

HOUSE OF REPRESENTATIVES  
THE THIRTY-FIRST LEGISLATURE  
REGULAR SESSION OF 2021

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

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Rep. Angus L.K. McKelvey	Rep. Gene Ward

NOTICE OF HEARING

DATE: Tuesday, February 16, 2021  
TIME: 2:00PM  
PLACE: VIA VIDEOCONFERENCE  
Conference Room 325  
State Capitol  
415 South Beretania Street

**THE STATE CAPITOL IS CLOSED TO THE PUBLIC DURING THE ONGOING COVID-19 PANDEMIC**

Please note that the committee members will participate remotely via videoconference.  
Click [here](#) to submit testimony and to testify remotely.

A live stream link of all House Standing Committee meetings will be available online  
shortly before the scheduled start time.

Click [here](#) for the live stream of this meeting via YouTube.  
Click [here](#) for select hearings broadcast live on 'Ōlelo Community Media for cable TV.

A G E N D A

[HB 314, HD1](#)  
[\(HSCR135\)](#)  
[Status](#)

RELATING TO MANDATORY REPORTING.  
Requires that providers of health or human services that receive state funds file annual financial reports and that the reports be disclosed to the department of taxation. Exempts certain contracts with existing reporting requirements. Effective 7/1/2060. (HD1)

HHH, JHA, FIN

HEARING\_JHA\_02-16-21\_  
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<a href="#">HB 310, HD1</a> <a href="#">(HSCR136)</a> <a href="#">Status</a>	<p>RELATING TO HEALTH.</p> <p>Amends the definition of "imminently dangerous to self or others". Authorizes the involuntary treatment of patients who are subject to emergency hospitalization, diagnosed with a serious mental illness or severe substance use disorder, and found to be lacking decisional capacity. Requires assessment of patients who are subject to emergency hospitalization, diagnosed with a serious mental illness or severe substance use disorder, and found to be lacking decisional capacity to determine if a surrogate or guardian needs to be appointed to make appropriate health care decisions for the patient. Effective 7/1/2060. (HD1)</p>	<p>HHH, JHA, FIN</p>
<a href="#">HB 1284, HD1</a> <a href="#">(HSCR233)</a> <a href="#">Status</a>	<p>RELATING TO THE DEPARTMENT OF HUMAN SERVICES.</p> <p>Requires health insurance providers that provide health benefits plans funded by the Hawaii employer-union health benefits trust fund or the state medicaid agency and providers that provide medicare advantage (medicare part C) health benefits plans to provide administrative data to the health analytics program in the department of human services. Requires the health analytics program to develop an annual plan for the analysis, maintenance, and publication of collected all-claims, all-payer data. Effective 7/1/2060. (HD1)</p>	<p>HHH, JHA, FIN</p>
<a href="#">HB 796, HD1</a> <a href="#">(HSCR215)</a> <a href="#">Status</a>	<p>RELATING TO CORRECTIONAL FACILITY AND COMMUNITY CORRECTIONAL CENTER DEATHS.</p> <p>Updates reporting requirements by the department of public safety when employees and inmates die at correctional facilities and community correctional centers. Requires race of the decedent to be included in the report. Requires the report to cite to any authority relied upon by the department of public safety in determining that information is protected by state or federal law. Makes a copy of the report required by this section public and readily available to the family and press upon the director's receipt of the medical examiner's report. Effective 7/1/3050. (HD1)</p>	<p>CMV, JHA, FIN</p>
<a href="#">HB 734</a> <a href="#">Status</a>	<p>RELATING TO CHILD SUPPORT.</p> <p>Requires certain amounts of child support moneys collected by the Department of Human Services for public assistance of a child to pass through to the family receiving public assistance. Requires the Department of Human Services to disregard passed-through child support payments when calculating the income of an applicant for or recipient of public assistance. Increases the maximum fine for an employer who discharges from employment, refuses to employ, or takes disciplinary action against any noncustodial parent subject to income withholding or who fails to comply with an order of assignment of future income to pay child support. Appropriates funds.</p>	<p>JHA, FIN</p>
<a href="#">HB 654</a> <a href="#">Status</a>	<p>RELATING TO CHILD SUPPORT ENFORCEMENT.</p> <p>Establishes that every judgment for child support is enforceable until paid in full.</p>	<p>JHA, FIN</p>

<a href="#"><u>HB 97</u></a> <a href="#"><u>Status</u></a>	RELATING TO CHARITABLE ORGANIZATIONS. Permits charitable organizations to hold online fundraising events, including online raffles. Excludes online fundraising by charitable organizations from the definition of "gambling" in the Hawaii penal code.	JHA, FIN
<a href="#"><u>HB 821, HD1</u></a> <a href="#"><u>(HSCR180)</u></a> <a href="#"><u>Status</u></a>	RELATING TO HISTORIC PRESERVATION. Authorizes the state historic preservation division to delegate the responsibility of historic preservation project reviews to the impacted county and establish a program for third-party individuals and organizations to conduct document reviews on proposed projects. Effective 1/1/2050. (HD1)	WAL, JHA, FIN
<a href="#"><u>HB 680, HD1</u></a> <a href="#"><u>(HSCR129)</u></a> <a href="#"><u>Status</u></a>	RELATING TO HUMAN REMAINS. Allows the use of traditional Hawaiian burial practices in the treatment and disposal of human remains, which includes the use of alkaline hydrolysis, water cremation, and natural organic reduction. Amends procedures for the resolution of disputes regarding the right of disposition, right to rely and act upon written instructions in a funeral service agreement or similar documents, and provisions for the disposition of a decedent's remains and recovery of reasonable expenses to include hydrolysis facilities and natural organic reduction facilities. Effective 7/1/2060. (HD1)	HHH, JHA, CPC
<a href="#"><u>HB 643, HD1</u></a> <a href="#"><u>(HSCR190)</u></a> <a href="#"><u>Status</u></a>	RELATING TO EMERGENCY MANAGEMENT. Makes harassment against an essential worker during an emergency a misdemeanor. Defines essential worker. Amends various definitions in the emergency management laws to address pandemics. Effective 7/1/2050. (HD1)	PDP/LAT, JHA, FIN
<a href="#"><u>HB 825, HD1</u></a> <a href="#"><u>(HSCR124)</u></a> <a href="#"><u>Status</u></a>	RELATING TO EMERGENCY POWERS. Specifies the Governor's emergency powers to include the authority to assume control, use, or operate any state facility at no cost or requirement of compensation. Effective 7/1/2050. (HD1)	PDP, JHA, FIN
<a href="#"><u>HB 686, HD1</u></a> <a href="#"><u>(HSCR167)</u></a> <a href="#"><u>Status</u></a>	RELATING TO CRITICAL ELECTRICAL INFRASTRUCTURE. Establishes the offense of criminal trespass on critical electrical infrastructure and makes it a class C felony. (HD1)	HET, JHA
<a href="#"><u>HB 1377</u></a> <a href="#"><u>Status</u></a>	RELATING TO CITATIONS. Creates an electronic citation program under the judiciary and establishes an electronic citation surcharge.	JHA, FIN
<a href="#"><u>HB 971</u></a> <a href="#"><u>Status</u></a>	RELATING TO THE EXPEDITED AGENCY HEARING. Provides for an expedited agency hearing for any criminal activity that threatens the health and safety of the community or any drug-related criminal activity.	JHA, FIN

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<a href="#">HB 565</a> <a href="#">Status</a>	RELATING TO DIVORCE. Grants exclusive original jurisdiction in matters of divorce to the family court of the circuit in which an applicant is domiciled at the time the application is filed. Repeals the requirement that a person be domiciled or physically present in the State for a continuous period of at least six months before completing a divorce.	JHA, FIN
<a href="#">HB 1018, HD1</a> <a href="#">(HSCR85)</a> <a href="#">Status</a>	RELATING TO LAY NETS. Authorizes the department of land and natural resources to adopt rules to establish a lay net permit for the use or possession of lay nets, including reasonable permit fees and provisions for revocation, suspension, and withholding of permits for non-compliance with lay net rules. Effective 1/1/2050. (HD1)	WAL, JHA, FIN
<a href="#">HB 1023, HD1</a> <a href="#">(HSCR88)</a> <a href="#">Status</a>	RELATING TO A NONRESIDENT RECREATIONAL MARINE FISHING LICENSE. Establishes a nonresident recreational marine fishing license requirement and fees to enable the department of land and natural resources to more effectively manage the marine fisheries resources of the State. Prohibits nonresidents, with certain exceptions, from fishing, taking, or catching marine life without a nonresident recreational marine fishing license. Effective 1/1/2050. (HD1)	WAL, JHA, FIN
<a href="#">HB 1276, HD1</a> <a href="#">(HSCR182)</a> <a href="#">Status</a>	RELATING TO STATE PARKS. Allows the board of land and natural resources to adopt, amend, or repeal administrative fee schedules for certain activities related to state parks through regular or special board meetings rather than through administrative rulemaking. Appropriates funds out of the state parks special fund to raise the expenditure ceiling of the special fund. Effective 1/1/2050. (HD1)	WAL, JHA, FIN
<a href="#">HB 779, HD1</a> <a href="#">(HSCR97)</a> <a href="#">Status</a>	RELATING TO PESTICIDES. Requires the department of agriculture, in consultation with the department of health, to develop and implement a one-time pesticide disposal collection program, for a duration to be determined by the department. Requires the department of agriculture to convene a steering committee to guide and monitor the pesticide disposal collection program. Increases the administrative and criminal penalties for violating the Hawaii pesticides law. Appropriates moneys. Effective 7/1/2050. (HD1)	AGR, JHA, FIN
<a href="#">HB 1344, HD1</a> <a href="#">(HSCR121)</a> <a href="#">Status</a>	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT. Removes acreage restrictions on leases of Hawaiian home lands for agricultural purposes. Provides that the priority of availability of the foregoing leases shall be subject to the availability of suitable tracts of land to native Hawaiians. Specifies that the foregoing leases may be for either for-profit or non-profit purposes. (HD1)	AGR, JHA, FIN
<a href="#">HB 1391</a> <a href="#">Status</a>	RELATING TO THE HAWAIIAN HOMES COMMISSION. Allows the Department of Hawaiian Home Lands to retain independent legal counsel as needed. Authorizes the Department of Hawaiian Home Lands to use the services of the Attorney General as needed and when the interests of the State and the Department of Hawaiian Home Lands are aligned. Provides that funds owed to independent legal counsel shall be paid by the State.	JHA, FIN

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<a href="#"><u>HB 753, HD1</u></a> <a href="#"><u>(HSCR87)</u></a> <a href="#"><u>Status</u></a>	RELATING TO SCHOOL IMPACT FEES. Excludes housing developed by the department of Hawaiian home lands from school impact fees. Effective 1/1/2050. (HD1)	WAL, JHA, FIN
<a href="#"><u>HB 847</u></a> <a href="#"><u>Status</u></a>	RELATING TO THE OFFICE OF ADMINISTRATIVE ADJUDICATIONS. Requires the department of the attorney general to study and submit a report to the legislature on the feasibility and cost effect of establishing an office of administrative adjudications that conducts administrative hearings for the State's executive branch agencies.	JHA, FIN
<a href="#"><u>HB 1055, HD1</u></a> <a href="#"><u>(HSCR114)</u></a> <a href="#"><u>Status</u></a>	RELATING TO HIGHWAYS. Provides the director of transportation with authority to acquire real property on behalf of the State for roads and streets without review or approval by the board of land and natural resources and specifies that, upon acquisition, jurisdiction over the real property is immediately transferred to the department of transportation. Effective 7/1/2050. (HD1)	TRN, JHA, FIN
<a href="#"><u>HB 1220, HD1</u></a> <a href="#"><u>(HSCR161)</u></a> <a href="#"><u>Status</u></a>	RELATING TO CHARTER SCHOOLS. Requires members of the charter school commission to collectively possess strong experience and expertise in various fields. Allows staff of an authorizer to assist in the application and review process and completion of an incomplete application. Clarifies charter application notice requirements. Clarifies authorizer compliance requirements in cases of an appeal. Effective 7/1/2050. (HD1)	EDN, JHA, FIN
<a href="#"><u>HB 1245, HD1</u></a> <a href="#"><u>(HSCR242)</u></a> <a href="#"><u>Status</u></a>	RELATING TO FIREWORKS INFRACTIONS. Establishes an expeditious adjudication system for the processing of fireworks infractions. Appropriates funds. Effective 1/1/2050. (HD1)	CPC, JHA, FIN

**DECISION MAKING**

The following measure(s) were previously heard on **February 9, 2021**. No public testimony will be accepted.

<a href="#"><u>HB 1138</u></a> <a href="#"><u>Status</u></a>	RELATING TO ABUSE. Changes the age for minors who are in the presence of abuse of family or household member offenses from less than fourteen to less than eighteen years of age.	JHA
<a href="#"><u>HB 1366</u></a> <a href="#"><u>Status</u></a>	RELATING TO FIREARMS. Amends the class C felony offense of manufacturing, purchasing, or obtaining firearm parts to assemble a firearm having no serial number to also prohibit possession of those firearm parts. Amends Act 74, Session Laws of Hawaii 2020, to repeal language that specified the prospective application of that Act. Applies retroactively to 9/15/2020.	JHA, FIN

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[HB 1096](#)  
[Status](#)

RELATING TO PARENTAGE.  
Amends the Uniform Parentage Act to allow non-gestational partners to voluntarily establish parentage of a child during the period immediately prior to or following the birth of the child. Requires the State to recognize parentage determinations from other states and territories.

JHA, FIN

The following measure(s) were previously heard on **February 10, 2021**. No public testimony will be accepted.

[HB 98, HD1](#)  
[\(HSCR24\)](#)  
[Status](#)

RELATING TO AQUATIC RESOURCES.  
Specifies that any equipment, article, instrument, aircraft, vehicle, vessel, business record, or other asset used in intentional violation of the aquatic resources law is subject to forfeiture. Authorizes the imposition of a criminal fine. Clarifies that the fine structure is assessed on a per-specimen basis. Makes violations of the aquatic resources law a misdemeanor, rather than a petty misdemeanor. Permits the department of land and natural resources to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine. Effective 7/1/2050. (HD1)

WAL, JHA, FIN

#### DECISION MAKING TO FOLLOW

Persons wishing to offer comments should submit testimony at least **24 hours** prior to the hearing. Testimony received after this time will be stamped late and left to the discretion of the chair to consider. 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 not be processed.

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.

The chair may institute a per-testifier time limit.

Committees meeting in the morning must adjourn prior to the day's Floor Session. Therefore, due to time constraints, not all testifiers may be provided an opportunity to offer verbal comments. However, remote testifiers' written submissions will be considered by the committee.

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Please refrain from profanity or uncivil behavior. Violations may result in ejection from the hearing without the ability to rejoin.

The House will not be responsible for bad connections on the testifier's end.

The cable TV broadcast and/or live stream of this meeting will include closed captioning. If you require other auxiliary aids or services to participate in the public hearing process (i.e. interpretive services (oral or written) or ASL interpreter) or are unable to submit testimony via the website due to a disability, please contact the committee clerk at least 24 hours prior to the hearing so that arrangements can be made.

Click [here](#) for a complete list of House Guidelines for public testimony.

**FOR AMENDED NOTICES:** Measures that have been deleted are stricken through and measures that have been added are bolded.

For more information, please contact the Committee Clerk at 586-6680.

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Rep. Mark M. Nakashima  
Chair

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