

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

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

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AMENDED NOTICE OF HEARING

DATE: Wednesday, February 17, 2021
TIME: 2:00 PM
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.
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A M E N D E D A G E N D A

The following measure(s) has been **ADDED** to the agenda for decision making: **HB 32, HB 1122 HD1, HB 1124 HD1, HB1020 HD1**

[HB 1066, HD1](#)
[\(HSCR151\)](#)
[Status](#)

RELATING TO CRIMINAL HISTORY RECORD CHECKS.
Adds the University of Hawaii to the list of agencies that are authorized to conduct criminal history record checks on current or prospective employees whose positions or duties are related to public safety. Effective 12/25/2040. (HD1)

LAT, JHA, FIN

[HB 225, HD1](#)
[\(HSCR156\)](#)
[Status](#)

RELATING TO BULLYING.
Requires the board of education to develop a bullying prevention and response action plan. Requires the board of education to report annually to the legislature. Repeals Act 214, Session Laws of Hawaii 2011. Effective 7/1/2050. (HD1)

EDN, JHA, FIN

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HB 288 Status	RELATING TO TRANSPORTATION. Increases the minimum and potential maximum fine for violating certain provisions relating to the installation of a noisy muffler.	JHA, FIN
HB 337 Status	RELATING TO CONSTITUTIONAL AMENDMENTS. Requires the language and meaning of any proposed constitutional amendment and ratification question to be simple, concise, and direct to the extent practicable. Allows the presiding officers of the legislature to request a written opinion of the supreme court regarding the legality of a proposed amendment to the Hawaii State Constitution and the corresponding constitutional ratification question. Requires the court to provide a written opinion within 48 hours of receipt of the request. Requires, for any written opinion by the court that invalidates a constitutional ratification question, a detailed and specific explanation of the reasons for this opinion. Prohibits any appeal of a written opinion.	JHA, FIN
HB 1288 (HSCR79) Status	RELATING TO GOVERNMENT. Excludes non-voting ex-officio board members appointed by the President of the Senate and the Speaker of the House of Representatives to the HART Board of Directors from being counted for purposes of quorum.	TRN, JHA, FIN
HB 61 Status	RELATING TO NON-GENERAL FUNDS. Reclassifies or repeals non-general funds of the Department of Hawaiian Home Lands or Judiciary.	JHA, FIN
HB 894 Status	RELATING TO HAWAII CRIMINAL JUSTICE DATA CENTER FEES. Provides authority for the Hawaii criminal justice data center to set and collect fees for services provided.	JHA, FIN
HB 320, HD1 (HSCR179) Status	RELATING TO HISTORIC PRESERVATION. Makes it a civil and administrative violation for any person to engage in certain archaeological activities without obtaining the required permission or approval from the department of land and natural resources. Effective 1/1/2050. (HD1)	WAL, JHA, FIN
HB 823, HD1 (HSCR181) Status	RELATING TO PUBLIC LAND LIABILITY. Repeals the task force on beach and water safety and risk assessment working group. Requires the design and placement of warning signs, devices, and systems on certain areas of the State to be approved by the chairperson of the board of land and natural resources and the respective county mayors. Effective 1/1/2050. (HD1)	WAL, JHA, FIN

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HB 446, HD1 (HSCR238) Status	<p>RELATING TO MOTOR VEHICLES.</p> <p>Establishes a new offense of theft of a catalytic converter. Requires vehicle registration records to be kept for businesses engaged in the selling or negotiating the purchase of used motor vehicle parts or accessories or licensed to wreck, salvage, or dismantle motor vehicles. Requires these businesses to refuse purchase of used motor vehicle parts or accessories and report the attempted sale to police if a seller does not provide certain information. Changes the fine for any violations of the used motor vehicle parts and accessories law. Regulates the purchase of catalytic converters and catalytic converter metals by scrap dealers. Requires a written statement, photograph of the catalytic converter or catalytic converter metals, and verification of a seller's identification prior to a scrap dealer's purchase of a catalytic converter or catalytic converter metals. Specifies recordkeeping requirements for the sale of a catalytic converter or catalytic converter metals. Effective 1/1/2050. (HD1)</p>	CPC, JHA, FIN
HB 1109 Status	<p>RELATING TO ADMINISTRATIVE RULE MAKING.</p> <p>Requires that prior to the adoption or repeal of a rule, electronic notice of the proposed rulemaking be provided to all persons who have made a timely written request of the adopting agency for advance notice of its rulemaking proceedings.</p>	JHA, FIN
HB 540, HD1 (HSCR211) Status	<p>RELATING TO LIABILITY.</p> <p>Makes immune from civil or criminal liability a health care provider who acts in good faith during a state of emergency or local state of emergency and adheres to crisis standards of care. Effective 7/1/2050. (HD1)</p>	PDP, JHA, FIN
HB 1286, HD1 (HSCR213) Status	<p>RELATING TO TRAVEL.</p> <p>Exempts any person from the post-arrival mandatory self-quarantine if the person receives a negative test result prior to arrival. Allows the incident commander to establish conditions for exemption. Requires certain COVID-19 tests for travelers who do not have a test result upon arrival to avoid mandatory self-quarantine. Requires any person who does not obtain a negative test result for COVID-19 pre-arrival to be responsible for all costs associated with that person's mandatory self-quarantine. Repeals on 12/31/2021. Effective 7/1/2050. (HD1)</p>	PDP/LAT, JHA, FIN
HB 895 Status	<p>RELATING TO CREDIT FOR TIME OF DETENTION PRIOR TO SENTENCE.</p> <p>Clarifies that defendants may not earn credit on a sentence imposed for a subsequent conviction for time being served on a previous felony conviction</p>	JHA
HB 722, HD1 (HSCR231) Status	<p>RELATING TO HUMAN TRAFFICKING.</p> <p>Establishes a statewide program overseen by the department of the attorney general to provide services and assistance to sexually exploited children and victims of human trafficking. Requires the attorney general to submit annual reports to the legislature. Requires the children's justice program to coordinate the investigation and case management of child human trafficking cases, including cases involving the sexual exploitation of children. Effective 7/1/2060. (HD1)</p>	HHH, JHA, FIN

<u>HB 1311, HD1</u> <u>(HSCR176)</u> <u>Status</u>	RELATING TO AFFORDABLE HOUSING. Removes the construction completion deadline for the Leialii affordable housing project and Keawe Street Apartments. Exempts the project from the application of Chapter 6E, Hawaii Revised Statutes. Effective 7/1/2050. (HD1)	HSG, JHA, FIN
<u>HB 345, HD1</u> <u>(HSCR235)</u> <u>Status</u>	RELATING TO ASSISTED COMMUNITY TREATMENT. Mandates appointment of a guardian ad litem to represent the best interests of a mentally ill individual in assisted community treatment proceedings. Effective 7/1/2060. (HD1)	HHH, JHA, FIN
<u>HB 273, HD1</u> <u>(HSCR91)</u> <u>Status</u>	RELATING TO LICENSE RENEWALS. Allows the department of transportation to adopt emergency rules to allow for license renewals to be completed by mail or online. Effective 7/1/2050. (HD1)	PDP, JHA, FIN
<u>HB 1314, HD1</u> <u>(HSCR204)</u> <u>Status</u>	RELATING TO TAXATION. Authorizes each county to levy a county surcharge on transient accommodations tax if the county satisfies certain real property tax requirements. Repeals the allocation of transient accommodations tax revenue to the counties and makes conforming amendments. Establishes a residential property owner tax credit and a residential circuit breaker tax credit. Beginning with taxable years after 12/31/2021, gradually implements new individual income tax and corporation income tax brackets and rates in three-year intervals. Effective 7/1/2050. (HD1)	ECD, JHA, FIN
<u>HB 32</u> <u>Status</u>	RELATING TO ANIMAL FUR PRODUCTS. Prohibits the manufacture for sale, sale, offer for sale, display for sale, trade, or distribution of certain animal fur products in the State.	JHA, FIN
<u>HB 1122, HD1</u> <u>(HSCR183)</u> <u>Status</u>	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT. Defines "beneficiary consultation". Prohibits the department of Hawaiian home lands from disposing or extending a general lease to non-beneficiaries unless there are no applicants seeking to enter into a general lease to the use and occupancy of a tract of Hawaiian home lands. Requires the department to notify beneficiaries through beneficiary consultation prior to the disposition of Hawaiian home lands. Adds language to require Section 204 lessees mandate Homestead Beneficiary Agreements. Prohibits the department from establishing additional criteria to enter into a general lease with an applicant, under certain conditions. Specifies that the department may grant a license or enter into a general lease, under certain conditions. Allocates the interest or other earnings from the Hawaiian home loan fund and Hawaiian home general loan fund into their respective funds, under certain conditions. Requires the department to submit a quarterly report to the legislature and beneficiaries. Authorizes the department to negotiate with homestead association governed water agencies to maintain water systems prior to other service providers, under certain conditions. Effective 1/1/2050. (HD1)	WAL, JHA, FIN

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[HB 1124, HD1](#)
[\(HSCR184\)](#)
[Status](#)

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

WAL, JHA, FIN

Amends the Hawaiian Homes Commission Act to require appraisals of improvements to identify the replacement cost or the leasehold market value. Grants authority to DHHL, to authorize second position loans on homestead leases by approved lenders. Requires DHHL to develop and implement a loan servicing manual, subject to commission approval, to standardize loan loss mitigation policies, procedures, and methods. Clarifies that DHHL shall not cancel a lease solely based on a loan default or delinquency unless all loan loss mitigation procedures are exhausted pursuant to the loan services manual. Effective 1/1/2050. (HD1)

[HB 1020, HD1](#)
[\(HSCR86\)](#)
[Status](#)

RELATING TO ADAPTIVE NATURAL RESOURCE MANAGEMENT.

WAL, JHA, FIN

Authorizes the board of land and natural resources (BLNR) to temporarily adopt, amend, and repeal certain natural resource rules by formal BLNR action at a publicly noticed meeting if BLNR finds that such adoption, amendment, or repeal is necessary to implement effective and adaptive management measures in response to rapidly changing resource conditions. Effective 1/1/2050. (HD1)

The following measure(s) were previously heard on **February 12, 2021**. No public testimony will be accepted.

[HB 204](#)
[Status](#)

RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.

JHA, FIN

Appropriates moneys to fund the operating expenses of the Office of Hawaiian Affairs for the fiscal biennium beginning on 7/1/2021, and ending on 6/30/2023.

[HB 185](#)
[Status](#)

RELATING TO THE JUDICIARY.

JHA, FIN

Appropriates funds for the Judiciary for the fiscal biennium beginning 7/1/2021, and ending 6/30/2023. Effective 7/1/2021.

The following measure(s) were previously heard on **February 16, 2021**. No public testimony will be accepted.

[HB 796, HD1](#)
[\(HSCR215\)](#)
[Status](#)

RELATING TO CORRECTIONAL FACILITY AND COMMUNITY CORRECTIONAL CENTER DEATHS.

CMV, JHA, FIN

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)

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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.

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

Rep. Mark M. Nakashima
Chair

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