

HOUSE OF REPRESENTATIVES
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2019

COMMITTEE ON JUDICIARY

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NOTICE OF DECISION MAKING

DATE: Thursday, February 14, 2019
TIME: 2:00pm
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

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

The following measure(s) has been **ADDED** to the agenda: **HB510, HB615 HD1, HB411 HD1, HB1346 HD1, HB506 HD1, HB552 HD1, HB1133 HD1, HB259 HD1, HB288 HD1, HB1025 HD1, HB653 HD1, HB1035 HD1, HB589 HD1, HB1327 HD1, HB600 HD1, HB1559 HD1, HB1325 HD1, HB213, HB287, HB1307, HB748, HB1176, HB1177 HD1, HB1289 HD1, HB629 HD1, HB1552 HD1, HB175 HD1, HB671 HD1, HB1551 HD1, HB456 HD1, HB993 HD1, HB1541 HD1, HB1038 HD1, HB549 HD1**

The following measure(s) were previously heard on **February 06, 2019 at 2:10pm.**

HB 1278 Status	RELATING TO GOVERNMENT SERVICES RELATING TO THE LAW. Appropriates funds for the fiscal biennium 2019-2021 operating budget of programs of various agencies under the purview of the House of Representatives Standing Committee on Judiciary.	JUD, FIN
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HB 1351 Status	RELATING TO THE DEPARTMENT OF PUBLIC SAFETY OPERATING BUDGET. Relates to the Department of Public Safety budget.	JUD, FIN
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The following measure(s) were previously heard on **February 12, 2019 at 4:00pm.**

HB 753, HD1 (HSCR62) Status	RELATING TO THE IGNITION INTERLOCK PROGRAM. Requires compliance with the ignition interlock program before an interlock device is removed. Allows for a constant sobriety program. Authorizes rulemaking. (HB753 HD1)	TRN, JUD, FIN
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<u>HB 325, HD1</u> <u>(HSCR61)</u> <u>Status</u>	RELATING TO DRIVING WHILE INTOXICATED. Increases minimum allowable fine amounts for convictions for operating a vehicle under the influence of an intoxicant. (HB325 HD1)	TRN, JUD, FIN
<u>HB 333, HD1</u> <u>(HSCR161)</u> <u>Status</u>	RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM. Establishes the State Highway Enforcement Program and related fund within the Department of Transportation. Establishes a parking violation surcharge to be imposed by courts in addition to other penalties and fines for parking violations on State highways. (HB333 HD1)	TRN, JUD, FIN
<u>HB 1234, HD1</u> <u>(HSCR64)</u> <u>Status</u>	RELATING TO MOTOR VEHICLES. Requires an application for motor vehicle registration to include additional identifying information. Authorizes the counties to assess a fine against the legal or registered owner of a vehicle deemed abandoned. Requires the legal or registered owner to have up-to-date motor vehicle registration and motor vehicle insurance prior to repossession of the abandoned vehicle. Requires DOT to implement records database linking driver's license, motor vehicle registration, traffic citation divisions, and motor vehicle control. (HB1234 HD1)	TRN, JUD, FIN
<u>HB 757, HD1</u> <u>(HSCR50)</u> <u>Status</u>	RELATING TO TRANSPORTATION. Requires DOT and county transportation departments to adopt Vision Zero policies to prevent and eliminate traffic fatalities. Establishes and funds a temporary working group in DOT to review traffic policies and recommendations to prevent traffic fatalities, develop an action plan, and report to the Legislature. (HB757 HD1)	TRN, JUD, FIN
<u>HB 1117, HD1</u> <u>(HSCR104)</u> <u>Status</u>	RELATING TO STATE LANDS. Requires the Board of Land and Natural Resources, Board of Agriculture, and the Agribusiness Development Corporation to ensure the timely collection of lease payments, track lessees that are in arrears of lease payments, and offer payment plans for lessees in arrears. Prohibits land leased by the Agribusiness Development Corporation from being assigned or sublet without corporation approval. (HB1117 HD1)	AGR, JUD, FIN
<u>HB 1503, HD1</u> <u>(HSCR85)</u> <u>Status</u>	RELATING TO AGRICULTURE. Requires the Department of Agriculture to establish a 2-year Agricultural Theft and Vandalism Pilot Project to examine the effectiveness of prosecuting agricultural theft and agricultural vandalism in the County of Hawaii. Appropriates funds. (HB1503 HD1)	AGR, JUD, FIN
<u>HB 131, HD1</u> <u>(HSCR213)</u> <u>Status</u>	RELATING TO HEMP. Legalizes hemp to the extent legalized under federal law. Requires the Chairperson of the Board of Agriculture to prepare and submit a proposed state plan to monitor and regulate hemp production, including commercial production and research, to the federal Secretary of Agriculture pursuant to section 297B of the Agricultural Marketing Act of 1946, as amended. Allows Industrial Hemp Pilot Project licensee to utilize hemp genetics. Requires reports to the Governor and Legislature. (HB131 HD1)	AGR, JUD, FIN

<u>HB 929, HD1</u> <u>(HSCR102)</u> <u>Status</u>	RELATING TO PESTICIDES. Requires Department of Agriculture to provide annual reports on pesticide inspection and compliance investigations. Increases fines for pesticide use violations. (HB929 HD1)	AGR, JUD, FIN
<u>HB 1103, HD1</u> <u>(HSCR84)</u> <u>Status</u>	RELATING TO THE PESTICIDE SUBSIDY PROGRAM. Appropriates moneys to the Department of Agriculture for the pesticide subsidy program. (HB1103 HD1)	AGR, JUD, FIN
<u>HB 53</u> <u>Status</u>	MAKING AN APPROPRIATION TO THE OFFICE OF THE PROSECUTING ATTORNEY FOR HAWAII COUNTY. Appropriates funds as a subsidy to the Office of the Prosecuting Attorney for Hawaii County for the Career Criminal Prosecution Unit.	JUD, FIN
<u>HB 509</u> <u>Status</u>	RELATING TO DISMISSAL OF CRIMINAL CASES. Requires that trial commence within 6 months in all criminal cases, pursuant to rule 48(b), (c), or (d) of the Hawaii rules of penal procedure, provided that any periods that delay the commencement of trial and are caused by court congestion shall be excluded from the computation of time. Excludes from the requirement certain traffic court cases and criminal cases involving abuse of a family or household member.	JUD, FIN
<u>HB 1478</u> <u>Status</u>	RELATING TO THE UNIFORM INFORMATION PRACTICES ACT. Provides that the term "agency" includes the nonadministrative functions of the courts of the State for purposes of the Uniform Information Practices Act.	JUD
<u>HB 511</u> <u>Status</u>	RELATING TO DISTRICT COURT JUDGES. Establishes one additional district court judgeship in the First Circuit and in the Second Circuit.	JUD, FIN
<u>HB 1311</u> <u>Status</u>	PROPOSING AMENDMENTS TO ARTICLE VI OF THE CONSTITUTION OF THE STATE OF HAWAII TO AMEND THE MANNER IN WHICH JUSTICES AND JUDGES ARE APPOINTED, CONSENTED TO, AND RETAINED. Proposes amendments to the Constitution of the State of Hawaii relating to the appointment and retention of justices and judges. Changes the required time frames from thirty to ninety days for the process to appoint and consent to a justice or judge. Harmonizes the senate consent procedures for district court judgeship nominees to mirror the senate consent procedures relating to supreme court justices and intermediate court of appeals and circuit court judges. Authorizes the senate to approve or reject subsequent terms of office for justices and judges.	JUD, FIN

The following measure(s) were previously heard on **February 06, 2019 at 2:05pm.**

<u>HB 510</u> <u>Status</u>	RELATING TO THE JUDICIARY. Appropriates funds for the Judiciary for the fiscal biennium beginning 7/1/19, and ending 6/30/21. Effective 7/1/19.	JUD, FIN
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The following measure(s) were previously heard on February 13, 2019 at 2:01pm.

<u>HB 615, HD1</u> <u>(HSCR16)</u> <u>Status</u>	RELATING TO THE BOARD OF EDUCATION. Amends the Board of Education membership by inviting the exclusive representative for bargaining unit (5) (teachers and other personnel of the Department of Education) to appoint a nonvoting public school teacher representative to the Board. (HB615 HD1)	LHE, JUD, FIN
<u>HB 411, HD1</u> <u>(HSCR14)</u> <u>Status</u>	RELATING TO THE BOARD OF EDUCATION. Requires the Board of Education to hold no less than six community meetings each year, with at least one meeting in each county. Requires the Board to include an open forum for public comments on non-agenda items at the end of each public meeting through June 30, 2024. Requires a report to the Legislature on implementing open forums. (HB411 HD1)	LHE, JUD, FIN
<u>HB 1346, HD1</u> <u>(HSCR66)</u> <u>Status</u>	RELATING TO EARLY CHILDHOOD EDUCATION. Prohibits the suspension or expulsion of children participating in the Executive Office on Early Learning's Public Prekindergarten Program, except under limited circumstances. (HB1346 HD1)	LHE, JUD, FIN
<u>HB 506, HD1</u> <u>(HSCR15)</u> <u>Status</u>	RELATING TO ALTERNATIVE SCHOOLS FOR JUVENILES. Appropriates funds to the Department of Education for an alternative school to provide ongoing education to juveniles involved in the justice system or at risk of involvement in the justice system. (HB506 HD1)	LHE, JUD, FIN
<u>HB 552, HD1</u> <u>(HSCR191)</u> <u>Status</u>	RELATING TO CHAPTER 200, HAWAII REVISED STATUTES. Amends penalties for violations of laws and administrative rules governing boating and ocean recreation by aligning penalties with the severity of the prohibited conduct. Clarifies that imposition of civil or criminal penalties does not preclude the imposition of administrative fines. (HB552 HD1)	WLH, JUD, FIN
<u>HB 1133, HD1</u> <u>(HSCR190)</u> <u>Status</u>	RELATING TO MARINE LIFE CONSERVATION DISTRICTS. Requires DLNR to limit entry into the Molokini marine life conservation district to forty-one permits and twenty permitted vessels at any given time. (HB1133 HD1)	WLH, JUD, FIN
<u>HB 259, HD1</u> <u>(HSCR5)</u> <u>Status</u>	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT. Requires the Department of Hawaiian Home Lands to digitize its applicant, beneficiary, and lessee records and create a usable digital database no later than July 1, 2020. Appropriates funds.	WLH, JUD, FIN

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<u>HB 288, HD1</u> <u>(HSCR88)</u> <u>Status</u>	RELATING TO INFRASTRUCTURE MAINTENANCE IN HOUSING SUBDIVISIONS. Requires lot owners in housing subdivisions to pay assessments for repair and maintenance of subdivision roads to an entity approved by a majority of homeowners or appointed by a court, or to the county. Requires the counties to provide oversight and management services to assessing entities. (HB288 HD1)	WLH, JUD, FIN
<u>HB 1025, HD1</u> <u>(HSCR115)</u> <u>Status</u>	RELATING TO LEASE EXTENSIONS ON PUBLIC LAND. Authorizes the Board of Land and Natural Resources to extend leases of public lands for commercial, industrial, resort, or government use upon approval of a proposed development agreement to make substantial improvements to the existing improvements. Sunsets on June 30, 2029. (HB1025 HD1)	WLH, JUD, FIN
<u>HB 653, HD1</u> <u>(HSCR44)</u> <u>Status</u>	RELATING TO STATE PARTITIONS. Requires that land court actions for partition by the State be given priority. (HB653 HD1)	WLH, JUD, FIN
<u>HB 1035, HD1</u> <u>(HSCR238)</u> <u>Status</u>	RELATING TO THE INTERSTATE WILDLIFE VIOLATOR COMPACT. Authorizes the Department of Land and Natural Resources to enter into the Interstate Wildlife Violator Compact or similar agreement for mutual assistance in the enforcement of wildlife laws. (HB1035 HD1)	WLH, JUD, FIN
<u>HB 589, HD1</u> <u>(HSCR237)</u> <u>Status</u>	RELATING TO THE LAND CONSERVATION FUND. Requires the DLNR to comply with recommendations contained in Auditor's Report No. 19-01 related to management of the Land Conservation Fund including by completing a Land Resource Acquisition Plan by 1/1/2020 and implementing policies, procedures, and internal controls related to the use of the Fund and grant awards. Requires the Auditor to track compliance and commence a full financial and management audit of the Department in the case of noncompliance. (HB589 HD1)	WLH/EEP, JUD, FIN
<u>HB 1327, HD1</u> <u>(HSCR120)</u> <u>Status</u>	RELATING TO ELECTIONS. Permits a request for an absentee ballot or for permanent absentee voter status to be submitted in English or Hawaiian. Requires absentee ballots to be available to absentee voters in English and Hawaiian. Appropriates funds. (HB1327 HD1)	WLH, JUD, FIN
<u>HB 600, HD1</u> <u>(HSCR123)</u> <u>Status</u>	RELATING TO ACTIONS FOR QUIET TITLE. Provides that where quiet title action involves kuleana land, defendants may request mandatory mediation to resolve the dispute. Allows defendants in separate actions to request consolidation into a single action. Specifies that plaintiffs may pay mediation costs as deemed equitable by the court. (HB600 HD1)	WLH, JUD, FIN

<u>HB 1559, HD1</u> <u>(HSCR116)</u> <u>Status</u>	RELATING TO THE KAKAAKO COMMUNITY DEVELOPMENT DISTRICT. Authorizes the HCDA to permit one building that is up to 768 feet in height and located near a transit station within each approved master plan area for the Kakaako Mauka area of the Kakaako Community Development District, subject to provision of appropriate public benefits. (HB1559 HD1)	WLH, JUD, FIN
<u>HB 1325, HD1</u> <u>(HSCR196)</u> <u>Status</u>	RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES. Requires DLNR to give prior notice to the Game Management Advisory Commission when establishing or amending watershed projects or management plans on state lands or pursuant to a water rights lease and suspend all aerial shooting activity until final adoption of watershed management rules that integrate Commission recommendations. (HB1325 HD1)	WLH/EEP, JUD, FIN
<u>HB 213</u> <u>Status</u>	RELATING TO PRIVATE PROPERTY. Authorizes a property owner or agent to enter adjacent property under certain conditions to eradicate albizia trees before they become hazardous. Provides defense to criminal prosecution.	JUD
<u>HB 287</u> <u>Status</u>	RELATING TO VACANT AND ABANDONED RESIDENTIAL PROPERTY. Requires counties to expedite demolition permits for vacant and abandoned residential homes. Allows the department of taxation to seek sale of the property through non-judicial foreclosure of vacant and abandoned residential properties with outstanding recorded state tax liens at any time after establishing vacancy and abandonment.	JUD, FIN
<u>HB 1307</u> <u>Status</u>	RELATING TO AN OFFICE OF ADMINISTRATIVE HEARINGS. Requires the Legislative Reference Bureau to conduct a study on establishing a state central hearing agency to be known as the Office of Administrative Hearings and submit a report of its findings and recommendations, including any proposed legislation, to the Legislature prior to the Regular Session of 2020.	JUD, FIN
<u>HB 748</u> <u>Status</u>	RELATING TO PROPERTY FORFEITURE. Prohibits civil asset forfeiture by reason of the commission of a covered offense, to the extent of the property owner's interest, unless the covered offense is a felony for which the property owner has been convicted. Prohibits the forfeiture of an animal prior to the disposition of criminal charges. Requires the Attorney General to distribute one half of all forfeited property and the sale proceeds thereof to the Hawaii law enforcement assisted diversion program, with the remaining half to be distributed to the state general fund.	JUD, FIN

The following measure(s) were previously heard on **February 13, 2019 at 3:00pm.**

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<u>HB 1176</u> <u>(HSCR70)</u> <u>Status</u>	RELATING TO ELECTRIC GUNS. Authorizes law enforcement officers of the Department of Transportation to use electric guns while performing their duties. Requires law enforcement officers of DOT to be accredited by June 30, 2024, for the use of electric guns.	PVM/TRN, JUD, FIN
<u>HB 1177, HD1</u> <u>(HSCR69)</u> <u>Status</u>	RELATING TO PUBLIC SAFETY. Appropriates funds to purchase the Honolulu Federal Detention Center. (HB1177 HD1)	PVM/LAB, JUD, FIN
<u>HB 1289, HD1</u> <u>(HSCR208)</u> <u>Status</u>	RELATING TO CRIMINAL PRETRIAL REFORM. Implements recommendations of the Criminal Pretrial Task Force convened pursuant to House Concurrent Resolution No. 134, House Draft 1, Regular Session of 2017. (HB1289 HD1)	PVM, JUD, FIN
<u>HB 629, HD1</u> <u>(HSCR71)</u> <u>Status</u>	RELATING TO MEDICAL RELEASE. Creates a medical release program within the Department of Public Safety for certain ill, disabled, and geriatric inmates who pose a low risk to public safety. (HB629 HD1)	PVM, JUD, FIN
<u>HB 1552, HD1</u> <u>(HSCR73)</u> <u>Status</u>	RELATING TO PUBLIC SAFETY. Establishes the Hawaii Correctional System Oversight Commission. Creates a position for an Oversight Coordinator for the Commission. Transfers all rights, powers, functions, and duties of the Reentry Commission and Corrections Population Management Commission to the Hawaii Correctional System Oversight Commission. (HB1552 HD1)	PVM, JUD, FIN
<u>HB 175, HD1</u> <u>(HSCR205)</u> <u>Status</u>	RELATING TO BAIL. Authorizes a defendant in custody to petition a court for unsecured bail. (HB175 HD1)	PVM, JUD, FIN
<u>HB 671, HD1</u> <u>(HSCR56)</u> <u>Status</u>	RELATING TO VETERANS SERVICES. Provides that a surviving, unmarried, same-sex partner of a deceased veteran may be interred at any state veterans cemetery if the surviving partner provides written evidence that the couple would have married but for a state law prohibiting same-sex marriage. (HB671 HD1)	PVM, JUD, FIN
<u>HB 1551, HD1</u> <u>(HSCR74)</u> <u>Status</u>	RELATING TO PUBLIC SAFETY. Establishes a minimum-security housing program in a county with a population of more than 750,000 for short-term adult offenders. Provides capacity for a furlough program. Appropriates funds. (HB1551 HD1)	PVM, JUD, FIN
<u>HB 456, HD1</u> <u>(HSCR207)</u> <u>Status</u>	RELATING TO PUBLIC SAFETY. Requires the Director of Public Safety to develop policies and procedures to govern the use of force, including training and equipment, by deputy sheriffs. Requires the Director to consider requiring nonlethal use of force training. Encourages the Department of Public Safety to maintain training activity records. Appropriates funds. (HB456 HD1)	PVM, JUD, FIN

<u>HB 993, HD1</u> <u>(HSCR199)</u> <u>Status</u>	RELATING TO EMERGENCY MANAGEMENT. To improve and enhance the effectiveness of the State Emergency Management Program through modifications and additions to the Hawaii Revised Statute Chapter 127A. (HB993 HD1)	PVM, JUD, FIN
<u>HB 1541, HD1</u> <u>(HSCR206)</u> <u>Status</u>	RELATING TO GUN VIOLENCE PREVENTION. Establishes the Hawaii Gun Violence Prevention Center within the University of Hawaii to research strategies to prevent gun violence. Creates a special fund to support the Center. Appropriates funds. (HB1541 HD1)	PVM, JUD, FIN
<u>HB 1038, HD1</u> <u>(HSCR204)</u> <u>Status</u>	MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY. Makes an emergency appropriation to provide funds for the Department of Public Safety to pay for the temporary housing of 248 inmates at a non-state facility for the remaining six months of fiscal year 2019, during work on capital improvements to the Halawa Correctional Facility, under DAGS Job No. 12-27-5644 – security electronics and hardware repairs and improvements. (HB1038 HD1)	PVM, JUD, FIN
<u>HB 549, HD1</u> <u>(HSCR219)</u> <u>Status</u>	RELATING TO THE ENVIRONMENT. Requires new developments to plan for the impacts of projected sea level rise and prohibits development in areas significantly affected by projected sea level rise. (HB549 HD1)	EEP, JUD, FIN

As this is a decision making meeting only, no public testimony will be accepted.

If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-9450 or email your request for an interpreter to HouseInterpreter@Capitol.hawaii.gov at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.

For further information, please call the Committee Clerk at 586-9450.

Rep. Chris Lee
Chair