army and air national guard to use electric guns when assisting civil authorities in disaster relief, civil defense, or law enforcement functions. Effective January 7, 2059. (SD1)</p>	<p>PGM, JDL</p>
<p><b><u>HB 1130, SD1</u></b>  <a href="#">(SSCR829)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO SERVICE OF PROCESS.  Repeals the sunset date of Act 158, Session Laws of Hawaii 2009, requiring condominium associations, planned community associations, and cooperative housing corporations to establish an access policy for civil process servers. (SD1)</p>	<p>CPN, JDL</p>
<p><b><u>HB 1134, HD1, SD1</u></b>  <a href="#">(SSCR876)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO PREPAID HEALTH CARE.  Repeals part V of the Hawaii Prepaid Health Care Act and Act 99, Session Laws of Hawaii 1994, relating to the future termination of the prepaid health care law. (SD1)</p>	<p>HTH/CPN, JDL</p>
<p><b><u>HB 1241, HD2, SD1</u></b>  <a href="#">(SSCR854)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO ABANDONED VEHICLES.  Extends the number of days during which the legal and registered owner of an abandoned vehicle may repossess the vehicle before it may be subject to disposal. (SD1)</p>	<p>TIA/CPN, JDL</p>
<p><b><u>HB 1407, HD1, SD1</u></b>  <a href="#">(SSCR913)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO ADOPTION RECORDS.  Amends provisions of the code relating to adoption records; allows access to adoption records by parties to the proceedings upon showing of good cause or upon submission of a written request to the Family Court. Allows a natural parent to insert a contact preference, indicating whether the natural parent accepts or declines personal contact with the adopted individual, into the sealed adoption records; defines contact preference. Effective January 7, 2059. (SD1)</p>	<p>HMS, JDL</p>



<p><a href="#"><u>HB 1434, HD2, SD1</u></a>  <a href="#"><u>(SSCR808)</u></a>  <a href="#"><u>Testimony</u></a>  <a href="#"><u>Status</u></a></p>	<p>RELATING TO PUBLIC WORK PROJECTS.  Clarifies that a single violation of the prevailing wage law refers to each separate project where the Department of Labor and Industrial Relations finds a contractor in violation of chapter 104, HRS. (SD1)</p>	<p>CPN, JDL</p>
<p><a href="#"><u>HB 1447, HD2, SD1</u></a>  <a href="#"><u>(SSCR838)</u></a>  <a href="#"><u>Testimony</u></a>  <a href="#"><u>Status</u></a></p>	<p>RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT.  Amends provisions of the Permitted Transfers in Trust Act governing transfers of property from a transferor to a trustee by means of an irrevocable trust instrument. (SD1)</p>	<p>CPN, JDL</p>
<p><a href="#"><u>HB 1532, HD2, SD1</u></a>  <a href="#"><u>(SSCR888)</u></a>  <a href="#"><u>Testimony</u></a>  <a href="#"><u>Status</u></a></p>	<p>RELATING TO REAL PROPERTY TAX APPEALS.  Requires real property tax appellants to first obtain a decision from an administrative body established by county ordinance prior to appealing to the Tax Appeal Court when required to do so by county law. (SD1)</p>	<p>PGM, JDL</p>
<p><a href="#"><u>HB 1640, HD2</u></a>  <a href="#"><u>(SSCR889)</u></a>  <a href="#"><u>Testimony</u></a>  <a href="#"><u>Status</u></a></p>	<p>RELATING TO CERTIFICATES OF IDENTIFICATION.  Requires the Attorney General, in cooperation with the Director of Transportation and appropriate county agencies, allow county employees to issue civil identification at locations where driver's licenses are issued. Requires report to the Legislature. Effective January 7, 2059. (HB1640 HD2)</p>	<p>PGM, JDL</p>
<p><a href="#"><u>HB 924, HD2, SD1</u></a>  <a href="#"><u>(SSCR922)</u></a>  <a href="#"><u>Testimony</u></a>  <a href="#"><u>Status</u></a></p>	<p>RELATING TO INSURANCE.  Clarifies that the terms of a liability insurance policy issued to a construction professional shall be construed according to the reasonable expectations of the parties at the time that the insurance policy was issued. (SD1)</p>	<p>CPN, JDL</p>
<p><a href="#"><u>HB 1431, HD1, SD1</u></a>  <a href="#"><u>(SSCR834)</u></a>  <a href="#"><u>Testimony</u></a>  <a href="#"><u>Status</u></a></p>	<p>RELATING TO COVENANTS.  Authorizes the counties to enact ordinances or adopt rules to enforce covenants that run with the land that impose standards regarding use, maintenance, landscaping, and setbacks. Effective July 1, 2030. (SD1)</p>	<p>PGM, JDL</p>
<p><a href="#"><u>HB 376, HD1, SD1</u></a>  <a href="#"><u>(SSCR971)</u></a>  <a href="#"><u>Testimony</u></a>  <a href="#"><u>Status</u></a></p>	<p>RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING.  Authorizes counties to contract with a third-party reviewer to streamline construction permit, license, and other application processing. Effective 7/1/3000. (SD1)</p>	<p>PGM/EDT, JDL</p>
<p><a href="#"><u>HB 1221, HD1, SD1</u></a>  <a href="#"><u>(SSCR926)</u></a>  <a href="#"><u>Testimony</u></a>  <a href="#"><u>Status</u></a></p>	<p><u>RELATING TO INTOXICATING LIQUOR.</u>  <u>Exempts liquor licensees from certain violations when licensees have a security plan approved by the liquor commission to prevent minors from consuming alcohol on the licensee's premises and the licensee acts in good faith in implementing that plan. Defines large public facility as having a capacity of at least 50,000 people. Effective January 7, 2059. (SD1)</u></p>	<p><u>PGM/CPN, JDL</u>  <b>[Measure added 04-04-11]</b></p>

**Decision making meeting only, no public testimony will be accepted.**



**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.

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.

FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT 587-7213.

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Senator Clayton Hee  
Chair

