# THE SENATE OF THE TWENTY-SIXTH LEGISLATURE STATE OF HAWAI'I REGULAR SESSION OF 2011

## TWENTY-EIGHTH DAY

## MARCH 11, 2011-FRIDAY-11:30 O'CLOCK A.M.

#### **ORDER OF BUSINESS**

Roll Call

Approval of the Journal

## Introductions

 $1. \ \ Messages \ from \ the \ Governor: Nos. \ 183, 528-569 \ and \ 1104$ 

<u>MEASURE</u>	TITLE	REFERRAL
<u>G.M. No. 183</u>	Dated February 8, 2011, transmitting the Annual Internal Audit Report, prepared by the Hawaii Health Systems Corporation pursuant to Section 323F-22(d), HRS.	FILE
G.M. No. 528	Submitting for consideration and confirmation to the State Board of Chiropractic Examiners, Gubernatorial Nominee, ROBERT KLEIN, for a term to expire 6-30-2015.	CPN
G.M. No. 529	Submitting for consideration and confirmation to the State Board of Chiropractic Examiners, Gubernatorial Nominee, JAMES PLEISS, for a term to expire 6-30-2015.	CPN
G.M. No. 530	Submitting for consideration and confirmation to the Constructors License Board, Gubernatorial Nominee, ANACLETO "JOEY" S. ALCANTRA JR., for a term to expire 6-30-2015.	CPN

G.M. No. 531	Submitting for consideration and confirmation to the Constructors License Board, Gubernatorial Nominee, PETER LEE, for a term to expire 6-30-2015.	CPN
G.M. No. 532	Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, JOHN POLISCHECK, for a term to expire 6-30-2015.	CPN
G.M. No. 533	Submitting for consideration and confirmation to the Board of Electricians and Plumbers, Gubernatorial Nominee, PETER L. AKAMU, for a term to expire 6-30-2015.	CPN
G.M. No. 534	Submitting for consideration and confirmation to the Board of Electricians and Plumbers, Gubernatorial Nominee, MATT BRADY, for a term to expire 6-30-2015.	CPN
G.M. No. 535	Submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, Gubernatorial Nominee, CARL D. JOHNSEN, for a term to expire 6-30-2015.	CPN
G.M. No. 536	Submitting for consideration and confirmation to the Pest Control Board, Gubernatorial Nominee, RONALD S. WEINBERG, for a term to expire 6- 30-2015.	CPN
G.M. No. 537	Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, ROWENA COBB, for a term to expire 6-30-2015.	CPN
G.M. No. 538	Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, NIKKI SENTER, for a term to expire 6-30-2015.	CPN
G.M. No. 539	Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, AILEEN WADA, for a term to expire 6-30-2015.	CPN

G.M. No. 540	Submitting for consideration and confirmation to the Historic Places Review Board, Hawai'i, Gubernatorial Nominee, GEORGE CASEN, for a term to expire 6-30-2015.	EDT
G.M. No. 541	Submitting for consideration and confirmation to the Historic Places Review Board, Hawai'i, Gubernatorial Nominee, GERALD L. DE MELLO, for a term to expire 6-30-2015.	EDT
G.M. No. 542	Submitting for consideration and confirmation to the High Technology Development Corporation, Board of Directors, Gubernatorial Nominee, RUSSELL CASTAGNARO, for a term to expire 6-30-2015.	EDT
G.M. No. 543	Submitting for consideration and confirmation to the High Technology Development Corporation, Board of Directors, Gubernatorial Nominee, CRAIG I. NAKANISHI, for a term to expire 6- 30-2015.	EDT
G.M. No. 544	Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, LOUISE CAYETANO, for a term to expire 6-30-2014.	EDU
G.M. No. 545	Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, WRAY JOSE, for a term to expire 6-30-2014.	EDU
G.M. No. 546	Submitting for consideration and confirmation to the Hawai'i Teacher Standards Board, Gubernatorial Nominee, BARRY WURST, for a term to expire 6-30-2014.	EDU
G.M. No. 547	Submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, DAVID ATKIN, for a term to expire 6-30-2015.	ENE

G.M. No. 548	Submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, SCOTT GLENN, for a term to expire 6-30-2015.	ENE
G.M. No. 549	Submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, CHARLES A. PRENTISS, for a term to expire 6-30-2015.	ENE
G.M. No. 550	Submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, MARY STEINER, for a term to expire 6-30-2015.	ENE
G.M. No. 551	Submitting for consideration and confirmation to the Hawai'i Public Housing Authority Board of Directors, Gubernatorial Nominee, JASON T. ESPERO, for a term to expire 6-30-2015.	HMS
G.M. No. 552	Submitting for consideration and confirmation to the Hawai'i Public Housing Authority Board of Directors, Gubernatorial Nominee, L. P. "NEENZ" FALEAFINE, for a term to expire 6-30-2015.	HMS
G.M. No. 553	Submitting for consideration and confirmation to the Hawaiian Homes Commission, Gubernatorial Nominee, IMAIKALANI PATRICK AIU, for a term to expire 6-30-2015.	HWN
G.M. No. 554	Submitting for consideration and confirmation to the Hawaiian Homes Commission, Gubernatorial Nominee, PERRY O. ARTATES, for a term to expire 6-30-2015.	HWN
G.M. No. 555	Submitting for consideration and confirmation to the Hawaiian Homes Commission, Gubernatorial Nominee, JEREMY KAMAKANEOALOHA HOPKINS, for a term to expire 6-30-2015.	HWN

G.M. No. 556	Submitting for consideration and confirmation to the Hawaiian Homes Commission, Gubernatorial Nominee, MICHAEL PUAMAMO KAHIKINA, for a term to expire 6-30-2015.	HWN
G.M. No. 557	Submitting for consideration and confirmation to the Hawaiian Homes Commission, Gubernatorial Nominee, IAN LEE LOY, for a term to expire 6-30-2015.	HWN
G.M. No. 558	Submitting for consideration and confirmation to the Hawaiian Homes Commission, Gubernatorial Nominee, RENWICK VALENTINE ILI'ILIPUNA TASSILL, for a term to expire 6-30-2015.	HWN
G.M. No. 559	Submitting for consideration and confirmation to the Island Busial Council Island of Oʻahu, Gubernatorial Nominee, CHARLES ANDREW EHRHORN, for a term to expire 6-30-2015.	HWN
G.M. No. 560	Submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, KEN HIDESHI TAKAYAMA, for a term to expire 6-30-2015.	JDL
G.M. No. 561	Submitting for consideration and confirmation to the Hawai'i Workforce Development Council, Gubernatorial Nominee, ALFRED C. LARDIZABAL, for a term to expire 6-30-2015.	JDL
G.M. No. 562	Submitting for consideration and confirmation to the Hawai'i Workforce Development Council, Gubernatorial Nominee, HAROLD P. MCDERMOTT, for a term to expire 6-30-2015.	JDL
G.M. No. 563	Submitting for consideration and confirmation to the Corrections Population Management Commission, Gubernatorial Nominee, DAVID HEAUKULANI, for a term to expire 6-30-2015.	PGM

G.M. No. 564	Submitting for consideration and confirmation to the Hawai'i Community Development Authority, Gubernatorial Nominee, BRIAN LEE, for a term to expire 6-30-2015.	WLH
G.M. No. 565	Submitting for consideration and confirmation to the Hawai'i Community Development Authority, Gubernatorial Nominee, LOIS MITSUNAGA, for a term to expire 6-30-2015.	WLH
G.M. No. 566	Submitting for consideration and confirmation to the Hawai'i Housing Finance and Development Corporation, Gubernatorial Nominee, ERNEST MATSUMURA, for a term to expire 6-30-2015.	WLH
G.M. No. 567	Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, ERNEST MATSUMURA, for a term to expire 6-30-2015.	WLH
G.M. No. 568	Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, CHAD M. MCDONALD, for a term to expire 6-30-2015.	WLH
G.M. No. 569	Submitting for consideration and confirmation to the Natural Area Reserves System Commission, Gubernatorial Nominee, RANDY CHING, for a term to expire 6-30-2015.	WLH
G.M. No. 1104	Informing the Senate that on March 10, 2011, the Governor signed the following bill into law:  HB827 HD1 (Act 004).  "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION."	FILE

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2. Departmental Communication No. 67

MEASURE TITLE REFERRAL

D.C. No. 67 From the Department of Budget and Finance

FILE

dated March 7, 2011, transmitting the FYs 08-14 Non-General Fund Information Report for the

Department of Human Services.

3. House Communication No. 354

Informing the Senate that on March 10, 2011, the following House Bill passed Third Reading in the

<u>REFERRAL</u>

House:

354 H.B. No. 341, H.D. 4

EDT, JDL

"RELATING TO EMPLOYMENT

PRACTICES."(Employee Benefits; Employment

Practices; Sick Leave)

4. Senate Communications: None

5. Judiciary Communications: None

6. Introduction of Measures: Senate Concurrent Resolution Nos. 71-81

Senate Resolution Nos. 44-46

7. Standing Committee Report Nos. 801-803

801 (ENE/HWN) H.B. No. 1015, H.D. 1

"MAKING AN EMERGENCY

APPROPRIATION OUT OF THE

BROWNFIELDS CLEANUP REVOLVING

LOAN FUND."

(Recommends passage on <u>SECOND</u> READING and referral to WAM)

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802 (WLH) S.C.R. No. 14, S.D. 1

"DISAPPROVING THE RESET ASIDE OF THE FORMER KULANI CORRECTIONAL FACILITY LANDS FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF DEFENSE FOR A

YOUTH CHALLENGE ACADEMY."

(Recommends referral to PGM)

803 (CPN) <u>G.M. No. 523</u>

(One Day Notice)

"Submitting for consideration and confirmation to the Public Utilities
Commission, Gubernatorial Nominee,
HERMINA MORITA, for a term to expire 6-

30-2014 "

(Recommends Senate Consent to

Nomination)

#### ORDER OF THE DAY

8. Advise and Consent

796 HMS G.M. No. 509

"Submitting for consideration and confirmation to the Director of the

Department of Human Services, Gubernatorial Nominee, PATRICIA MCMANAMAN, for a term to expire

December 1, 2014."

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<u>797</u> ENE <u>G.M. No. 524</u>

"Submitting for consideration and confirmation as the Director for th

confirmation as the Director for the Office of Environmental Quality Control, Gubernatorial Nominee, GARY HOOSER, for a term to

expire 6-30-2011."

797 ENE G.M. No. 526

"Submitting for consideration and confirmation as the Director for the Confirmation and the Director for the Confirmation and the Director for the Confirmation as the Director for the Confirmation and the Director for the Confirmation and the Director for the Confirmation as the Director for the Confirmation and the Director for the Confirmat

confirmation as the Director for the Office of Environmental Quality Control, Gubernatorial Nominee, GARY HOOSER, for a term to

expire 6-30-2015."

- 9. Miscellaneous Communications: None
- 10. Miscellaneous Business
- 11. Referrals and Re-Referrals

# REFERRALS FOR FRIDAY, MARCH 11, 2011

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
H.B. 44, H.D. 1	RELATING TO PROSTITUTION. (Prostitution; Solicitation)	JDL
H.B. 108, H.D. 1	RELATING TO CRUELTY TO ANIMALS. (Crimes; Dog Fighting; Animal Cruelty)	JDL
H.B. 141, H.D. 1	RELATING TO THE HAWAII PENAL CODE. (Hawaii Penal Code; Concurrent Imprisonment Terms)	JDL
H.B. 242, H.D. 1	RELATING TO PROMOTING PROSTITUTION. (Promoting Prostitution)	JDL

<u>H.B. 316, H.D. 1</u>	RELATING TO INSURANCE RECORDS. (Insurance; Insurance Producers; Record Requirements)	CPN
<u>H.B. 319, H.D. 1</u>	RELATING TO OWNER-BUILDERS. (Contractors; Owner-Builders)	CPN
<u>H.B. 341, H.D. 4</u>	RELATING TO EMPLOYMENT PRACTICES. (Employee Benefits; Employment Practices; Sick Leave)	EDT, JDL
<u>H.B. 354, H.D. 1</u>	RELATING TO TAX APPEALS. (Tax Appeals; Small Claims)	JDL, WAM
<u>H.B. 381, H.D. 1</u>	RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING UNNECESSARY PROVISIONS. (Revision Bill)	JDL
H.B. 439, H.D. 1	RELATING TO EVIDENCE. (Evidence; Presumptions)	JDL
<u>H.B. 468, H.D. 1</u>	RELATING TO COUNTY ETHICS COMMISSIONS. (County Ethics Commissions; Selection of Members)	PGM, JDL
<u>H.B. 618, H.D. 1</u>	RELATING TO OFFENSES AGAINST PUBLIC ORDER. (Computers; Online Harassment; Aggravated Online Harassment; Harassment by Impersonation)	JDL
<u>H.B. 716, H.D. 1</u>	RELATING TO ELECTIONS. (Election Deadlines)	JDL
<u>H.B. 1112, H.D. 1</u>	RELATING TO LICENSING. (Marriage; Temporary License to Solemnize)	JDL

H.B. 1326, H.D. 2	RELATING TO THE UNIVERSITY OF HAWAII. (University of Hawaii; System Benchmarks)	EDU
H.B. 1447, H.D. 2	RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT. (Permitted Transfers in Trust Act)	CPN, JDL
<u>H.B. 1455, H.D. 2</u>	RELATING TO PETROLEUM PRODUCTS. (Gasoline Dealers; Cooperative Purchasing)	CPN
H.B. 1456, H.D. 1	RELATING TO THE PETROLEUM INDUSTRY. (Petroleum Industry; Unfair Trade Practices; Penalties)	CPN, JDL
H.B. 1457, H.D. 1	RELATING TO HIGHER EDUCATION. (Assessment; Director of Finance; Tuition; University of Hawaii)	EDU, WAM
H.B. 1483, H.D. 1	RELATING TO THE MOLOKAI IRRIGATION SYSTEM. (Molokai Irrigation System; Homestead Lessees)	AGL/HWN, WAM
H.B. 1486, H.D. 1	RELATING TO SMALL BOAT HARBORS. (Small Boat Harbors; Permits)	WLH, JDL
H.B. 1505, H.D. 2	RELATING TO STATE FACILITIES. (State facilities; Public-private partnership)	WLH, WAM
H.B. 1513, H.D. 1	RELATING TO THE WEED AND SEED STRATEGY. (Weed and Seed Program; Permanent Establishment; Appropriation)	JDL, WAM
H.B. 1517, H.D. 1	RELATING TO THE PUBLIC UTILITIES COMMISSION. (Public Utilities Commission)	ENE/CPN, WAM
H.B. 1520, H.D. 2	RELATING TO RENEWABLE ENERGY. (Renewable Energy; Public Utilities Commission)	ENE, CPN

H.B. 1524, H.D. 2	RELATING TO AGRICULTURAL THEFT. (Agricultural Theft; Possession; Prima Facie Evidence)	JDL
H.B. 1529, H.D. 2	RELATING TO PLANNING. (Hawaii State Planning Act; Planning, Programming, and Budgeting System; Task Force)	EDT, WAM
H.B. 1532, H.D. 2	RELATING TO REAL PROPERTY TAX APPEALS. (Real Property Tax Appeals; Tax Appeal Court)	PGM, JDL
H.B. 1540	RELATING TO EDUCATION. (DOE; Emergency Hires; Teacher Licensure Requirements)	EDU, WAM
H.B. 1551, H.D. 2	RELATING TO TAX CREDITS. (Film Production Tax Credits)	EDT, WAM
H.B. 1566, H.D. 1	RELATING TO SMALL BOAT HARBORS. (Small Boat Harbors; Commercial Vessels; Development)	WLH, WAM
H.B. 1568, H.D. 2	RELATING TO AGRICULTURE. (Biosecurity and Inspection Facilities)	TIA/AGL, WAM
H.B. 1570, H.D. 2	RELATING TO AGRICULTURE. (Feedstock Costs; Appropriation; Livestock; Goat Milk)	AGL, WAM
H.B. 1584, H.D. 1	ESTABLISHING A COMMISSION TO EXPLORE OPPORTUNITIES TO FOSTER INTERNATIONAL RELATIONSHIPS. (Permanent Commission; Fostering International Relationships)	EDT/TIA/TSM, WAM
H.B. 1598, H.D. 2	RELATING TO THE CACAO INDUSTRY. (Cacao)	AGL, WAM

H.B. 1603, H.D. 1	RELATING TO THE UNIVERSITY OF HAWAII. (University of Hawaii; Authorization of Revenue Bonds; Appropriation)	EDU, WAM
H.B. 1613, H.D. 1	RELATING TO VOTING. (Permanent Absentee Voting; Voter Registration)	JDL
H.B. 1617, H.D. 2	RELATING TO PUBLIC LANDS. (BLNR; Public Lands; Lease Extension; Development Agreement)	WLH/TSM, WAM
<u>H.B. 1622, H.D. 1</u>	RELATING TO HISTORIC PRESERVATION. (Memorial; Law Enforcement)	PGM, WAM
H.B. 1626, H.D. 1	RELATING TO FUEL TAXES. (County Fuel Tax)	PGM, WAM
<u>H.B. 1637, H.D. 1</u>	RELATING TO THE STATE TREE. (Kukui tree as state heritage tree; 'Ohi'a lehua as state native tree)	WLH/HWN
<u>H.B. 1640, H.D. 2</u>	RELATING TO CERTIFICATES OF IDENTIFICATION. (Civil Identification; Counties; Director of Transportation)	PGM, JDL
H.B. 1642, H.D. 2	RELATING TO HIGH TECHNOLOGY. (High Technology; Research Tax Credit; Aggregate Cap)	EDT, WAM
S.C.R. 59	REQUESTING THE AUDITOR TO CONDUCT AN IMPACT ASSESSMENT OF PROPOSED MANDATORY MENTAL HEALTH TREATMENT COVERAGE FOR CRISIS SUBSTANCE ABUSE AND ALCOHOL TREATMENT. (Auditor; Study on Mandatory Mental Health Coverage)	HTH, WAM

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<u>S.C.R. 60</u>	URGING THE STATE OF HAWAII TO ADOPT POLICIES THAT REDUCE THE HARM CAUSED BY THE SALE AND DISPLAY OF TOBACCO. (Urging policies on sale and display of tobacco)	HTH/CPN, JDL
<u>S.C.R. 61</u>	REQUESTING THE ESTABLISHMENT OF A CLEFT LIP AND CLEFT PALATE CENTER OF EXCELLENCE. (Cleft Lip and Cleft Palate Center of Excellence; Department of Health)	HTH, WAM
<u>S.R. 33</u>	REQUESTING THE AUDITOR TO CONDUCT AN IMPACT ASSESSMENT OF PROPOSED MANDATORY MENTAL HEALTH TREATMENT COVERAGE FOR CRISIS SUBSTANCE ABUSE AND ALCOHOL TREATMENT. (Auditor; Study on Mandatory Mental Health Coverage)	HTH, WAM
<u>S.R. 34</u>	URGING THE STATE OF HAWAII TO ADOPT POLICIES THAT REDUCE THE HARM CAUSED BY THE SALE AND DISPLAY OF TOBACCO. (Tobacco resolution)	HTH/CPN, JDL
<u>S.R. 35</u>	REQUESTING THE ESTABLISHMENT OF A CLEFT LIP AND CLEFT PALATE CENTER OF EXCELLENCE. (Cleft Lip and Cleft Palate Center of Excellence; Department of Health)	HTH, WAM

## RE-REFERRALS FOR FRIDAY, MARCH 11, 2011

<u>MEASURE</u>	TITLE	RE-REFERRAL
<u>S.C.R. 8</u>	REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR NATUROPATHIC MEDICINE. (Mandatory Coverage for Naturopathic Medicine; Auditor Study) (HTH/CPN, WAM)	CPN, WAM
S.C.R. 45	REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR SURVIVORS OF TRAUMATIC BRAIN INJURIES. (Brain Injuries; Health) (HTH/CPN, WAM)	CPN, WAM
S.C.R. 48	URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION. (Health Insurers; Domestic Violence as Pre- existing Condition) (HTH/CPN)	CPN

#### 12. Announcements

# • Committee Hearing Schedule:

<u>COMMITTEE</u>	DATE & TIME	ROOM
HTH	3/11/2011 1:15 PM	229
WAM	3/11/2011 1:30 PM	211
HTH/CPN	3/11/2011 2:45 PM	229
HTH/EDU	3/11/2011 3:15 PM	229
HTH	3/11/2011 3:30 PM	229
WLH-HWN	3/16/2011 1:00 PM	224
WLH	3/16/2011 3:00 PM	224
HTH	3/18/2011 2:45 PM	229

- Senate Session will convene at 11:30 a.m. on Monday, March 14, 2011.
- 13. Adjournment