

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

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

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Rep. Nicole E. Lowen	Rep. James Kunane Tokioka
Rep. Angus L.K. McKelvey	Rep. Gene Ward

NOTICE OF HEARING

DATE: Tuesday, March 16, 2021
TIME: 2:00
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

SB 1333, SD2 (SSCR650) Status	RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT. Removes cannabidiol drugs that have been approved by the United States Food and Drug Administration from the list of Schedule V substances for consistency with federal laws. (SD2)	JHA, CPC
SB 1323, SD2 (SSCR804) Status	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS. Requires the department of Hawaiian home lands to develop a strategic plan to devise and implement long-term solutions for eliminating the waiting list for a home land lease with an emphasis on leveraging its trust resources, statutory powers, and other means of state funding and support to focus on lot development and distribution. The plans shall be based on a comprehensive assessment of the needs of the waitlist and with beneficiary consultation. Effective 7/1/2050. (SD2)	JHA, FIN

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<u>SB 238, SD2</u> <u>(SSCR648)</u> <u>Status</u>	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS. Amends ballot requirements to display candidates for the Office of Hawaiian Affairs Board of Trustees, by residency and non-residency requirements and to randomize the order of candidate names within those groupings. (SD2)	JHA, FIN
<u>SB 1409, SD2</u> <u>(SSCR937)</u> <u>Status</u>	RELATING TO TRAINING IN NATIVE HAWAIIAN RIGHTS. Prohibits newly appointed or reappointed council, board, and commission members from serving if the member has not completed, within the requisite time, the required training course related to Native Hawaiian traditional and customary rights, Native Hawaiian natural resource protection and access rights, and the public trust, including the State's fiduciary responsibility. (SD2)	JHA, FIN
<u>SB 765, SD2</u> <u>(SSCR767)</u> <u>Status</u>	RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT. Defines "highly intoxicated driver". Provides the evidentiary standard for establishing that a person was a highly intoxicated driver. Requires that ignition interlock devices be installed and maintained on all vehicles operated by anyone convicted of operating a vehicle under the influence of an intoxicant, during the applicable period of license revocation. Increases the license revocation period ordered by the Administrative Driver's License Revocation Office and extends the applicable lookback periods from five to ten years. Establishes higher penalties for a highly intoxicated driver operating a vehicle. Establishes higher penalties for offenses of operating a vehicle under the influence of an intoxicant. Effective 5/6/2137. (SD2)	JHA, FIN
<u>SB 459, SD1</u> <u>(SSCR700)</u> <u>Status</u>	RELATING TO FIREARMS. Authorizes the department of the attorney general to develop and implement a state program to issue firearm qualification certifications to qualified retired law enforcement officers to carry a concealed firearm in the State pursuant to the federal Law Enforcement Officers Safety Act of 2004. Makes a conforming amendment to state firearm laws. (SD1)	JHA, FIN
<u>SB 385, SD1</u> <u>(SSCR698)</u> <u>Status</u>	RELATING TO THE UNIFORM TRUST CODE. Enacts the Uniform Trust Code (2018). Repeals the Uniform Trustees' Powers Act, Uniform Prudent Investors Act, and article VII (trust administration) of the Uniform Probate Code. Takes effect 1/1/2022. (SD1)	JHA, CPC, FIN
<u>SB 829, SD1</u> <u>(SSCR754)</u> <u>Status</u>	RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS. Adds coercive control as part of the petty misdemeanor offense of abuse of a family or household member to the pilot program to strengthen state and county responses to domestic violence and increase violator accountability established by Act 19, Regular Session of 2020. Sunsets 6/30/2026. (SD1)	JHA, FIN

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<u>SB 1260, SD1</u> <u>(SSCR759)</u> <u>Status</u>	RELATING TO CRIMINAL PRETRIAL REFORM. Eliminates the use of monetary bail and requires defendants to be released on their own recognizance for traffic offenses, violations, and nonviolent petty misdemeanor and misdemeanor offenses, with certain exceptions. Creates rebuttable presumptions regarding release and detention for certain offenses and specifies circumstances in which these presumptions apply. Effective 5/6/2137. (SD1)	JHA, FIN
<u>SB 232</u> <u>(SSCR664)</u> <u>Status</u>	RELATING TO LITTERING. Increases the maximum civil penalty for littering from \$500 to \$1,000. Increases the maximum fine for the offense of criminal littering from \$1,000 to \$5,000.	JHA, FIN
<u>SB 1286, SD1</u> <u>(SSCR801)</u> <u>Status</u>	MAKING AN APPROPRIATION TO THE OFFICE OF THE PROSECUTING ATTORNEY FOR HAWAII COUNTY. Appropriates funds to the office of the prosecuting attorney for Hawaii county for the career criminal prosecution unit. Effective 7/1/2050. (SD1)	JHA, CPC, FIN
<u>SB 969, SD2</u> <u>(SSCR829)</u> <u>Status</u>	RELATING TO ANIMAL FUR PRODUCTS. Beginning July 1, 2021, prohibits the manufacture for sale or importation of certain animal fur products in the State. Beginning December 1, 2021, prohibits the offer for sale, display for sale, or sale of certain animal fur products in the State. Effective 7/1/2050. (SD2)	JHA, FIN
<u>SB 873, SD1</u> <u>(SSCR702)</u> <u>Status</u>	RELATING TO CONTESTED CASES. Authorizes contested case hearings to use interactive conference technology. Effective 5/6/2137. (SD1)	JHA, FIN
<u>SB 1350, SD1</u> <u>(SSCR762)</u> <u>Status</u>	RELATING TO STATE GOVERNMENT. Temporarily amends the start of filing nomination papers for the 2022 Election. Defines "permanent resident" for legislative reapportionment purposes, to be consistent with the U.S. Census Bureau's definition of permanent resident. Establishes public notice requirements for short form public notices of reapportionment plans. Appropriates an unspecified amount to the Reapportionment Commission for its expenses, which include obtaining outside legal counsel. (SD1)	JHA, FIN
<u>SB 421, SD1</u> <u>(SSCR696)</u> <u>Status</u>	RELATING TO VACANCIES. Amends the manner in which a vacancy in the membership of the State Senate is filled and certain time frames relevant thereto. (SD1)	JHA, FIN

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

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<u>SB 1327, SD1</u> <u>(SSCR593)</u> <u>Status</u>	RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES OR THE SESSION LAWS OF HAWAII FOR THE PURPOSES OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, OR DELETING OBSOLETE OR UNNECESSARY PROVISIONS. Amends or repeals various provisions of the Hawaii Revised Statutes or the Session Laws of Hawaii for the purposes of correcting errors and references, clarifying language, or deleting obsolete or unnecessary provisions. (SD1)	JHA
<u>SB 384</u> <u>(SSCR261)</u> <u>Status</u>	RELATING TO TAX APPEALS. Clarifies that filing fees for tax appeals are nonrefundable and that no deposits are required for tax appeals.	JHA, FIN
<u>SB 412</u> <u>(SSCR691)</u> <u>Status</u>	RELATING TO OPERATING A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT. Excludes habitually operating a vehicle under the influence of an intoxicant from qualifying for deferred acceptance of guilty plea or nolo contendere plea.	JHA, FIN
<u>SB 413, SD1</u> <u>(SSCR609)</u> <u>Status</u>	RELATING TO VIOLATION OF PRIVACY. Excludes violation of privacy in the first degree, and certain subsections of violation of privacy in the second degree, from qualifying for deferred acceptance of guilty plea or nolo contendere plea. Effective 5/6/2137. (SD1)	JHA
<u>SB 630, SD1</u> <u>(SSCR596)</u> <u>Status</u>	RELATING TO CHILD SUPPORT ENFORCEMENT. Establishes that every judgment for child support is enforceable until paid in full. (SD1)	JHA, FIN
<u>SB 548, SD1</u> <u>(SSCR591)</u> <u>Status</u>	RELATING TO ELECTIONS BY MAIL. Makes amendments to elections laws to clarify the administration of elections by mail. Renames districts as precincts. Extends voter registration deadlines. Requires additional voter service centers on election day. Requires a minimum number of precincts in each representative district and on each inhabited island. Establishes voters with special needs advisory committees at the state and county levels to ensure equal and independent access to vote registration, casting of ballots, and all other office of elections services. Requires the Department of Public Safety to inform individuals on parole or probation of their right to vote and provide them with information on how to register and vote. Requires the Office of Elections and the county clerks to make a determination, as soon as practicable, of the optimal number and placement of voter service centers. (SD1)	JHA, FIN

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[SB 635](#)
[\(SSCR694\)](#)
[Status](#)

RELATING TO ELECTIONS.

JHA, FIN

Allows the elections commission to refer a complaint to the attorney general or county prosecutor in addition to any administrative determination and without the requirement that the commission believes the respondent has recklessly, knowingly, or intentionally committed a violation. Disqualifies a person convicted of violating elections criminal prosecution laws from holding elective public office for ten years rather than four. Repeals language stipulating that elections criminal prosecution law does not apply to any persons who has paid or agrees to pay fines related to report filing violations and advertisement violations prior to the commencement of the proceedings.

[SB 891, SD2](#)
[\(SSCR589\)](#)
[Status](#)

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

JHA, FIN

Establishes requirements for Hawaiian home lands beneficiary consultation. Requires that a majority of the members of the Hawaiian homes commission be beneficiaries or on the waitlist for Hawaiian homestead lands. Requires quarterly reporting to the legislature and beneficiaries on land dispositions made during the quarter. Authorizes the governor to establish an inter-agency council, based on a recommendation from the Hawaiian homes commission. Requires an annual accounting of Act 14, Special Session Laws of Hawaii 1995, expenditures. Requires the department of Hawaiian home lands to develop and implement a loan servicing manual. Allows the Hawaiian homes commission to retain separate counsel from the attorney general to provide service to the commission and beneficiaries. Requires the legislative reference bureau to conduct a study on the potential effects of creating a position for the director of Hawaiian home lands that is separate from the chairperson of the Hawaiian homes commission. Effective 7/1/2050. (SD2)

[SB 981, SD2](#)
[\(SSCR588\)](#)
[Status](#)

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

JHA, FIN

Includes candidates for the board of trustees of the office of Hawaiian affairs to receive a maximum in public funds up to fifteen percent of the expenditure limit established by section 11-423(4) for each election. Amends ballot requirements to display candidates for the office of Hawaiian affairs board of trustees, by residency and non-residency requirements and to randomize the order of candidate names within those groupings. Effective 5/6/2137. (SD2)

[SB 1042, SD1](#)
[\(SSCR675\)](#)
[Status](#)

RELATING TO COVERED OFFENDER REGISTRATION.

JHA

Repeals provision that allows persons designated as covered offenders in another state or jurisdiction to petition the Attorney General for termination of registration requirements upon demonstrating that the out of state convictions are not covered offenses in the State of Hawaii. Requires certain long term visitors to Hawaii with out-of-state convictions to register. Clarifies how persons required to register can petition to terminate registration. (SD1)

SB 828 (SSCR693) Status	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
SB 151 (SSCR663) Status	RELATING TO THE STATEWIDE TRAFFIC CODE. Replaces the term "accident" with collision for purposes of certain provisions of the statewide traffic code.	JHA, CPC
SB 294, SD1 (SSCR22) Status	RELATING TO PROPERTY FORFEITURE. Restricts civil asset forfeiture to cases involving the commission of a felony offense where the property owner has been convicted of an underlying felony offense. Specifies that civil asset forfeiture restrictions do not apply to forfeitures authorized under other chapters of the Hawaii Revised Statutes. Directs any forfeiture proceeds to the general fund. (SD1)	JHA, FIN
SB 715, SD2 (SSCR403) Status	RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PUEO DEVELOPMENT, LLC. Authorizes the issuance of special purpose revenue bonds for a master planned development proposed by Pueo Development, LLC, on Hawaiian home lands. Effective 7/1/2050. (SD2)	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.

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.

For general help navigating the committee hearing process, please contact the Public Access Room at (808) 587-0478 or par@capitol.hawaii.gov.

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.

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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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