

HOUSE OF REPRESENTATIVES
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2016

COMMITTEE ON JUDICIARY

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NOTICE OF HEARING

DATE: Tuesday, March 22, 2016
TIME: 2:00 p.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

A G E N D A

<u>SB 2102, SD1</u> <u>(SSCR2868)</u> <u>Status</u>	RELATING TO THE JUDICIARY. Appropriates funds to the Judiciary for FY 2016-2017. (SD1)	JUD, FIN
<u>SB 2162, SD2, HD1</u> <u>(HSCR1100-16)</u> <u>Status</u>	RELATING TO HAWAIIAN LANGUAGE. Appropriates funds to establish long-term Hawaiian language resources for the Judiciary. (SB2162 HD1)	OMH, JUD, FIN
<u>SB 2569, SD1</u> <u>(SSCR2727)</u> <u>Status</u>	RELATING TO THE COMMUNITY COURT OUTREACH PROJECT. Establishes a community court outreach project in the city and county of Honolulu that requires the judiciary to operate a mobile court that travels to community sites where defendants cited or arrested for nonviolent, nonfelony offenses live or congregate and disposes of the cases after plea agreements have been reached by the Honolulu prosecuting attorney and public defender. Appropriates general funds. Takes effect on 1/7/2059. (SD1)	JUD, FIN
<u>SB 2298, SD1, HD1</u> <u>(HSCR1103-16)</u> <u>Status</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. Effective 7/1/2112. (HD1)	CPC, JUD, FIN
<u>SB 2083, SD1, HD1</u> <u>(HSCR1111-16)</u> <u>Status</u>	RELATING TO THE STATEWIDE TRAFFIC CODE. Prohibits smoking in a motor vehicle in which a minor is present. Requires the Department of Health to report on the enforceability of the prohibition and coordination of data collection efforts of the respective law enforcement agencies. (SB2083 HD1)	TRN, JUD, FIN



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SB 2313, SD2, HD1
(HSCR1108-16)
Status

RELATING TO EQUAL PAY.

Clarifies affirmative defenses that an employer may use in a pay differential case. Prohibits employer actions regarding wage disclosure. Prohibits an employer from discriminating between employees because of sex by paying wages to employees at a rate less than the rate at which the employer pays wages to employees of the opposite sex for substantially equal work and under similar working conditions, with certain exceptions. Prohibits prospective employers from requesting or considering a job applicant's wage or salary history as part of the employment application process. (SB2313 HD1)

LAB, JUD, FIN

SB 2723, SD1, HD1
(HSCR1057-16)
Status

RELATING TO ENFORCEMENT OF WAGE LAWS.

Requires government contractors who violate wages and hours laws to pay a penalty that is equal to 10% of the amount of back wages due or \$1,000 per offense, whichever is greater, for the first offense; a penalty equal to the amount of 50% back wages found due and \$5,000 for each offense, for the second offense; and a penalty equal to the amount of back wages found due and \$10,000 for each offense, for the third offense within three years of the second notification of violation. (SB2723 HD1)

LAB, JUD, FIN

SB 2425, SD2
(HSCR1084-16)
Status

RELATING TO ETHICS.

Exempts extracurricular service of employees from the state ethics code if certain conditions are met. Defines detached remuneration and extracurricular service. Takes effect on 1/7/2059. (SD2)

EDN, JUD, FIN

SB 612, SD1, HD1
(HSCR1112-16)
Status

RELATING TO PROBATION.

Provides for a period of probation for any person convicted of the offense of operating a vehicle under the influence of an intoxicant. Mandates a period of probation for any person convicted of operating a vehicle after license and privilege have been suspended or revoked for operating a vehicle under the influence of an intoxicant. (SB612 HD1)

TRN, JUD, FIN

SB 2755, SD1
(SSCR2757)
Status

RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD.

Establishes an advisory law enforcement employment standards and training board responsible for developing statewide employment standards and training for county and state law enforcement officers who carry firearms and wear a badge. Allows the relevant government agencies to voluntarily implement the employment standards and training recommendations. Makes an appropriation for the operation of the advisory board. Takes effect on 1/7/2059. Repeals on 6/30/2021. (SD1)

JUD, FIN



SB 2915, SD2, HD1
(HSCR1116-16)
Status

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.

HLT, JUD, FIN

Updates the Uniform Controlled Substances Act to make it consistent with amendments in federal controlled substances law. Clarifies existing definitions to be consistent with federal controlled substance law; and adds new definitions to allow the use of "delegates" by practitioners and pharmacists to access the electronic prescription accountability system. Clarifies that individuals that conduct reverse distribution with controlled substances must register with the Department of Public Safety and follow appropriate controlled substance statutes and rules. Allows for the posting of updates to Hawaii's drug schedules on the department's website. Mandates that the collections of administrative fines be deposited into the controlled substance registration revolving fund to support the program. Deletes the requirement for a pseudoephedrine permit for transporting over 3 packages of pseudoephedrine. Requires 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. (SB2915 HD1)

SB 2815, SD2, HD1
(HSCR1107-16)
Status

RELATING TO PROFESSIONALLY LICENSED OR CERTIFIED GOVERNMENT EMPLOYEES.

LAB, JUD, FIN

Clarifies that the State and the counties shall be exclusively liable for civil tort claims resulting from the negligent or wrongful act or omission of their professionally licensed or certified employees acting within the scope of office or employment. Precludes civil actions or proceedings for money damages against the employee. (SB2815 HD1)

SB 2863, SD2
(HSCR1102-16)
Status

RELATING TO CITATIONS FOR MASSAGE THERAPY VIOLATIONS.

CPC, JUD, FIN

Authorizes the issuance of a citation for specific violations of massage therapy laws or rules by licensees. Establishes a process for licensees to contest the citation. Provides for the assessment of fines for each violation. (SD2)

SB 2156, SD1, HD1
(HSCR1037-16)
Status

RELATING TO WILDLIFE.

WAL, JUD, FIN

Authorizes the Department of Land and Natural Resources to enter into the Interstate Wildlife Violator Compact or similar agreement for mutual assistance in the enforcement of wildlife laws. Appropriates funds. (SB2156 HD1)

SB 2906, HD1
(HSCR1089-16)
Status

RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997.

EEP, JUD, FIN

Removes the sunset date on the use of new safe harbor agreements, habitat conservation plans, and incidental take licenses as recovery options for conserving and protecting the State's threatened and endangered species. Requires a biennial report. (SB2906 HD1)



SB 2451, SD2, HD1
(HSCR1041-16)
Status

RELATING TO CHAPTER 183, HAWAII REVISED STATUTES.
Amends fines for the destroying or harvesting of koa trees and other trees and plants on state lands to an amount up to the current market value of each tree or plant at that location and the cost of restoration or replacement of the habitat. Clarifies that any person that violates 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. (SB2451 HD1)

WAL, JUD, FIN

SB 2659, SD2
(HSCR1098-16)
Status

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. Takes effect on 1/7/2059 and sunsets on 7/1/2021. (SD2)

AGR, JUD, FIN

SB 2496, SD2
(SSCR2716)
Status

RELATING TO ELECTIONS.
Beginning with the primary election in 2018, requires the office of elections to implement election by mail in a county with a population of fewer than 100,000 and beginning with the 2020 primary election, implement election by mail in each of the other counties for all elections. Establishes an elections by mail system, including requirements for ballots, replacement ballots, deficient return of ballots, ballot counting, voter service centers, places of deposit, and election expenses and responsibilities. Establishes procedures for postponed elections. Makes conforming amendments to provide for an elections by mail system. Allows for the electronic transmission of mail-in ballots. Appropriates funds for the implementation and administration of the elections by mail program. Requires the office of elections to submit annual reports to the legislature from 2017 to 2023 regarding implementing the elections by mail program. Effective 7/1/2076. (SD2)

JUD, FIN

The following measure(s) were previously heard on **Tuesday, March 15, 2016 at 2:00 p.m.** No public testimony will be accepted.

SB 2196, SD2
(SSCR2696)
Status

RELATING TO THE LAW ENFORCEMENT OFFICER
INDEPENDENT REVIEW BOARD.
Establishes the law enforcement officer independent review board within the department of the attorney general to investigate incidents of officer-involved death or serious bodily injury. Appropriates funds. Effective 7/1/2076. (SD2)

JUD, FIN

DECISION MAKING TO FOLLOW

Persons wishing to offer comments should submit testimony at least 24 hours prior to the hearing. Testimony should indicate:

- Testifier's name with position/title and organization;
- The Committee(s) to which the comments are directed;
- The date and time of the hearing; and
- Measure number.



While every effort will be made to incorporate all testimony received, materials received on the day of the hearing or improperly identified or directed, may be distributed to the Committee after the hearing.

Submit testimony in ONE of the following ways:

PAPER: 19 copies (including an original) to Room 305 in the State Capitol;

FAX: For testimony less than 5 pages in length, transmit to 808-586-6531 (Oahu) or 1-800-535-3859 (for Neighbor Islander without a computer to submit testimony through e-mail or the Web); or

WEB: For testimony less than 10MB in size, transmit from <http://www.capitol.hawaii.gov/submittestimony.aspx>.

Testimony submitted will be placed on the legislative website. This public posting of testimony on the website should be considered when including personal information in your testimony. ~~Those wishing to provide oral testimony will be limited to two minutes.~~

If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-6437 or email your request for an interpreter to HouseInterpreter@Capitol.hawaii.gov at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.

Selected meetings are broadcast live. Check the current legislative broadcast schedule on the "Capitol TV" website at www.capitoltv.org or call 536-2100.



Rep. Karl Rhoads
Chair

