

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair

Rep. Linda Ichiyama	Rep. Nadine K. Nakamura
Rep. Dale T. Kobayashi	Rep. Roy M. Takumi
Rep. Matthew S. LoPresti	Rep. Chris Todd
Rep. Nicole E. Lowen	Rep. James Kunane Tokioka
Rep. Angus L.K. McKelvey	Rep. Gene Ward

AMENDED AMENDED NOTICE OF HEARING

DATE: Wednesday, February 16, 2022
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.

Click [here](#) for select hearings broadcast live on 'Ōlelo Community Media for cable TV.

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

The following measure has been **DELETED** from the agenda: **HB 1776**

[HB 1776, HD1](#)
[\(HSCR124-22\)](#)
[Status](#)

RELATING TO PUBLIC SAFETY.
~~Mandates that there be a community-based work furlough~~
~~program for incarcerated women in the State. Appropriates~~
~~funds. Effective 7/1/3000. (HD1)~~

CMV, JHA, FIN

[HB 2309, HD1](#)
[\(HSCR130-22\)](#)
[Status](#)

RELATING TO INCARCERATION.
Appropriates moneys for the development and maintenance of
diversion, reentry, and rehabilitation services and programs by non-
profit organizations in the State. Effective 7/1/3000. (HD1)

CMV, JHA, FIN



HB 2311, HD1 (HSCR132-22) Status	RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS. Requires the department of public safety, in collaboration with the office of Hawaiian affairs, to create a Native Hawaiian rehabilitation program for prison inmates that puts an emphasis on preserving Native Hawaiian values and cultural practices. Appropriates funds. Effective 7/1/3000. (HD1)	CMV, JHA, FIN
HB 2171, HD1 (HSCR200-22) Status	RELATING TO PUBLIC SAFETY. Establishes a department of law enforcement to consolidate and administer criminal law enforcement and investigations functions of the State effective upon approval and reestablishes the department of public safety as an independent department of corrections and rehabilitation to administer the corrections, rehabilitation, and reentry of the inmate population effective January 1, 2023. Transfers the law enforcement functions of the department of public safety to the department of law enforcement effective January 1, 2023, and the law enforcement functions of the department of transportation, the non-statutorily mandated functions of the investigations division of the department of the attorney general, and the office of homeland security to the department of law enforcement effective July 1, 2023. Establishes a training center. Appropriates funds to the department of law enforcement and department of corrections and rehabilitation. Effective 7/1/3000. (HD1)	CMV, JHA, FIN
HB 1738, HD1 (HSCR206-22) Status	RELATING TO CONFINEMENT. Establishes policies and procedures for long-term confinement, disciplinary confinement, and administrative confinement of inmates in the State's correctional facilities. Provides that any agreement negotiated with an out-of-state correctional facility require the out-of-state correctional facility to adhere to the same standards of care and health and safety policies adopted by the department of public safety. Effective 7/1/3000. (HD1)	CMV, JHA, FIN
HB 1739 (HSCR123-22) Status	RELATING TO PUBLIC SAFETY. Clarifies that the comprehensive offender reentry system provides programs and services that result in the timely release of inmates on parole when the minimum term, rather than the maximum term, has been served by the inmate.	CMV, JHA, FIN
HB 1676, HD1 (HSCR122-22) Status	RELATING TO DATA COLLECTION. Requires that the sexual orientation and gender identity of persons processed for crimes be included in the systems of identification, if disclosed. Requires that sexual orientation and gender identity information collected under this measure remain confidential and be used strictly for statistical research and data analysis purposes. Effective 7/1/3000. (HD1)	CMV, JHA, FIN
HB 2117, HD1 (HSCR204-22) Status	RELATING TO THE HAWAII CODE OF MILITARY JUSTICE. Updates the Hawaii Code of Military Justice, by repealing chapter 124A, Hawaii Revised Statutes, and adding a new chapter to promote order and discipline in the State Military Forces by fostering an independent military justice system and updating nonjudicial punishment and courts-martial procedures. Effective 7/1/3000. (HD1)	CMV, JHA, FIN



<u>HB 1239</u> <u>Status</u>	RELATING TO LAW ENFORCEMENT. Amends the law enforcement officer independent review board to include review of any specific incident of alleged misconduct recommended by certain officials and make it a permanent board. Amends the membership of the law enforcement standards board. Amends the term for members of each board to four years.	JHA, FIN
<u>HB 2179</u> <u>(HSCR172-22)</u> <u>Status</u>	RELATING TO COLLECTION OF DELINQUENT TAXES. Authorizes the Director of Taxation to apply to the circuit court to convert certain tax liens into enforceable civil judgments.	ECD, JHA, FIN
<u>HB 1828, HD1</u> <u>(HSCR114-22)</u> <u>Status</u>	RELATING TO THE TAXATION BOARD OF REVIEW. Beginning 1/1/2023, reduces the size of the taxation board of review from ten members to three, with at least two members required for quorum. Establishes that the members are full-time employees and sets their compensation. Authorizes the members of the taxation board of review to validate the board's actions with a concurrence of the majority of members who heard the appeal. Specifies that board meetings are contested case hearings with certain notice requirements. Clarifies the legal and evidentiary framework for the board to use when making decisions. Appropriates funds to the department of taxation to establish three full-time equivalent taxation board of review members and two full-time equivalent staff positions. (HD1)	ECD, JHA, FIN
<u>HB 2231</u> <u>Status</u>	RELATING TO STATE DEPARTMENTS. Allows the department of taxation to retain or employ attorneys, by contract or otherwise.	JHA, FIN
<u>HB 1423, HD1</u> <u>(HSCR134-22)</u> <u>Status</u>	RELATING TO VIOLATIONS OF CAMPAIGN FINANCE LAW. Increases the fine that may be assessed for campaign spending law violations against a noncandidate committee making only independent expenditures and that has received at least one contribution of more than \$10,000, or spent more than \$10,000 in an election period. Allows the campaign spending commission to order that the fine be up to three times the amount of the unlawful contribution or expenditure, and that the payment of the fine assessed against a noncandidate committee, or any portion thereof, be paid from the personal funds of an officer of the noncandidate committee. Effective 7/1/2112. (HD1)	GVR, JHA, FIN
<u>HB 1881, HD1</u> <u>(HSCR139-22)</u> <u>Status</u>	RELATING TO CAMPAIGN FINANCE. Requires the maintenance of transfer records relating to certain campaign contributions and transfers. Requires certain covered persons to seek permission from contributors to use or transfer contributed funds for independent campaign spending. Requires certain major contributors to disclose and maintain relevant records relating to the identities of other contributors. Requires certain covered persons to file disclosure reports with the campaign spending commission. Facilitates the identification of certain top contributors of funds for certain political advertisements. Prohibits structured transactions. Effective 7/1/2112. (HD1)	GVR, JHA, FIN



<u>HB 1888, HD1</u> <u>(HSCR192-22)</u> <u>Status</u>	RELATING TO ELECTIONEERING COMMUNICATIONS. Increases the threshold amount that requires disclosure of electioneering communications. Requires that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed. Specifies the disclosure date for subsequent public distribution of electioneering communications. Exempts election advertisements published by electronic means from being considered electioneering communications. Repeals the actual expenditures exception from the definition of "electioneering communication". Applies to all elections beginning with the 2022 primary election. Effective 7/1/2112. (HD1)	GVR, JHA, FIN
<u>HB 1424, HD1</u> <u>(HSCR135-22)</u> <u>Status</u>	RELATING TO CANDIDATE COMMITTEE AND NONCANDIDATE COMMITTEE ORGANIZATIONAL REPORTS. Housekeeping measure that repeals references in sections of the campaign spending law to paragraphs within those sections that have been repealed. (HD1)	GVR, JHA, FIN
<u>HB 886</u> <u>Status</u>	RELATING TO PROFESSIONALLY LICENSED OR CERTIFIED GOVERNMENT EMPLOYEES. Clarifies that the State shall be exclusively liable for claims for injury or loss of property, or personal injury or death, resulting from the negligent or wrongful act or omission of any professionally licensed or certified employee of the State while acting within the course and scope of the employee's office or employment. Precludes civil actions or proceedings for money damages against the employee, except for claims based on liability other than an employee's course and scope of employment with the State or other employer. Clarifies liability when the State agrees to assume full or partial responsibility in a civil action against a professional licensed or certified employee.	JHA, FIN
<u>HB 1841</u> <u>Status</u>	RELATING TO THE JUDICIARY. Increases the rate of compensation and maximum allowable amounts per case for court-appointed counsel and guardian ad litem. Appropriates funds.	JHA, FIN
<u>HB 2365</u> <u>Status</u>	RELATING TO ELECTRONIC CITATIONS. Creates an electronic citation program under the judiciary and establishes an electronic citation surcharge. Appropriates funds. Effective 1/1/2023.	JHA, FIN
<u>HB 2038</u> <u>Status</u>	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 supreme court to provide a written opinion within 48 hours of receipt of the request. Requires, for any written opinion by the supreme 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 2085 Status	PROPOSING AMENDMENTS TO ARTICLE VII, SECTIONS 12 AND 13, OF THE HAWAII CONSTITUTION TO EXPRESSLY PROVIDE THAT THE LEGISLATURE MAY AUTHORIZE THE COUNTIES TO ISSUE TAX INCREMENT BONDS AND TO EXCLUDE TAX INCREMENT BONDS FROM DETERMINATIONS OF THE FUNDED DEBT OF THE COUNTIES. Proposes amendments to the Constitution of the State of Hawaii to expressly provide that the legislature may authorize political subdivisions, such as counties, to issue tax increment bonds and to exclude tax increment bonds in calculating the debt limit of the political subdivisions.	JHA, FIN
HB 2436 Status	RELATING TO GAMBLING. Imposes a heightened penalty of a class C felony for persons who repeatedly commit the offenses of gambling or possession of gambling records in the second degree. Raises the criminal penalty to a class C felony for the offense of possession of gambling devices. Directs all forfeited property or proceeds from sales thereof to units of state or local government that administer, manage, operate, or oversee programs addressing homelessness, substance abuse, or compulsive gambling.	JHA, FIN
HB 2499 Status	RELATING TO NATIVE HAWAIIAN AFFAIRS. Requires certain departments and agencies to provide grants to tax-exempt non-profit organizations that have experience and expertise in supporting and advancing Native Hawaiian communities.	JHA, FIN
HB 2475, HD1 (HSCR107-22) Status	RELATING TO STATE HOLIDAYS. Establishes July 31 of each year as La Hoihoi Ea. Effective 7/1/2044. (HD1)	CAI, JHA, FIN
HB 1653, HD1 (HSCR106-22) Status	RELATING TO AQUATIC RESOURCES. Establishes a tiered administrative fine system for each specimen of aquatic life taken, killed, or injured. Establishes a criminal fine structure on a per-specimen basis for violations involving aquatic life. Authorizes the department of land and natural resources to recommend community service that benefits the resource damaged when a person is ordered to perform community service in lieu of a fine. Authorizes the department of land and natural resources to recommend to the court that defendants be restricted from entering specific geographical areas where aquatic resources may be found. Effective 7/1/2050. (HD1)	WAL, JHA, FIN

DECISION MAKING

The following measure(s) were previously heard on **February 1, 2022**. No public testimony will be accepted.

HB 1448 Status	RELATING TO TRAFFIC FINES. Authorizes the respective counties to impose and collect fines for violations of the Statewide Traffic Code, in addition to the fines imposed by the State under Chapter 291C, HRS.	JHA, FIN
---	---	----------



The following measure(s) were previously heard on **February 9, 2022**. No public testimony will be accepted.

[HB 1536](#)
[Status](#)

RELATING TO THE JUDICIARY.
Appropriates supplemental funds for the Judiciary for the fiscal
biennium beginning 7/1/2021 and ending 6/30/2023.

JHA, FIN

The following measure(s) were previously heard on **February 11, 2022**. No public testimony will be accepted.

[HB 1788, HD1](#)
[\(HSCR76-22\)](#)
[Status](#)

RELATING TO WAIAKEA PENINSULA REDEVELOPMENT.
Establishes the Waiakea peninsula redevelopment district and planning
committee for the redevelopment of public lands on the Waiakea
peninsula. Establishes the Waiakea peninsula redevelopment district
revolving fund. Makes an appropriation. Sunsets June 30, 2032.
Effective July 1, 2050. (HD1)

WAL, 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.

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

