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TWENTY-FOURTH DISTRICT BOB HOGUE

TWENTY-FIFTH DISTRICT FRED HEMMINGS

CHIEF CLERK PAUL T. KAWAGUCHI

The Senate

The Twenty Second Legislature

of the State of Hawaii

STATE CAPITOL HONOLULU, HAWAII 96813

April 24, 2006



TO: Members of the Senate Committee on Judiciary and Hawaiian Affairs

FR: Senator Colleen Hanabusa, Chair Senate Committee on Judiciary and Hawaiian Affairs

RE: House Bills that passed out of JHW in which the House agreed to the amendments made by the Senate; Senate Bills that passed out of JHW in which the Senate agreed to the amendments made by the House; and Measures that passed out of JHW and moved out of conference with amendments

The following House bills passed out of JHW as second Committee and the House voted to agree to the amendments made by the Senate:

HB 1977, HD1, SD2 ` RELATING TO STRUCTURED SETTLEMENTS Establishes procedures for the transfer of structured settlement payment rights.

The Senate amended this bill by: (1) Allowing an application for approval of a transfer of a structured settlement payment right to be brought in any court or before any responsible administrative authority meeting specific requirements. This amendment was proposed by the National Association of Settlement Purchasers and Ringler Associates as a measure that would benefit recipients of structured settlement payments by providing the appropriate court or administrative forum with greater flexibility to consider changed circumstances when considering an application; (2) Amending the process in which a court or administrative authority considers an application by deleting language that made an oral hearing by the court optional. This amendment was proposed by Ringler Associates as a means to afford important protections to a structured settlement recipient and allow the independent assessment of an application by a court or administrative authority through the process of oral hearings; and (3) Making technical, nonsubstantive changes for clarity and style.

HB 2133, SD1 RELATING TO THE NATURAL AREA RESERVE

SYSTEM

Prohibits public vehicular access in Kaena Point

natural area reserve.

The Senate amended this bill by: (1) Providing an exception for emergency vehicle access to the Natural Area Reserve; (2) Allowing the Department of Land and Natural Resources to adopt rules to allow limited vehicular access to the Natural Area Reserve for permitted fishing and camping activities; (3) Providing a savings clause; and (4) Making a technical, nonsubstantive change for style

HB 2410, HD1, SD2 RELATING TO CONTROLLED SUBSTANCES
Amends statutory provisions to conform with
changes to the Uniform Controlled Substances Act
enacted in 2005.

The Senate amended this bill by: (1) Reducing the amount of dispensable grams to 3.6 grams per day without regard to the number of transactions, or nine grams a month, except when dispensed pursuant to a prescription; (2) Requiring pseudoephedrine products to be moved behind the counter and that purchasers must provide identification to the retailer who must record identifying information of that purchaser; (3) Requiring pseudoephedrine purchasers to sign a written log or receipt; (4) Adding the drug Zopiclone, trade name Lunesta, to schedule IV of the controlled substances list; and (5) Making technical, nonsubstantive changes for clarity and style.

The following Senate bill passed out of JHW as second Committee and the Senate voted to agree to the amendments made by the House:

SB 2357, HD1 RELATING TO SECTION 13 OF ACT 380,

SESSION LAWS OF HAWAII 1997

Extends for 5 years until 07/01/2012 the sunset date (07/01/07) on the use of new safe harbor agreements, habitat conservation plans, and incidental take licenses as recovery options for conserving and

protecting the State's endangered species.

The House amended this bill by: (1) Extending the sunset date for five years instead of removing the sunset date entirely; and (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

The following measures passed out of JHW as lead Committee and moved out of conference with amendments:

HB 386, HD1, RELATING TO COURTS

CD1

Repeals the jury service exemptions for categories, except for jurors who served within the last year and members of the police or fire department. Adds jury service exemptions for members of an emergency medical services agency, persons who live more than 70 miles from the court for jury service, or parsons who are 90 or older.

persons who are 80 or older.

The Committee on Conference amended this bill by reinstating the exemption for: (1) An elected official during legislative session, or a judge, of the United States, State or county; (2) An active practicing physician; and (3) A member of the armed forces or militia when on active service and deployed out of state;

SB 2243, SD1, HD1, CD1

RELATING TO BIOLOGICAL EVIDENCE
Provides for the immediate DNA testing of all felons who are currently incarcerated. Allows for post conviction DNA testing for those who were not convicted but were acquitted of a crime on the ground of physical or mental disease, disorder, or defect.

The Committee on Conference amended this bill to change the effective date to upon approval.

The following measures passed out of JHW as second Committee and moved out of conference with amendments. Since JHW is the second Committee, the bills are listed below, but an explanation of the changes should be requested from the lead Committee.

HB 2199, HD2, RELATING TO INTERNATIONAL TRADE

SD1, CD1 AGREEMENT

HB 2708, HD2, RELATING TO ADVERTISING SD2, CD1

SB 743, SD2, RELATING TO THE UNIFORM SECURITIES ACT HD2, CD1

SB 2006, SD3, HD2, CD1	PROHIBITING SALES OF OPIHI
SB 2188, SD1, HD2, CD1	RELATING TO A COMMISSION ON FATHERHOOD
SB 2248, SD2, HD1, CD1	RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES
SB 2323, SD2, HD1, CD1	RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY
SB 2327, SD2, HD1, CD1	RELATING TO CHILD ABUSE OR NEGLECT REPORTING
SB 2358, SD2, HD2, CD1	RELATING TO PROTECTION OF FOREST RESERVES
SB 2667, SD2, HD1, CD1	RELATING TO FIREWORKS

Thank you for your attention to this matter. Please feel free to contact me if you have any questions or concerns.