

HOUSE OF REPRESENTATIVES  
THE TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2017

RECEIVED

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COMMITTEE ON CONSUMER PROTECTION & COMMERCE

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HOUSE OF  
REPRESENTATIVES

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Rep. Ken Ito                      Rep. Ryan I. Yamane  
Rep. Calvin K.Y. Say        Rep. Beth Fukumoto  
Rep. Gregg Takayama

AMENDED NOTICE OF HEARING

DATE:      Tuesday, February 7, 2017  
TIME:      2:00 PM  
PLACE:     Conference Room 329  
              State Capitol  
              415 South Beretania Street

A M E N D E D   A G E N D A

The following measure(s) has been **ADDED** to the agenda: **HB 832, HB 347 HD1, HB 398 HD1**  
The following measure(s) has been **DELETED** from the agenda: **HB 881, HB 897, HB 1407**

HB 881  
Status

RELATING TO CONDOMINIUMS.  
Requires contracts between the association and the resident manager or general manager to be made available to any unit owner, and allows certain personal information to be redacted from the contracts.

CPC, JUD

HB 832  
Status

RELATING TO CONDOMINIUMS.  
Allows association members who are not on the board to participate in any deliberation or discussion, except for executive sessions. Allows the condominium board members pursuant to board rules to limit the time provided to any member of the condominium association to participate in deliberation. Allows members of a condominium association to attend executive sessions with approval by a majority vote of the condominium board members, subject to certain limitations.

CPC

HB 897  
Status

RELATING TO CONDOMINIUM GOVERNING INSTRUMENTS.  
Clarifies the procedures to amend condominium association declarations, bylaws, and other governing instruments.

CPC, JUD



<u>HB 1083</u> <u>Status</u>	RELATING TO MONEY TRANSMITTERS. Clarifies chapter 489D, Hawaii Revised Statutes, including requirements for money transmitter license and change in control applications, criminal background checks, security devices, permissible investments, records, and voluntary surrender of license. Amends definitions of "outstanding payment instrument", "person" and "principal". Repeals definition of "key shareholder".	CPC, FIN
<u>HB 1465</u> <u>Status</u>	RELATING TO LIQUOR. Amends statutory language on liquor license application and operating procedures for clarity.	CPC, FIN
<u>HB 917</u> <u>Status</u>	RELATING TO INSURANCE. Clarifies that a mutual benefit society shall maintain a minimum net worth calculated based on annual net premium revenues and net health care expenditures.	CPC, FIN
<u>HB 1084</u> <u>Status</u>	RELATING TO MORTGAGE SERVICERS. Clarifies and updates requirements under chapter 454M, Hawaii Revised Statutes, for mortgage servicers. Adds new sections for change in control, and defining "presumption of control". Adds a definition of "executive officer".	CPC, FIN
<u>HB 1407</u> <u>Status</u>	<del>RELATING TO REAL PROPERTY LEASES. Provides that a renegotiation of a lease may result in decreased rent, notwithstanding any contract provision to the contrary.</del>	<del>CPC, JUD</del>
<u>HB 991</u> <u>Status</u>	RELATING TO OPEN GOVERNMENT. Allows the electronic mailing and posting of meeting notices; requires the posting of the meeting notice and minutes on the state or appropriate county websites; and increases public access to information before a public hearing by a board. Effective January 1, 2018.	CPC, JUD
<u>HB 1241</u> <u>Status</u>	RELATING TO MORTGAGE SERVICERS. Exempts nonprofit organizations and their employees who are already exempt from licensure and registration as mortgage loan originators from regulation as mortgage loan servicers.	CPC, JUD
<u>HB 1211</u> <u>Status</u>	RELATING TO FORECLOSURES. Provides that a mortgagor or other person in interest may impeach foreclosure proceedings prior to entry of a memorandum on an existing certificate of title.	CPC, JUD



HB 1085  
Status

**RELATING TO MORTGAGE LOAN ORIGINATION.**  
Clarifies and updates requirements under chapter 454F, Hawaii Revised Statutes, for mortgage loan origination. Clarifies persons subject to criminal history disclosures and criminal history background checks on applications for licensure and change of control of the licensee, and when a person is presumed to control a mortgage loan originator company (MLOC). Clarifies responsibilities of a "qualified individual", amends the definition, and requires an exempt sponsoring MLOC to have a qualified individual and a principal place of business in the State. Clarifies supervisory requirements of nonprofit organizations under chapter 454F, Hawaii Revised Statutes, and when a nonprofit employee is exempt from registration and licensure as a mortgage loan originator. Clarifies the applicable fee for a criminal history background check. Defines "executive officer".

CPC, FIN

HB 347, HD1  
(HSCR11)  
Status

**RELATING TO EMPLOYMENT SECURITY.**  
Clarifies Hawaii's employment security law for independent contractors. Includes twenty factors to be used as guidelines when determining whether an individual could be an independent contractor. Retains the ability of the department of labor and industrial relations to determine if an individual is an independent contractor. Requires the director of labor and industrial relations to report to the legislature prior to the regular session of 2018 regarding guidelines developed by the unemployment insurance coverage committee. Requires an annual report to the legislature regarding covered employment determinations. (HB347 HD1)

LAB, CPC, FIN

HB 398, HD1  
(HSCR27)  
Status

**RELATING TO TAXATION.**  
Requires retailers or vendors that are not located in the State and not required to pay or collect general excise or use tax for sales to send certain information to purchasers in the State. Requires retailers or vendors to submit an annual report to the department of taxation. (HB398 HD1)

EDB, CPC, FIN

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: 25 copies (including an original) to Room 327 in the State Capitol;

FAX: For testimony less than 5 pages in length, transmit to 808-586-6221 (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.



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](mailto: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](http://www.capitoltv.org) or call 536-2100.



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Rep. Angus L.K. McKelvey  
Chair

