

THE SENATE
THE TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2017

COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baker, Chair
Senator Clarence K. Nishihara, Vice Chair

AMENDED NOTICE OF HEARING

DATE: Tuesday, February 7, 2017
TIME: 9:00 a.m.
PLACE: Conference Room 229
State Capitol
415 South Beretania Street

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

SB 889

[Status &
Testimony](#)

RELATING TO PROFESSIONALLY LICENSED OR CERTIFIED GOVERNMENT EMPLOYEES. CPH, JDL/WAM

Clarifies that the State shall be exclusively liable for claims for injury or loss of property, or personal injury or death, resulting from the negligent or wrongful act or omission of any professionally licensed or certified employee of the State while acting within the scope of the employee's office or employment. Establishes that any civil action or proceeding for money damages arising out of or related to the same subject matter against the employee shall be precluded.

SB 893

[Status &
Testimony](#)

RELATING TO NONPROFIT CORPORATIONS. CPH, JDL

Amend chapter 414D, Hawaii Revised Statutes, to impose a duty of loyalty on directors and officers of nonprofit corporations, to prohibit directors from voting on matters where they have a conflict of interest, to recodify provisions that would allow nonprofit corporations to convert into and out of domestic nonprofit corporations, and to increase the length of time that the Attorney General has to review proposed dissolutions of public benefit corporations.



SB 894

[Status & Testimony](#)

RELATING TO CHARITABLE ORGANIZATIONS.

Defines "property" as used in section 28-5.2, Hawaii Revised Statutes, regarding protection of charitable assets. Requires certain disclosures on collection bins for donated clothing and household items by for-profit and nonprofit organizations, authorizes an officer or an agent to file an initial registration statement for a charity, requires notice to the Attorney General and specifies a procedure when a charity seeks deactivation from registration, authorizes the Attorney General to require electronic signature for financial reports filed by professional solicitors, clarifies what is being certified by the electronic signature and therefore subject to section 710-1063, Hawaii Revised Statutes, regarding penalties for unsworn statements shall apply, allows charitable organizations that file an IRS Form 990-PF to file annual reports with the Attorney General on the same schedule as charities that file an IRS Form 990 or 990EZ, repeals obsolete and updates references to accrediting organizations, and clarifies that the exemption from registration for organizations that support educational institutions is a separate exemption from that of the educational institutions themselves.

CPH, JDL

SB 127

[Status & Testimony](#)

RELATING TO DISCRIMINATION.

Amends the landlord-tenant code to prohibit discrimination based on lawful source of income in rental transactions, including advertisements for available rental dwelling units.

CPH, JDL

SB 979

[Status & Testimony](#)

RELATING TO DISCRIMINATORY PRACTICES IN PUBLIC ACCOMMODATIONS.

Removes the requirement of a conspiracy of two or more persons as an element of prohibited discriminatory practices in places of public accommodation.

CPH, JDL

SB 200

[Status & Testimony](#)

RELATING TO CONDOMINIUMS.

Allows annual condominium education trust fund fees to be used for binding arbitration of condominium disputes.

CPH, WAM

SB 620

[Status & Testimony](#)

RELATING TO TAXATION.

Amends the definition of "business" in the State's general excise tax law.

CPH, WAM

SB 622

[Status & Testimony](#)

RELATING TO TAXATION.

~~Alters the definition of "business" or "engaging" in business under the general excise tax laws to exclude casual sales and businesses that have a worldwide web site as a third-party content provider on a computer physically located in the State but owned by a non-affiliated person; use non-affiliated third-party call centers that accept and process telephone or electronic orders of tangible personal property or licenses primarily from non-Hawaii buyers, which orders are forwarded to a location outside of Hawaii for filing, or to provide services primarily to non-Hawaii customers; and activities of a person without physical presence in the State if the person and the person's affiliates have less than \$100,000 of gross receipts in the State based on receipts from the prior calendar year.~~

CPH, WAM

[Measure deleted on 02-03-17]



<p><u>SB 949</u></p> <p><u>Status & Testimony</u></p>	<p>RELATING TO MONEY TRANSMITTERS.</p> <p>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".</p>	<p>CPH, JDL</p>
<p><u>SB 950</u></p> <p><u>Status & Testimony</u></p>	<p>RELATING TO MORTGAGE SERVICERS.</p> <p>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".</p>	<p>CPH, WAM</p>
<p><u>SB 951</u></p> <p><u>Status & Testimony</u></p>	<p>RELATING TO MORTGAGE LOAN ORIGINATION.</p> <p>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".</p>	<p>CPH, WAM</p>
<p><u>SB 1227</u></p> <p><u>Status & Testimony</u></p>	<p>RELATING TO FORECLOSURES.</p> <p>Makes permanent the affirmation requirement and form that is filed by an attorney on behalf of a mortgagee who is seeking to foreclose on a residential property under a judicial foreclosure action. Repeals the affirmation requirement of an attorney who files a complaint in a mortgage foreclosure action that would have been effective on 07/01/2017.</p>	<p>CPH, JDL</p>

Decision Making to follow, if time permits.

Click [here](#) to submit testimony to the Senate Committee on Commerce, Consumer Protection, and Health.

Testimony may be submitted up to 24 hours prior to the start of the hearing.

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)586-6070.



Senator Rosalyn H. Baker
Chair

