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To: The Honorable Brian T. Taniguchi, Chair
and Members of the Senate Committee on Judiciary

Date: Thursday, February 1, 2018
Time: 9:00 A.M.
Place: Conference Room 016, State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: S.B. 2346, Relating to Address Confidentiality

The Department of Taxation (Department) provides the following comments regarding S.B. 2346 for your consideration. S.B. 2346 establishes the address confidentiality program which provides a substitute address for victims of abuse to use whenever an address is required for public records. The measure is effective July 1, 2019.

The Department appreciates that this measure takes into consideration the possibility that a confidential address could impact tax compliance and assessment in section __-9(b)(4). The Department requests this paragraph be amended to read as follows:

- (4) For tax purposes, the substitute address shall be used solely as a mailing address or for purposes of public records and ~~[shall not be used for the assessment of any taxes or for any representation that the program participant resides at the substitute address;]~~ the department of taxation may require the program participant to provide an actual address if the address is necessary for the assessment of any taxes; provided that the substitute address shall be used as a mailing address and the actual address shall remain confidential;

Finally, the Department is able to implement the proposed amendments in this measure with its current effective date. Thank you for the opportunity to provide comments.

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

DATE: JANUARY 30, 2018

TO: STATE OF HAWAII, SENATE COMMITTEE ON JUDICIARY
SENATOR BRIAN T. TANIGUCHI, CHAIR
SENATOR KARL RHOADS, VICE CHAIR
SENATOR MIKE GABBARD
SENATOR LAURA H. THIELEN
SENATOR DONNA MERCADO KIM

FROM: STACEY MONIZ, EXECUTIVE DIRECTOR
HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

RE: TESTIMONY IN STRONG SUPPORT FOR SB2346
RELATING TO ADDRESS CONFIDENTIALITY

Aloha:

On behalf of the Hawaii State Coalition Against Domestic Violence (HSCADV) and our 22 member organizations across the state, I am submitting testimony in **STRONG SUPPORT** of SB2346 which creates a safe way for victims of domestic violence, sexual assault and stalking to maintain their confidential addresses.

When survivors flee their abusers it is often difficult to remain hidden, especially on an island. It is not uncommon for abusers to find their victims, stalk them, harass them and create terrifying and dangerous situations. Each time a survivor has to give out their address they risk being found and it may discourage them from seeking help at all. Survivors are required to provide a physical address, (not P.O. boxes) for public agencies, employment, and even court documents. This legislation would give them an option to use a safe physical address where their mail can go and then be forwarded on to their actual address.

We are grateful to the State Department of the Attorney General who has agreed to administer this vital service and grateful for the appropriations that will be included in the bill.

Passing this legislation would be a gift to survivors of intimate partner violence and stalking. Hawaii would then join the other 36 states that already have this program in place.

As stated above, HSCADV strongly supports SB 2346.

Thank you for your consideration of our testimony. If you would like to discuss this or have any questions, I can be reached at 808.832.9613x4 or via email at smoniz@hscadv.org.

Together we can do amazing things



January 31, 2018

Senator Brian Taniguchi, Chair
Committee on Judiciary

Re: S.B. 2346, Relating to Address Confidentiality

Hearing: Thursday, February 1, 2018, 9:00 a.m.

Dear Chair Taniguchi and Members of the Committee on Judiciary:

Hawaii Women Lawyers submits testimony in **strong support** of S.B.2346 which would establish an address confidentiality program to help survivors of domestic violence, sexual assault, and stalking to relocate and keep their addresses confidential. The bill also appropriates funds to establish the program.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

This measure will help to protect women who are victims of domestic violence, sexual assault and stalking, by protecting their location and keeping them safe as they are trying to escape from domestic violence or sex assault situations. With the technology available today, it has become increasingly easier to locate victims via publicly available data and social media. The program proposed in the bill to protect victims' safety will help to address this issue, and has been implemented successfully in many other states.

We respectfully request that the Committee pass S.B.2346. Thank you for the opportunity to submit testimony in support of this measure.



January 30, 2018

To: Hawaii State Senate Committee on Judiciary
Hearing Date/Time: Thursday, February 1, 2018 (9:00 am)
Place: Hawaii State Capitol, Rm. 016
Re: Testimony in support of SB2346

Dear Senator Brian T. Taniguchi (Chair), Senator Karl Rhoads (Vice Chair) and Members of the Committee,

I am grateful for this opportunity to testify in **strong support of S.B. 2346**, relating to address confidentiality of gender violence survivors (specifically of domestic violence, sexual assault, and stalking, each of them, serious crimes). The ability to use a substitute legal address is key to the safety of survivors.

My testimony is on behalf of the approximately 400 members of the American Association of University Women (AAUW) in Hawaii, who list gender-based violence as an important current concern.

This submission is informed by many years of work in the field of domestic violence, and research conducted with survivors of intimate partner violence. In addition, when I lived in New Zealand, I managed a 24-hour, 7-days/week domestic violence hotline, and trained Advocates for Women to respond skillfully and empathetically to survivors of violence. At many times, we worked with police, courts, and other service agencies on behalf of survivors. At that time, New Zealand had address confidentiality, and it was an essential strand of police and court policy for maintaining survivors' safety. Providing this service for victims of violence is important since the ultimate penalty for survivors, and family members, who are located by violent perpetrators is death or serious injury.

It should also be noted that in the USA, many other states (currently 30+) have enacted similar types of programs since the early 1990s. Given that we now have 25 years of data indicated the success of these laws for diminishing violence towards adults and children, the time seems ripe for moving S.B. 2346 into Hawaiian law. It should also be ensured that the application form should be of a straightforward nature, so that an individual may apply for this service on her own, without requiring a lawyer's assistance.

In conclusion, passage of S.B. 2346 is an important step in improving justice for women.

Thank you for the opportunity to testify.

Sincerely

Susan J. Wurtzburg, Ph.D.

Policy Chair

Executive Director
Adriana Ramelli

Advisory Board

President
Mimi Beams

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

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Marilyn Carlsmith

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Councilmember
Carol Fukunaga

Senator
Josh Green, MD

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Nadine Tenn Salle, MD

Deane Salter

Joshua A. Wisch

Date: February 1, 2018

To: The Honorable Brian Taniguchi, Chair
The Honorable Karl Rhoads, Vice Chair
Senate Committee on Judiciary

From: Justin Murakami, Policy Research Associate
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Strong Support of S.B. 2346
Relating to Address Confidentiality

Good morning Chair Taniguchi, Vice Chair Rhoads, and members of the Senate Committee on Judiciary:

The Sex Abuse Treatment Center (SATC) strongly supports S.B. 2346, which would establish an address confidentiality program to help survivors of domestic violence and sexual assault relocate and keep their addresses confidential.

Most sexual assaults are not committed by strangers, but by intimate partners, family members and acquaintances. Moreover, sexual assault often does not occur in isolation, but can be one feature of a pattern of violence and intimidation between non-strangers that also includes physical abuse and stalking. In order to ensure their own safety and the safety of loved ones, survivors are sometimes forced to relocate in order to avoid further actual or threatened violence.

Unfortunately, modern search technologies and access to public records make it easy for perpetrators to find survivors' new addresses. This places survivors in harm's way and can complicate the difficult task of recovering from the trauma of sexual assault.

An address confidentiality program would enhance survivors' safety and privacy, providing them the means to shield their actual locations through the use of substitute addresses, and penalizing unauthorized disclosures of actual address information. In addition, by establishing an address confidentiality program, Hawai'i would place itself on equal footing with 36 other states that have already implemented these protections.

By ensuring that survivors of sexual assault who are forced to relocate in order to escape their attackers are able to enjoy the security and peace of mind that is due to them, your support of S.B. 2346, is a powerful reaffirmation of the State of Hawai'i's commitment to protect its citizens from offenders of violent crime.



TO: Chair Taniguchi
Vice Chair Rhoads
Members of the Committee

FR: Nanci Kreidman, M.A

Re: Testimony in Support of SB2346, Relating to Address Confidentiality

Aloha. Thank you for the opportunity to provide testimony in strong support of this bill establishing an Address Confidentiality Program (“ACP”) in Hawaii. The ACP creates a mechanism to assist survivors of domestic violence, sexual assault, and stalking relocate and keep their addresses confidential.

Since 1991, thirty-six states enacted legislation and launched ACP’s. The legislative intent of every program is to protect the location of a survivor’s actual address and reduce the risk of future harm. Women in Hawaii who are fleeing domestic abuse must leave their home and relocate to a safe place. However, each woman is only safe so long as her abuser does not track her down. Advancing Internet technologies, the release of personal information by state agencies, and Court-ordered disclosures in family court proceedings make it easier than ever for abusers to locate survivors. The risks may also prove deadly for the woman who underestimates the lengths to which her abuser will go to continue the abuse. Further, the fear of having identifying information disclosed has actually deterred survivors from filing restraining orders, and divorce complaints.

There are countless women whose safety may be preserved as a result of this legislation. These are not perceived or imagined threats to survivor’s safety. At the Domestic Violence Action Center we see countless examples of stalking, harassment and pursuit that establishes risk to safety and urgent terror. There is no question an ACP is necessary in the State of Hawaii.

This testimony is provided to your committee to respectfully request the passage of Senate Bill 2346B, which reflects a significant legislative concern for survivors of domestic violence, and a desire to facilitate their efforts to start a new life free from abuse.

Thank you for this opportunity to testify.

To: Hawaii State Senate Committee on Judiciary
Hearing Date/Time: Thursday, Feb. 1, 2018, 9:00 a.m.
Place: Hawaii State Capitol, Rm. 016
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of S.B. 2346, relating to Address Confidentiality

Dear Chair Taniguchi and Members of the Committee,
Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of S.B. 2346, which seeks to establish the address confidentiality program to help survivors of domestic abuse, sexual assault, and stalking to relocate and keep their addresses confidential.

Passage of this bill is long overdue for those survivors of partner violence who are stalked, harassed and intimidated through pursuit. Requiring survivors to provide their current addresses when seeking help places them at further risk and could discourage them from seeking help because the address could be discovered or overheard by an abuser.

Currently, we are one of a minority of states that currently do not have an address confidentiality program, which works by giving victims a legal substitute address to use in place of their physical address. The address can be used whenever an address is required by public agencies and first class mail sent to the substitute address is forwarded to the victim's actual address.

Please help to ensure survivors’ safety by passing this bill.
Thank you for this opportunity to testify in support of this important measure.

Sincerely,

Laurie Field
Hawaii Legislative Director



February 1, 2018

To: Senator Brian Taniguchi, Chair
Senator Karl Rhoads, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Co-Chair

RE: SB 2346 Relating to Address Confidentiality
Hearing: Thursday, February 1, 2018, 9:00 a.m., Room 016

POSITION: Strong Support

The Hawai'i State Democratic Women's Caucus writes in strong support of SB 2346 Relating to Address Confidentiality which would establish an address confidentiality program for survivors of domestic violence, sexual assault, and stalking. This measure would provide a life-saving tool by allowing survivors to use a substitute legal address in place of their physical address. Additionally, it would provide for a mail forwarding system so that their physical address would remain confidential.

Thirty-six other states in the nation have implemented address confidentiality programs. Violent partners are very resourceful and determined to harm their victims; the availability of search engines, social media, and other on-line resources have made it easier to discover personal information. Providing one's address in open court exposes a person to further risk, terror and injury.

This confidentiality program will help to keep vulnerable women and children safe from their abusers. In addition, the Department of the Attorney General has agreed to administer the program. We ask the committee to pass this measure.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls. Thank you for the opportunity to provide testimony.



TO: Chair Taniguchi, Vice Chair Rhoads, and Members of the State Committee on Judiciary

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: February 01, 2018; 9:00 a.m., Conference Room 106

RE: TESTIMONY IN SUPPORT OF SB 2346 – RELATING TO ADDRESS CONFIDENTIALITY

We urge you to support SB 2346– Relating to establishing the Address Confidentiality Program to help survivors of domestic abuse, sexual assault, and stalking to relocate and keep their addresses confidential. We support this bill which would establish the Address Confidentiality Program in the department of the attorney general to protect the confidentiality of the actual address of a victim of domestic abuse, a sexual offense, or stalking and to prevent the victim's assailants or potential assailants from finding the victim through public records. 36 states have launched address confidentiality programs that help to protect victims of crimes such as sexual assault, domestic violence and stalking.

As a provider of domestic violence services, we work with victims of abuse and violence who find it difficult to keep their perpetrators from finding them or who live in fear daily that their perpetrators will find them. They go to great lengths to keep their identities and whereabouts protected; changing their physical appearances, jobs, locations and more. Living in fear is not okay and does nothing to help one to move forward. Victims of stalking or abuse are often burdened not only by the trauma they endured but also by the residual, time-consuming, process of getting to a safe place and staying safe. This process can include many time intensive responsibilities including but not limited to obtaining TROs, going to court appearances, and attending individual or group therapy sessions all while trying to keep their identities and whereabouts protected. In addition to their daily responsibilities, these people are juggling many additional obligations on their road to being safe and having their address remain confidential would help to alleviate fear and aid them in this process.

Many of our clients who are brave enough or lucky enough to escape traumatic relationships and abusive experiences are working hard to rebuild their lives. Those who are determined choose to focus on putting the pieces of themselves and their lives back together to become healthy and

whole again. All victims deserve to be safe. All people deserve to be safe. With laws in place that help to protect their safety, we can all work together to help them triumph over trauma and focus on the positive future ahead.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 18,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 16 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, child and adolescent behavioral health programs, sex trafficking intervention, and community building programs.

Thank you for the opportunity to testify in **support of SB 2346**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

SB-2346

Submitted on: 1/30/2018 12:14:23 AM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Devin Sasai		Oppose	Yes

Comments:

Senators,

Thank you for your time and for your service. I am writing you in OPPOSITION of SB2346. While I can understand that we all want to keep firearms out of the hands of those who shouldn't be in possession of them, the enforcement of SB2346 is both problematic and unconstitutional.

The proposed bill as written changes the time a person, who is deemed unfit to own firearms, is given to "dispose" of his/her firearms and ammunition, from 30 days to an unspecified amount of hours. It is unrealistic to believe that the person would be able to "dispose" of their firearms within hours of receiving written notification, as stated in HRS134-7.3(a). It has not been outlined in the proposed bill how the notification will take place. In HRS134-7.3(a), the clock starts "...from the date notice was mailed." Are you proposing the notices be sent through a process server or some similar method? If not, how would you know that person received notice? How would you know when said clock begins its countdown?

Also, with such a short time, I believe that SB2346 is also in violation of the 4th, 5th, and 14th Amendments. With such a small window, and a very unclear method of notification, you run the risk of illegally entering a persons property to confiscate their property, their firearms. Clearly in violation of the 4th Amendment. You come back at me with the fact that under the proposed bill, law enforcement would have a lawful right to exercise the confiscation, but you would be wrong unless you knew that the correct person had been properly notified "...from the date the notice was mailed." And this proposed bill does not have that process of notification outlined. If the person had not received proper notification, you would now be in violation of the 5th Amendment by depriving the person of their property without compensation, or even a reasonable time to "dispose" of the firearms, as stated in HRS134-7.3(d). Such a short timeline, and with no outlined appeals process, or process outlining the return of said firearms in the event of a court ruling in the persons favor, or charges or TRO being dropped. would also be a violation of the due process clause of the 14th Amendment. I hope you all can see how although it is forged from good intentions, this bill has many holes that surely you all would like to address. Because of this, I humbly ask the you vote against SB2346. Thank you for your time and attention.

Sincerely,

Devin Sasai

Kapolei, Hawaii

SB-2346

Submitted on: 1/30/2018 6:43:12 PM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
aimee sutherlin		Support	No

Comments:

As a Social Worker in the community who has worked for programs providing intervention for intimate partner violence survivors, offenders, and their children, I submit testimony in STRONG SUPPORT of SB2346 which creates a safe way for victims of domestic violence, sexual assault and stalking to maintain their confidential addresses.

When survivors flee their abusers it is often difficult to ensure the safety of oneself and one's children, especially on an island. It is not uncommon for abusers to find their victims, stalk them, harass them and create terrifying and dangerous situations. Each time a survivor has to give out their address they risk being found and it may discourage them from seeking help at all.

Survivors are required to provide a physical address, (not P.O. boxes) for public agencies, employment, and even court documents. This legislation would give them an option to use a safe physical address where their mail can go and then be forwarded on to their actual address.

I am grateful to the State Department of the Attorney General who has agreed to administer this vital service and grateful for the appropriations that will be included in the bill.

Passing this legislation would be one step closer to providing safety not only to survivors of intimate partner violence and stalking, but also to the community. Hawai'i would then join the other 36 states that already have this program in place. As someone who practiced social work in Colorado, I witnessed the effectiveness of similar legislation in that state. This is a logical step to providing safety for Hawai'i's citizens.

Mahalo,

Aimee Chung, MSW

SB-2346

Submitted on: 1/26/2018 6:29:48 PM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk		Support	No

Comments:

Aloha Chair Taniguchi and Vice Chair Rhoads:

I am in strong support of SB2346 that would allow persons who must hide their residence from harrassers, abusers, stalkers, etc., to do so. This is badly needed. I have been concerned for years that people in the situations above may be denied the opportunity to vote, because registering to vote would make their address public. Likewise, they may miss out on other state benefits for the same reason. I urge you to pass this important bill.

Barbara Polk

SB-2346

Submitted on: 1/30/2018 5:48:45 AM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Donald A Salvador		Oppose	No

Comments:

Thank you for your time and for your service. I am writing you in OPPOSITION of SB2346. While I can understand that we all want to keep firearms out of the hands of those who shouldn't be in possession of them, the enforcement of SB2346 is both problematic and unconstitutional.

The proposed bill as written changes the time a person, who is deemed unfit to own firearms, is given to "dispose" of his/her firearms and ammunition, from 30 days to an unspecified amount of hours. It is unrealistic to believe that the person would be able to "dispose" of their firearms within hours of receiving written notification, as stated in HRS134-7.3(a). It has not been outlined in the proposed bill how the notification will take place. In HRS134-7.3(a), the clock starts "...from the date notice was mailed." Are you proposing the notices be sent through a process server or some similar method? If not, how would you know that person received notice? How would you know when said clock begins its countdown?

Also, with such a short time, I believe that SB2346 is also in violation of the 4th, 5th, and 14th Amendments. With such a small window, and a very unclear method of notification, you run the risk of illegally entering a persons property to confiscate their property, their firearms. Clearly in violation of the 4th Amendment. You come back at me with the fact that under the proposed bill, law enforcement would have a lawful right to exercise the confiscation, but you would be wrong unless you knew that the correct person had been properly notified "...from the date the notice was mailed." And this proposed bill does not have that process of notification outlined. If the person had not received proper notification, you would now be in violation of the 5th Amendment by depriving the person of their property without compensation, or even a reasonable time to "dispose" of the firearms, as stated in HRS134-7.3(d). Such a short timeline, and with no outlined appeals process, or process outlining the return of said firearms in the event of a court ruling in the persons favor, or charges or TRO being dropped. would also be a violation of the due process clause of the 14th Amendment. I hope you all can see how although it is forged from good intentions, this bill has many holes that surely you all would like to address. Because of this, I humbly ask the you vote against SB2346. Thank you for your time and attention.

SB-2346

Submitted on: 1/27/2018 9:55:54 AM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Domestic Violence Survivor Advocate	Support	No

Comments:

SB-2346

Submitted on: 1/27/2018 5:02:44 PM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kaulana Dameg		Support	No

Comments:

SB-2346

Submitted on: 1/28/2018 2:47:42 PM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall		Support	No

Comments:

SB-2346

Submitted on: 1/29/2018 4:42:34 PM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carmen Golay		Support	No

Comments:

SB-2346

Submitted on: 1/30/2018 6:33:04 AM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede		Support	No

Comments:

SB-2346

Submitted on: 1/30/2018 8:28:38 PM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
liz Brown	student	Support	No

Comments:

strongly support

SB-2346

Submitted on: 1/31/2018 11:28:01 AM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Councilmember Yuki Lei Sugimura	Maui County Council	Support	No

Comments:

SB-2346

Submitted on: 1/31/2018 4:13:35 PM

Testimony for JDC on 2/1/2018 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron SP Farias		Support	No

Comments:

STUDENT of the MYRON B. THOMPSON SCHOOL OF SOCIAL WORK Supports SB2346:

GOOD AFTERNOON DISTINGUISHED COMMITTEE MEMBERS. My name is Aaron SP Farias. I am a Student at the Myron B. Thompson School of Social Work. I am an intern at Action with Aloha and an employee of the Institute of Human Services.

I support this bill relating to address confidentiality.

LATE

SB-2346

Submitted on: 2/1/2018 8:16:31 AM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ray Oda		Support	No

Comments:

SB-2346

Submitted on: 2/1/2018 2:09:08 PM

Testimony for JDC on 2/1/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments: