

THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2016

COMMITTEE ON JUDICIARY AND LABOR
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

COMMITTEE ON WAYS AND MEANS
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

NOTICE OF DECISION MAKING

DATE: Wednesday, February 24, 2016
TIME: 10:00 a.m.
PLACE: Conference Room 211
State Capitol
415 South Beretania Street

A G E N D A

THE FOLLOWING MEASURES WERE PREVIOUSLY HEARD IN THEIR RESPECTIVE STANDING COMMITTEES:

<u>SB 2298, SD1</u> <u>(SSCR2124)</u> <u>Status & Testimony</u>	RELATING TO THE UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT. Adopts the Revised Uniform Fiduciary Access to Digital Assets Act, which provides authority to plan for the management and disposition of digital assets. (SD1)	CPH, JDL/WAM
<u>SB 2815, SD1</u> <u>(SSCR2369)</u> <u>Status & Testimony</u>	RELATING TO PROFESSIONALLY LICENSED OR CERTIFIED GOVERNMENT EMPLOYEES. Clarifies that the State waives its immunity from liability and shall be exclusively liable for all tort actions on claims for money damages for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any and all state employees, including professionally licensed or certified employees of the State. Effective 7/1/2050. (SD1)	CPH, JDL/WAM
<u>SB 2888, SD1</u> <u>(SSCR2261)</u> <u>Status & Testimony</u>	RELATING TO FORENSIC MENTAL HEALTH PROCEDURES. Ensures the timely administration of mental health examinations; supports the process of expedient administration of justice; and clarifies the procedure for reevaluation of fitness to proceed after a finding of unfitness and attempts at restoration. (SD1)	CPH, JDL/WAM
<u>SB 2894, SD1</u> <u>(SSCR2145)</u> <u>Status & Testimony</u>	RELATING TO HEALTH INSURANCE. Authorizes the department of human services to develop and administer outreach as required by the Affordable Care Act. Establishes a state health insurance exchange, the Hawaii health insurance programs, in the department of labor and industrial relations to conform Hawaii law to the Affordable Care Act. Appropriates funds to the department of labor and industrial relations and the department of human services. (SD1)	CPH/HMS, JDL/WAM



<p>SB 2355, SD1 (SSCR2437) Status & Testimony</p>	<p>RELATING TO THE LAND USE COMMISSION. Authorizes the land use commission to amend, modify, or vacate boundary amendment approvals, special permit approvals, and conditions of direct state concern granted pursuant to chapter 205, Hawaii Revised Statutes, by motion of the commission or of any interested party. Allows the land use commission to fine parties who fail to comply with conditions of direct state concern after they have been notified of violations of the conditions. Adds a definition for "substantial commencement" in section 205-4(g), HRS. (SD1)</p>	<p>WLA, JDL/WAM</p>
<p>SB 2451, SD1 (SSCR2424) Status & Testimony</p>	<p>RELATING TO CHAPTER 183, HAWAII REVISED STATUTES. Amends fines for the destroying or harvesting koa trees and other trees and plants on state lands to an amount up to the current market value of each tree or plant. Clarifies that any person that violates: (1) section 183-17, HRS timber trespass in forest reserves, shall be guilty of a misdemeanor; or (2) a provision of part II of chapter 183, HRS, (forest reserves) or any rule adopted pursuant thereto, other than section 183-17, HRS, shall be guilty of a petty misdemeanor. Repeals the general penalty provision of chapter 183, HRS. (SD1)</p>	<p>WLA, JDL/WAM</p>
<p>SB 2453 (SSCR2426) Status & Testimony</p>	<p>RELATING TO AQUATIC RESOURCES PENALTIES. Authorizes the court to require a person who violates certain laws pertaining to aquatic resources to complete an aquatic resources educational class administered by DLNR in lieu of or in addition to paying a monetary fine. Authorizes the court to require a person who violates certain laws pertaining to aquatic resources to perform community service administered by DLNR in lieu of paying a monetary fine.</p>	<p>WLA, JDL/WAM</p>
<p>SB 2659, SD1 (SSCR2438) Status & Testimony</p>	<p>RELATING TO INDUSTRIAL HEMP. Establishes an industrial hemp pilot program to allow the cultivation of industrial hemp and distribution of its seed in Hawaii through limited activities by the board of agriculture for purposes of agricultural or academic research. Appropriates funds for department of agriculture staff to assist in registration of industrial hemp licensees. (SD1)</p>	<p>WLA, JDL/WAM</p>
<p>SB 2149, SD1 (SSCR2218) Status & Testimony</p>	<p>RELATING TO FORFEITURE. Requires the department of the attorney general to establish a working group to review and discuss Hawaii's asset forfeiture laws and make recommendations to improve these laws. (SD1)</p>	<p>PSM, JDL/WAM</p>
<p>SB 2366 (SSCR2095) Status & Testimony</p>	<p>RELATING TO SEXUAL ASSAULT EVIDENCE. Requires law enforcement agencies and departments to compile information on untested sexual assault collection kits and transmit the information to the department of the attorney general. Requires the department of the attorney general to transmit that information to the president of the senate and the speaker of the house.</p>	<p>PSM, JDL/WAM</p>



SB 2411, SD1

(SSCR2440)

Status &
Testimony

RELATING TO LAW ENFORCEMENT CAMERAS.

Establishes requirements for body-worn cameras and vehicle cameras for county police departments. Establishes policy guidelines for the use and discontinuance of use of body-worn cameras by police officers. Establishes certain restrictions on the use of body-worn cameras by on-duty police officers. Adds retention and deletion requirements for body-worn camera footage. Prohibits certain uses of body-worn camera video footage. Establishes violations of recording and retention requirements. Appropriates funds as a grant-in-aid to each county for the purchase of body-worn video cameras and law enforcement vehicle cameras; provided that no funds appropriated to a county shall be expended unless matched dollar-for-dollar by the county. Requires the county police departments to report costs of implementing and maintaining the body-worn camera and vehicle camera program to the legislature. (SD1)

PSM, JDL/WAM

SB 2915, SD1

(SSCR2308)

Status &
Testimony

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

Updates chapter 329, Hawaii Revised Statutes (HRS), to make it consistent with amendments in federal controlled substances law as required under section 329-11, HRS; amends section 329-1, HRS, to clarify existing definitions to be consistent with federal controlled substance law; deletes definitions no longer utilized under federal law; adds new definitions to allow the use of "delegates" by practitioners and pharmacists to access the electronic prescription accountability system; clarifies that individuals storing, conducting research, reverse distribution and analytical analysis with controlled substances must register with department of public safety and follow appropriate controlled substance statutes and rules; amends section 329-23, HRS, to take advantage of technology in the posting of updates to Hawaii's drug schedules on the department's website; amends section 329-38, HRS, to be consistent with federal limitations on the prescribing of schedule II narcotic controlled substances; mandates that the collections of fines under section 329-49, HRS, be deposited into the state controlled substance registration revolving fund to support the program; deletes the requirement for a pseudoephedrine permit for transporting over 3 grams of pseudoephedrine as required under sections 329-73 and 329-74, HRS; amends chapter 329, part VIII, HRS, by adding language to mandate the requirement that all practitioners, except veterinarians, and pharmacies register to utilize the electronic prescription accountability system when they obtain a controlled substance registration; authorizes the Department of Public Safety Narcotics Enforcement Division Administrator to allow access to state, county, or federal regulatory agencies to the database when conducting joint regulatory investigations. (SD1)

PSM/CPH,
JDL/WAM



<p>SB 2914 (SSCR2307) Status & Testimony</p>	<p>RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT IN CORRECTIONAL FACILITIES. Allows for a declaration to be filed with the petition as an alternative to an affidavit; expands the court's ability to continue the hearing on the petition for good cause; gives the court more flexibility in deciding when a guardian ad litem is necessary; changes the time requirement for filing for a court order for medical treatment from a period of within two days of an examination of the person to within five days; redefines the persons who must be notified of the petition; clarifies the effective expiration date of the order for persons who return to custody after release; and provides the ability for the department to seek an extension of an order to treat if necessary.</p>	<p>PSM/CPH, JDL/WAM</p>
<p>SB 2321, SD1 (SSCR2092) Status & Testimony</p>	<p>RELATING TO DOMESTIC VIOLENCE. Requires any state or county agency who employs personnel whose job duties require or may require intervention in a domestic violence situation to provide such employees with a minimum of eight hours of domestic violence intervention training. Makes an appropriation. (SD1)</p>	<p>PSM, JDL/WAM</p>
<p>SB 2495, SD1 (SSCR2428) Status & Testimony</p>	<p>RELATING TO PROCUREMENT. Requires every government procurement officer to attend initial training by the state procurement office and regular follow-up training as determined by the state procurement office. Requires the chief procurement officer to submit a list of the jurisdiction's procurement officers and which procurement officers, if any, have failed to comply with training requirements; provided that a procurement officer who fails to submit their name and evidence of training compliance to the State Procurement Office shall no longer have the authority to procure. (SD1)</p>	<p>GVO/PSM, JDL/WAM</p>
<p>SB 2433 (SSCR2154) Status & Testimony</p>	<p>RELATING TO CHILDREN. Provides that informal adjustment shall be prioritized over formal action for a child under family court jurisdiction solely as a result of truancy.</p>	<p>EDU, JDL/WAM</p>
<p>SB 2232, SD1 (SSCR2138) Status & Testimony</p>	<p>RELATING TO EDUCATION. Creates and appropriates funds for the Erin's Law task force to guide the establishment of a program to educate public school students on sexual abuse prevention through use of age appropriate curricula; provide relevant training to school teachers and staff; and inform parents about important child sexual abuse topics. Sets out guidelines of instruction. Modeled after Erin's Law. (SD1)</p>	<p>EDU, JDL/WAM</p>
<p>SB 2388 (SSCR2376) Status & Testimony</p>	<p>RELATING TO THE JOHN A. BURNS SCHOOL OF MEDICINE SPECIAL FUND. Permits moneys in the John A. Burns school of medicine special fund to be used for loan repayment for certain health care professionals. Removes the cap on expenditures from the special fund. Removes the sunset date from the physician workforce assessment fee and related requirements for use of moneys in the John A. Burns school of medicine special fund.</p>	<p>HEA/CPH, JDL/WAM</p>



<p><u>SB 3011, SD1</u> <u>(SSCR2199)</u> <u>Status & Testimony</u></p>	<p>RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION. Makes an appropriation to the high technology development corporation for the provision of technology internship grants and development of programs to support the local talent pipeline for the technology industry. (SD1)</p>	<p>EET, JDL/WAM</p>
<p><u>SB 2372, SD1</u> <u>(SSCR2289)</u> <u>Status & Testimony</u></p>	<p>RELATING TO PRIVATE ROADS. Requires the counties to accept the surrender of a private road in cases where there has been an absence of any act of private ownership over the road for five years. Exempts the State and counties from liability arising from use of the road for a period of two years following maintenance work. Deems a highway, road, alley, street, way, lane, bikeway, bridge, or trail that has been commonly used by residents of a particular area for emergency access purposes or for health and safety reasons to be publicly accessible for those reasons, without regard to actual ownership or responsibility for maintenance. (SD1)</p>	<p>TRE/PSM, JDL/WAM</p>
<p><u>SB 2898</u> <u>(SSCR2268)</u> <u>Status & Testimony</u></p>	<p>MAKING EMERGENCY APPROPRIATIONS FOR THE STATE TO COMPLY WITH THE AFFORDABLE CARE ACT. Makes an emergency appropriation for fiscal year 2015-2016 for the Department of Labor and Industrial Relations and the Department of Human Services to cover short-term costs required to comply with the Affordable Care Act.</p>	<p>HMS, JDL/WAM</p>
<p><u>SB 2961, SD1</u> <u>(SSCR2409)</u> <u>Status & Testimony</u></p>	<p>RELATING TO FAMILY LEAVE. Establishes a family leave insurance program, which requires employees to make contributions into a trust fund to be used to provide employees with family leave insurance benefits in order to care for a designated person. Expands the reach of employees that are subject to the family leave law and children and parents who may be cared for using family leave. Appropriates funds to DLIR to implement the program. Takes effect on 7/1/2050. (SD1)</p>	<p>HMS/CPH, JDL/WAM</p>
<p><u>SB 2878, SD1</u> <u>(SSCR2381)</u> <u>Status & Testimony</u></p>	<p>RELATING TO YOUTH TRANSITIONING FROM FOSTER CARE. Extends the application deadline for financial assistance for higher education available to foster or former foster youth, clarifies that financial assistance is for related higher education costs, and clarifies eligibility and program requirements of the Young Adult Voluntary Foster Care Program. (SD1)</p>	<p>HMS, WAM/JDL</p>
<p><u>SB 75, SD2</u> <u>(SSCR2484)</u> <u>Status & Testimony</u></p>	<p>RELATING TO THE ENVIRONMENT. Requires the department of health to establish the Hawaii battery storage recycling task force to make recommendations for a workable recycling program for battery storage devices in Hawaii. Requires the task force to submit an interim report and final report to the legislature. (SD2)</p>	<p>CPH/EET, WAM/JDL</p>

Persons wishing to submit written testimony may do so up to 24 hours prior to the hearing.

Click [here](#) to submit testimony to the Senate Committee on Judiciary and Labor.



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

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

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

FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT (808)586-7344.

Senator Jill N. Tokuda
Chair

Senator Gilbert S.C. Keith-Agaran
Chair

