

THE SENATE
KA 'AHA KENEKOA

THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

AMENDED NOTICE OF DECISION MAKING

DATE: Friday, March 3, 2023
TIME: 10:00 AM
PLACE: Conference Room 211 & Videoconference
State Capitol
415 South Beretania Street
TIMESLOT: WAM

**PHOTO ID REQUIRED FOR ENTRANCE TO THE STATE CAPITOL
BUILDING HOURS: 7AM TO 5PM, MONDAY - FRIDAY**

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

The following measure(s) were previously heard in their respective subject matter committees:

[SB 67, SD1](#)

[\(SSCR10\)](#)

[Status &
Testimony](#)

RELATING TO COMMERCIAL ACTIVITIES ON BEACHES.
Prohibits any commercial vendor from presetting commercial beach equipment on any public beach under the jurisdiction of the Department of Land and Natural Resources, unless the customer is physically present. Requires commercial vendors to expeditiously remove commercial beach equipment after the customer has finished using it. Allows the Department of Land and Natural Resources to grant exemptions through rules. Establishes administrative fines for violations. Pertains only to public beaches and does not include private lands such as accreted lands. Effective 7/1/2050. (SD1)

WTL/CPN,
JDC/WAM

<p><u>SB 81, SD1</u> <u>(SSCR60)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO NATURAL RESOURCE MANAGEMENT. Clarifies that the Board of Land and Natural Resources' authority shall supersede the Mauna Kea Stewardship and Oversight Authority for all lands designated under the state conservation district. Effective 7/1/2050. (SD1)</p>	<p>WTL, JDC/WAM</p>
<p><u>SB 94, SD1</u> <u>(SSCR45)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO SPECIAL ACTIVITY PERMITS. Requires the Department of Land and Natural Resources to approve or deny an application for a special activity permit for aquatic research within ninety days from the date that it was submitted. Appropriates funds for two full-time equivalent (2.0 FTE) positions within the Division of Aquatic Resources to support the special activity permit review process. Effective 7/1/2050. (SD1)</p>	<p>WTL, JDC/WAM</p>
<p><u>SB 129, SD1</u> <u>(SSCR576)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO MINORS. Requires providers of no-cost emergency shelter and related services to maintain separation for unrelated adults and minor children. Makes permanent the amendments to the definition of "provider" to include organizations that are not child placing organizations or child caring institutions that meet certain criteria. Effective 12/31/2050. (SD1)</p>	<p>HHS, JDC/WAM</p>
<p><u>SB 210, SD1</u> <u>(SSCR21)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO CRIMINAL JUSTICE DATA SHARING. Establishes a Criminal Justice Data Sharing Working Group to make recommendations for a statewide criminal justice data repository. (SD1)</p>	<p>PSM, JDC/WAM</p>
<p><u>SB 235, SD1</u> <u>(SSCR577)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO HUMAN TRAFFICKING. Establishes a statewide prevention program overseen by the Department of the Attorney General to provide services and assistance to commercially sexually exploited children and to victims of human trafficking. Requires reports to the Legislature. Effective 12/31/2050. (SD1)</p>	<p>HHS, JDC/WAM</p>
<p><u>SB 366</u> <u>(SSCR201)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO NUMBER PLATES. Establishes penalties for the failure to comply with a director of finance's request that a vehicle number plate or special number plate be returned.</p>	<p>PSM/TCA, JDC/WAM</p>
<p><u>SB 384, SD1</u> <u>(SSCR558)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO ACCESS FOR DISABLED PERSONS. Authorizes each county to adopt ordinances to enforce the design, construction, and signage requirements of the federal Americans with Disabilities Act of 1990, as amended; part III of chapter 291, Hawaii Revised Statutes; and any administrative rules adopted under that part, including the establishment of penalties for failure to comply with the ordinance. Clarifies that an official appointed by a county may enter property of places of public accommodation to enforce violations of the ordinances adopted by the county. Effective 12/31/2050. (SD1)</p>	<p>HHS/TCA, JDC/WAM</p>

<p><u>SB 398, SD1</u> <u>(SSCR65)</u> <u>Status & Testimony</u></p>	<p>RELATING TO CHILD WELFARE. Requires the Department of Human Services to collect and analyze data to determine the impact of expanding post-permanency services to families receiving benefits from the adoption assistance program and report to the Legislature before the 2025 Regular Session. Appropriates funds. Effective 12/31/2050. (SD1)</p>	<p>HHS, JDC/WAM</p>
<p><u>SB 445, SD1</u> <u>(SSCR90)</u> <u>Status & Testimony</u></p>	<p>RELATING TO POLLUTION ABATEMENT. Increases civil penalties for the violation of various pollution provisions. Appropriates funds for one full-time equivalent (1.0 FTE) environmental health specialist position. (SD1)</p>	<p>AEN, JDC/WAM</p>
<p><u>SB 498, SD1</u> <u>(SSCR435)</u> <u>Status & Testimony</u></p>	<p>RELATING TO FIREWORKS. Establishes the Shipping Container Inspection Program and shipping container inspection program special fund. Requires reports to the Legislature on implementation of the Shipping Container Inspection Program. Appropriates funds. Effective 7/1/2050. (SD1)</p>	<p>TCA/PSM, WAM/JDC</p>
<p><u>SB 521, SD1</u> <u>(SSCR400)</u> <u>Status & Testimony</u></p>	<p>RELATING TO MILITARY LAND USE. Establishes a Surplus Military Land Task Force within the Office of Planning and Sustainable Development to plan for the remediation and restoration of lands currently under federal control that are anticipated to be returned to the State, consider potential alternative uses, and identify any lands that should continue under federal control for the next ten years. (SD1)</p>	<p>PSM/WTL, JDC/WAM</p>
<p><u>SB 612, SD1</u> <u>(SSCR598)</u> <u>Status & Testimony</u></p>	<p>RELATING TO SERVICE ANIMALS. Requires that a disclaimer be provided by sellers or providers of emotional support animals or certificates, identifications, tags, vests, leashes, and harnesses identifying an animal as an emotional support animal that the animal is not a service animal. Establishes penalties. Effective 7/1/2050. (SD1)</p>	<p>CPN, JDC/WAM</p>
<p><u>SB 736, SD1</u> <u>(SSCR638)</u> <u>Status & Testimony</u></p>	<p>RELATING TO HOUSING. Allows the Hawaii Community Development Authority to approve the residential development on the parcels owned by the Office of Hawaiian Affairs in Kakaako. Raises the building height limit and increases the maximum floor area ratio for residential development on the parcels. Exempts the residential developments on the parcels from the requirement to dedicate public facilities of land or facilities, or cash payments in lieu thereof, as a condition of development; the prohibition on sale or assignment of fee simple interest in land in the Kakaako Community Development District; and the prohibition on residential development in the Kakaako Makai area. Appropriates funds for repairs of certain structures located on the parcels and for compensation relating to the Office of Hawaiian Affairs' pro rata portion of income and proceeds from the public land trust. Effective 7/1/2050. (SD1)</p>	<p>WTL/HWN, WAM/JDC [Measure deleted on 3-1-23]</p>

<p><u>SB 738, SD1</u> <u>(SSCR47)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS. Authorizes beneficiaries on the Department of Hawaiian Home Lands waiting list, who are sixty years or older or terminally ill, to receive a lease award and to designate a qualified successor. Authorizes qualified successors of beneficiaries on the waiting list who died before receiving a lease to file a claim for a lease award within four years of the effective date. Requires the Department of Hawaiian Home Lands to adopt rules by a certain date. (SD1)</p>	<p>HWN, JDC/WAM</p>
<p><u>SB 745, SD1</u> <u>(SSCR275)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO AGRICULTURE. Extends the offense of false labeling of Hawaii-grown coffee to include roasted coffee. Imposes \$10,000 fine for each separate offense of false labeling of Hawaii-grown roasted coffee. Makes an appropriation for 1.0 FTE enforcement position. Effective 7/1/2050. (SD1)</p>	<p>CPN, JDC/WAM</p>
<p><u>SB 763, SD1</u> <u>(SSCR194)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO AFFORDABLE HOUSING. Temporarily exempts affordable housing projects from specific state and county fees and exactions related to discretionary approval or ministerial permitting, except application fees payable to the Hawaii Housing Finance and Development Corporation and the rates and fees of the various boards of water supply; provided that the units are exclusively made available to certain qualified residents who are owner or renter occupants and own no other real property. Repeals 6/30/2028. (SD1)</p>	<p>HOU, JDC/WAM</p>
<p><u>SB 786, SD1</u> <u>(SSCR24)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO SEARCH AND RESCUE. Requires government entities to seek reimbursement for search and rescue expenses for persons who require rescue after ignoring warning signs, leaving a hiking trail to enter a prohibited area, or hiking on a trail closed to the public. Takes effect 1/1/2050. (SD1)</p>	<p>PSM, JDC/WAM</p>
<p><u>SB 869, SD1</u> <u>(SSCR508)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO THE YOUTH COMMISSION. Clarifies that a majority of the members appointed to the Youth Commission shall constitute a quorum to do business. Effective 12/31/2050. (SD1)</p>	<p>HHS, JDC/WAM</p>
<p><u>SB 867</u> <u>(SSCR397)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO INCLUSIONARY ZONING. Prohibits any law, ordinance, or rule from imposing an inclusionary zoning requirement on housing offered exclusively for sale in perpetuity to buyers who are residents of the State, are owner-occupants, and do not own any other real property. Requires each county to submit a report on inclusionary zoning requirements to the Legislature every year until the Regular Session of 2028.</p>	<p>HOU/PSM, JDC/WAM</p>
<p><u>SB 937, SD1</u> <u>(SSCR521)</u> <u>Status &</u> <u>Testimony</u></p>	<p>RELATING TO THE LAND USE COMMISSION. Specifies that a simple majority of affirmative votes of the members of the Land Use Commission present at a meeting and qualified to vote is required for any boundary amendment. Reduces the number of days by when the Land Use Commission must act for certain actions related to amendments to district boundaries. Effective 7/1/2050. (SD1)</p>	<p>WTL, JDC/WAM</p>

<p>SB 962, SD1 (SSCR562) Status & Testimony</p>	<p>RELATING TO MEDICAL CANNABIS. Adds or clarifies signage, manufactured cannabis product, and escort requirements for the medical cannabis dispensary program. Establishes annual reporting requirements to increase public transparency regarding the medical cannabis registry program. Makes various housekeeping amendments. Effective 12/31/2050. (SD1)</p>	<p>HHS/CPN, JDC/WAM</p>
<p>SB 975, SD1 (SSCR564) Status & Testimony</p>	<p>RELATING TO HEALTH. Establishes the criminal offense of unlawful shipment of tobacco products. Amends the definition of "tobacco products" under the Cigarette Tax and Tobacco Tax Law to include electronic smoking devices and e-liquids. Increases the license fee for persons engaged as wholesalers or dealers of cigarettes and tobacco products and the retail tobacco permit fee for retailers engaged in the retail sale of cigarettes and tobacco products. Repeals state laws that establish and govern the Electronic Smoking Device Retailer Registration Unit within the Department of the Attorney General; provisions of the Cigarette Tax and Tobacco Tax Law that govern delivery sales; and state law governing smoking that preempts and voids local ordinances and regulations conflicting with state law. Effective 12/31/2050. (SD1)</p>	<p>HHS/CPN, WAM/JDC</p>
<p>SB 990, SD1 (SSCR237) Status & Testimony</p>	<p>RELATING TO TRAFFIC INFRACTIONS. Establishes a Traffic Fines Task Force that will examine the Finnish tiered traffic fines system, determine whether a similar system could be implemented in Hawaii, and provide recommendations as to how a system could best be implemented. Appropriates funds. (SD1)</p>	<p>TCA, JDC/WAM</p>
<p>SB 1014, SD1 (SSCR112) Status & Testimony</p>	<p>RELATING TO INDEPENDENT LEGAL COUNSEL. Allows the Department of Hawaiian Home Lands to retain independent legal counsel where the opposing party to the reasonably anticipated litigation is the State or another state agency. Provides that funds owed to independent legal counsel shall be paid by the State. (SD1)</p>	<p>HWN, JDC/WAM</p>
<p>SB 1018, SD1 (SSCR133) Status & Testimony</p>	<p>RELATING TO EMERGENCY POWERS. Requires the Governor to ensure continued operation of medical facilities upon declaration of a state of emergency and during times of health or pandemic emergencies. Allows hospitals to suspend elective surgeries during the period of emergency to address the facility's bed capacity. Takes effect 1/1/2050. (SD1)</p>	<p>PSM, JDC/WAM</p>

<p>SB 1280 (SSCR550) Status & Testimony</p>	<p>RELATING TO FUNDING FOR THE DEPARTMENT OF THE ATTORNEY GENERAL TOBACCO ENFORCEMENT UNIT. Increases and stabilizes the amount of funding for the tobacco enforcement special fund within the Department of the Attorney General by: (1) increasing the amount of funds that the tobacco enforcement special fund can carry over at the end of the fiscal year; (2) increasing the cigarette tax stamp fee and by concurrently increasing the percentage of the cigarette tax stamp fee deposited to the tobacco enforcement special fund; and (3) amending the amount of funds to be deposited in the tobacco enforcement special fund from the Hawaii tobacco settlement special fund. Effective on July 1, 2023.</p>	<p>HHS, WAM/JDC</p>
<p>SB 1286 (SSCR386) Status & Testimony</p>	<p>RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY. Increases options to build affordable housing in Hawaii Community Development Authority districts by increasing the permissible lease term to ninety-nine years. Prohibits the Hawaii Community Development Authority from encumbering lands that were classed as crown lands previous to August 15, 1895, in leases longer than sixty-five years.</p>	<p>HOU/WTL, WAM/JDC</p>
<p>SB 1311, SD1 (SSCR634) Status & Testimony</p>	<p>RELATING TO THE REPEAL OF ACT 192, SESSION LAWS OF HAWAII 2007. Repeals Act 192, Session Laws of Hawaii 2007, which requires the Employees' Retirement System to divest itself of investments in companies that provide support for genocide in Darfur, Sudan, and provide annual reports to the Legislature on the status of divestment. Effective 1/1/2050. (SD1)</p>	<p>LBT, JDC/WAM</p>
<p>SB 1357, SD1 (SSCR223) Status & Testimony</p>	<p>RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS. Makes permanent Act 141, Session Laws of Hawaii 2009, which requires the counties to issue affordable housing credits to the Department of Hawaiian Home Lands upon the Department's request. Makes permanent Act 98, Session Laws of Hawaii 2012, which requires the counties to issue affordable housing credits for each residential unit developed by the Department of Hawaiian Home Lands. (SD1)</p>	<p>HWN, JDC/WAM</p>
<p>SB 1377, SD1 (SSCR348) Status & Testimony</p>	<p>RELATING TO WATER POLLUTION CONTROL. Revises chapter 342D, Hawaii Revised Statutes, to add definitions that are consistent with federal Clean Water Act regulations. Clarifies the Director of Health's role as a certifying agency including enforcement of water quality certifications, and increases certain statutory civil penalties. Effective 7/1/2050. (SD1)</p>	<p>WTL, JDC/WAM</p>
<p>SB 1391, SD1 (SSCR522) Status & Testimony</p>	<p>RELATING TO ADMINISTRATIVE PENALTIES ON PUBLIC LANDS. Authorizes the Board of Land and Natural Resources to place a lien on property for noncompliance with administrative enforcement action. Effective 7/1/2050. (SD1)</p>	<p>WTL, JDC/WAM</p>

SB 1404, SD1

(SSCR229)

Status &
Testimony

RELATING TO AERONAUTICS.

Authorizes the Department of Transportation Airports Division to demand and collect reimbursement from any airport contractor, tenant, or user for the entire amount of fines and penalties levied for the violation of federal, state, or county laws related to environmental protection or the United States Department of Homeland Security. Allows the Department of Transportation Airports Division to enter into a capital advancement contract with a private party for certain public improvement or construction projects at Hawaii's airports under certain circumstances. Takes effect 7/1/2050. (SD1)

TCA, JDC/WAM

SB 1418, SD1

(SSCR621)

Status &
Testimony

RELATING TO NOISE POLLUTION.

Establishes a person's conduct that produces, or causes to be produced, noise exceeding a certain decibel level during night time hours in any area zoned as residential or mixed-use residential as unreasonable noise that constitutes the offense of disorderly conduct. Appropriates funds for enforcement. Effective 12/31/2050. (SD1)

HHS, JDC/WAM

SB 1490, SD1

(SSCR341)

Status &
Testimony

RELATING TO STATE EMPLOYEES.

Requires the State to defend professionally licensed or certified state employees from civil actions when the employee was acting within the scope of their employment and was not grossly negligent or wanton. Requires that if the State refuses to defend a state or county employee from civil actions on certain grounds, that the State file a motion to be heard with the court. Effective 1/1/2050. (SD1)

LBT, JDC/WAM

Decision making meeting only, no oral testimony will be accepted.

Persons wishing to submit written testimony may do so up to 24 hours prior to the hearing. Click [here](#) to submit written testimony.

All testimony received by the Hawai'i Senate is posted on the Hawai'i Legislature's website, which is accessible to the public. Please do not include private information that you do not want disclosed to the public.

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), please contact the committee clerk at least 24 hours prior to the hearing so that arrangements can be made.

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.

FOR FURTHER INFORMATION, PLEASE CALL THE WAYS AND MEANS COMMITTEE CLERK AT (808)586-6800, OR THE JUDICIARY COMMITTEE CLERK AT 587-7211.

Senator Donovan M. Dela Cruz
Chair

Senator Karl Rhoads
Chair

