

THE SENATE
OF THE
TWENTY-SIXTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2011

THIRTY-SIXTH DAY

MARCH 23, 2011-WEDNESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

- Floor Presentation:

RECOGNIZING AND CONGRATULATING THE STATE SHERIFFS IN HAWAII
ON ITS 165TH ANNIVERSARY. (Senator Espero)

1. Messages from the Governor: Nos. 187 and 595-625

| <u>MEASURE</u> | <u>TITLE</u> | <u>REFERRAL</u> |
|------------------------------|--|-----------------|
| G.M. No. 187 | Dated March 9, 2011, transmitting the 2010 Report of the Commission to Promote Uniform Legislation, prepared by the Department of the Attorney General. | FILE |
| G.M. No. 595 | Submitting for consideration and confirmation to the Board of Acupuncture, Gubernatorial Nominee, MIKE HASHIMOTO, for a term to expire 6-30-2015. | CPN |
| G.M. No. 596 | Submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, Gubernatorial Nominee, SWEE L. BERKEY, for a term to expire 6-30-2015. | CPN |

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| <u>G.M. No. 597</u> | Submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, Gubernatorial Nominee, STEVEN J.T. CHOW, for a term to expire 6-30-2015. | CPN |
| <u>G.M. No. 598</u> | Submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, Gubernatorial Nominee, WARREN HIGA, for a term to expire 6-30-2015. | CPN |
| <u>G.M. No. 599</u> | Submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, Gubernatorial Nominee, ALAN M. NAKAMURA, for a term to expire 6-30-2015. | CPN |
| <u>G.M. No. 600</u> | Submitting for consideration and confirmation to the Board of Examiners in Optometry, Gubernatorial Nominee, GAYLE CHANG, for a term to expire 6-30-2015. | CPN |
| <u>G.M. No. 601</u> | Submitting for consideration and confirmation to the Board of Examiners in Optometry, Gubernatorial Nominee, KEVIN K. LUI, for a term to expire 6-30-2015. | CPN |
| <u>G.M. No. 602</u> | Submitting for consideration and confirmation to the Board of Examiners in Optometry, Gubernatorial Nominee, REID K. SAITO, for a term to expire 6-30-2014. | CPN |
| <u>G.M. No. 603</u> | Submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, Gubernatorial Nominee, SHARI GOO-YOSHINO, for a term to expire 6-30-2014. | CPN |
| <u>G.M. No. 604</u> | Submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, Gubernatorial Nominee, ANNE MARIE HORNER, for a term to expire 6-30-2014. | CPN |
| <u>G.M. No. 605</u> | Submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, Gubernatorial Nominee, VALERY E. O'BRIEN, for a term to expire 6-30-2014. | CPN |

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| <u>G.M. No. 606</u> | Submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, Gubernatorial Nominee, JOSEPH SNIEZEK, for a term to expire 6-30-2014. | CPN |
| <u>G.M. No. 607</u> | Submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, Gubernatorial Nominee, KRISTINE M. TAKEKAWA, for a term to expire 6-30-2014. | CPN |
| <u>G.M. No. 608</u> | Submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, Gubernatorial Nominee, BARBARA SAROMINES-GANNE, for a term to expire 6-30-2015. | EDT |
| <u>G.M. No. 609</u> | Submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, MALIA AKUTAGAWA, for a term to expire 6-30-2014. | ENE |
| <u>G.M. No. 610</u> | Submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, SHANNON D. MEARS, for a term to expire 6-30-2014. | ENE |
| <u>G.M. No. 611</u> | Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, LANI BARTHOLOMEW, for a term to expire 6-30-2015. | HMS |
| <u>G.M. No. 612</u> | Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, JOE D. CORDOVA, for a term to expire 6-30-2015. | HMS |
| <u>G.M. No. 613</u> | Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, BERNADETTE L. KELIAA, for a term to expire 6-30-2015. | HMS |

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| G.M. No. 614 | Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, AARON M. KEMP, for a term to expire 6-30-2015. | HMS |
| G.M. No. 615 | Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, ROSELANI M. ROWE, for a term to expire 6-30-2015. | HMS |
| G.M. No. 616 | Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, TIFFANY VARA, for a term to expire 6-30-2015. | HMS |
| G.M. No. 617 | Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, JOSEPHINE C. WOLL, for a term to expire 6-30-2015. | HMS |
| G.M. No. 618 | Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, JIM CISLER, for a term to expire 6-30-2015. | HMS |
| G.M. No. 619 | Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, FRANCINE DUDOIT TAGUPA, for a term to expire 6-30-2015. | HMS |
| G.M. No. 620 | Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, MARILYN SEELY, for a term to expire 6-30-2015. | HMS |
| G.M. No. 621 | Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, EUDICE SCHICK, for a term to expire 6-30-2015. | HMS |
| G.M. No. 622 | Submitting for consideration and confirmation to the Commission on the Status of Women, Gubernatorial Nominee, CARMILLE L. LIM, for a term to expire 6-30-2015. | JDL |

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| G.M. No. 623 | Submitting for consideration and confirmation to the Commission on the Status of Women, Gubernatorial Nominee, AMY Y. MONK, for a term to expire 6-30-2015. | JDL |
| G.M. No. 624 | Submitting for consideration and confirmation to the Commission on the Status of Women, Gubernatorial Nominee, LISA ELLEN SMITH, for a term to expire 6-30-2015. | JDL |
| G.M. No. 625 | Informing the Senate that on March 22, 2011, the Governor has withdrawn L. P. "NEENZ" FALEAFINE, Gubernatorial Nominee to the Hawai'i Public Housing Authority Board of Directors, from consideration by the Senate (GM552). | FILE |

2. Departmental Communications: None

3. House Communication No. 359

Returning the following Senate Bills which passed Third Reading in the House on March 22, 2011:

REFERRAL

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| 359 | S.B. No. 123, S.D. 1 "RELATING TO INSURANCE RECORDS."(Insurance; Insurance Producers; Record Requirements) | FILE |
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4. Senate Communications: None

5. Judiciary Communications: None

6. Standing Committee Report Nos. 838-871

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| <u>838</u> | (CPN) | <u>H.B. No. 1447, H.D. 2, S.D. 1</u> "RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT." (Recommends passage on <u>SECOND READING</u> and referral to JDL) |
| <u>839</u> | (HMS/PGM) | <u>H.B. No. 1067, H.D. 1</u> "RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY." (Recommends passage on <u>SECOND READING</u> and referral to JDL) |
| <u>840</u> | (HMS) | <u>H.B. No. 1003, H.D. 2, S.D. 1</u> "RELATING TO THE PENAL CODE." (Recommends passage on <u>SECOND READING</u> and referral to JDL) |
| <u>841</u> | (HMS) | <u>H.B. No. 1005, H.D. 2, S.D. 1</u> "RELATING TO CHILD SUPPORT ENFORCEMENT." (Recommends passage on <u>SECOND READING</u> and referral to JDL) |
| <u>842</u> | (HMS) | <u>H.B. No. 56, H.D. 2, S.D. 1</u> "RELATING TO CHILD VISITATION." (Recommends passage on <u>SECOND READING</u> and referral to JDL) |
| <u>843</u> | (HMS) | <u>H.B. No. 616, H.D. 2, S.D. 1</u> "RELATING TO CHILD CUSTODY." (Recommends passage on <u>SECOND READING</u> and referral to JDL) |

- [844](#) (HMS) [H.B. No. 238, H.D. 2](#)
"RELATING TO TEMPORARY
RESTRAINING ORDERS."
(Recommends passage on SECOND
READING and referral to JDL)
- [845](#) (HMS) [H.B. No. 404, H.D. 1](#)
"RELATING TO THE ISSUANCE OF
SPECIAL PURPOSE REVENUE BONDS
TO ASSIST PALOLO CHINESE HOME
AND ITS SUBSIDIARIES."
(Recommends passage on SECOND
READING and referral to WAM)
- [846](#) (HMS) [H.B. No. 758, H.D. 1, S.D. 1](#)
"AUTHORIZING THE ISSUANCE OF
GENERAL OBLIGATION BONDS AND
MAKING AN APPROPRIATION FOR THE
VOCATIONAL REHABILITATION AND
SERVICES FOR THE BLIND DIVISION."
(Recommends passage on SECOND
READING and referral to WAM)
- [847](#) (HMS) [H.B. No. 1303, H.D. 2, S.D. 1](#)
"RELATING TO PUBLIC HOUSING."
(Recommends passage on SECOND
READING and referral to WAM)
- [848](#) (HMS) [H.B. No. 596, H.D. 1, S.D. 1](#)
"RELATING TO HEALTH."
(Recommends passage on SECOND
READING and referral to WAM)
- [849](#) (HMS) [H.B. No. 594, H.D. 2, S.D. 1](#)
"RELATING TO HEALTH."
(Recommends passage on SECOND
READING and referral to WAM)

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| 850 | (HMS) | H.B. No. 718, H.D. 1, S.D. 1 "RELATING TO FOSTER YOUTH." (Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 851 | (TIA/PGM) | H.B. No. 505, H.D. 2, S.D. 1 "RELATING TO FLOOD MITIGATION." (Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 852 | (EDT/PGM) | H.B. No. 1342, H.D. 1, S.D. 1 "RELATING TO TELECOMMUNICATIONS." (Recommends passage on <u>SECOND READING</u> and referral to CPN) |
| 853 | (CPN) | H.B. No. 550, H.D. 1, S.D. 1 "RELATING TO TELEVISION." (Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 854 | (TIA/CPN) | H.B. No. 1241, H.D. 2, S.D. 1 "RELATING TO ABANDONED VEHICLES." (Recommends passage on <u>SECOND READING</u> and referral to JDL) |
| 855 | (HTH) | H.B. No. 484, S.D. 1 "RELATING TO ADVANCED PRACTICE REGISTERED NURSES." (Recommends passage on <u>SECOND READING</u> and referral to CPN) |
| 856 | (HTH) | H.B. No. 889, H.D. 2, S.D. 1 "RELATING TO HEALTH." (Recommends passage on <u>SECOND READING</u> and referral to JDL) |

- [857](#) (HTH) [H.B. No. 273, H.D. 1, S.D. 1](#)
"RELATING TO TOBACCO PRODUCTS."
(Recommends passage on SECOND
READING and referral to WAM)
- [858](#) (HTH) [H.B. No. 129, H.D. 2, S.D. 1](#)
"RELATING TO PERINATAL CARE."
(Recommends passage on SECOND
READING and referral to WAM)
- [859](#) (HTH) [H.B. No. 608, H.D. 3, S.D. 1](#)
"RELATING TO HEALTH."
(Recommends passage on SECOND
READING and referral to WAM)
- [860](#) (AGL/EDT) [H.B. No. 667, H.D. 1, S.D. 1](#)
"RELATING TO FOOD SAFETY."
(Recommends passage on SECOND
READING and referral to WAM)
- [861](#) (AGL/HWN) [H.B. No. 1483, H.D. 1, S.D. 1](#)
"RELATING TO THE MOLOKAI
IRRIGATION SYSTEM."
(Recommends passage on SECOND
READING and referral to WAM)
- [862](#) (HWN) [H.B. No. 400, H.D. 1](#)
"RELATING TO THE BUDGET OF THE
OFFICE OF HAWAIIAN AFFAIRS."
(Recommends passage on SECOND
READING and referral to WAM)

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| <u>863</u> | (HWN) | <u>H.B. No. 1063, H.D. 1</u> "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED." (Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| <u>864</u> | (EDU) | <u>H.B. No. 688, H.D. 2, S.D. 1</u> "RELATING TO EDUCATION." (Recommends passage on <u>SECOND READING</u> and referral to JDL) |
| <u>865</u> | (EDU/AGL) | <u>H.B. No. 1380, H.D. 3, S.D. 1</u> "RELATING TO HAWAII-GROWN PRODUCE." (Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| <u>866</u> | (EDT) | <u>H.B. No. 1300, H.D. 2, S.D. 1</u> "RELATING TO TAXATION." (Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| <u>867</u> | (EDT) | <u>H.B. No. 1307, H.D. 1, S.D. 1</u> "RELATING TO TAXATION." (Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| <u>868</u> (48 Hrs. Notice) | (CPN) | <u>H.B. No. 319, H.D. 1, S.D. 1</u> "RELATING TO OWNER-BUILDERS." (Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading) |

[869](#) (HTH)
(One Day Notice)

[H.B. No. 863](#)
"RELATING TO HEALTH."
(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[870](#) (JDL)
(One Day Notice)

[G.M. No. 511](#)
"Submitting for consideration and
confirmation to the Director of the
Department of Human Resources
Development, Gubernatorial Nominee,
SUNSHINE TOPPING, for a term to expire
December 1, 2014."

(Recommends Senate Consent to
Nomination)

[871](#) (HTH)
(One Day Notice)

[G.M. No. 527](#)
"Submitting for consideration and
confirmation as the Director of the
Department of Health, Gubernatorial
Nominee, LORETTA J. FUDDY, for a term
to expire December 1, 2014."

(Recommends Senate Consent to
Nomination)

ORDER OF THE DAY

7. Adopt Resolutions

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| 818 | PGM | S.C.R. No. 21 |
| Testimony Prior Versions Status | | "DECLARING FEBRUARY 6, 2011 AS RONALD REAGAN DAY IN HONOR OF THE CENTENNIAL ANNIVERSARY OF HIS BIRTH." |

8. Miscellaneous Communications: None

9. Miscellaneous Business

10. Referrals and Re-Referrals

RE-REFERRALS FOR WEDNESDAY, MARCH 23, 2011

| <u>MEASURE</u> | <u>TITLE</u> | <u>RE-REFERRAL</u> |
|-----------------------------------|---|--------------------|
| H.B. 1088, H.D. 1 | RELATING TO CORRECTIONS. (Corrections.) (PGM/HTH, JDL) | JDL |

11. Announcements

- Floor Presentation for Thursday, March 24, 2011:

RECOGNIZING AND COMMENDING LIEUTENANT GENERAL BENJAMIN R.
MIXON COMMANDING GENERAL OF THE U.S. ARMY PACIFIC COMMAND.
(Senator Nishihara)

- Committee Hearing Schedule:

| <u>COMMITTEE</u> | <u>DATE & TIME</u> | <u>ROOM</u> |
|------------------|------------------------|-------------|
| EDT | 3/23/2011 1:15 PM | 016 |
| EDT/WLH | 3/23/2011 1:15 PM | 016 |
| EDU | 3/23/2011 1:15 PM | 225 |
| EDU/PGM | 3/23/2011 1:15 PM | 225 |
| TIA | 3/23/2011 1:15 PM | 224 |
| TIA/EDT | 3/23/2011 1:15 PM | 224 |
| EDT/CPN | 3/23/2011 1:30 PM | 016 |
| HTH | 3/23/2011 2:45 PM | 229 |
| HTH/HMS | 3/23/2011 2:45 PM | 229 |
| HTH | 3/23/2011 3:00 PM | 229 |
| WAM | 3/24/2011 10:30 AM | 211 |
| HMS | 3/24/2011 1:15 PM | 016 |
| WLH | 3/24/2011 1:15 PM | 225 |
| WLH-HWN | 3/24/2011 1:15 PM | 225 |
| WAM | 3/24/2011 2:30 PM | 211 |
| WLH | 3/24/2011 3:00 PM | 225 |
| WAM | 3/28/2011 9:00 AM | 211 |
| EDU/ENE | 3/28/2011 1:15 PM | 225 |
| ENE/EDU | 3/28/2011 1:15 PM | 225 |
| TIA | 3/28/2011 1:15 PM | 224 |
| EDU/EDT | 3/28/2011 1:30 PM | 225 |
| ENE | 3/29/2011 2:45 PM | 225 |
| CPN | 3/30/2011 9:00 AM | 229 |
| ENE | 3/31/2011 3:00 PM | 225 |

- Senate Session will convene at 11:30 a.m. on Thursday, March 24, 2011.

12. Adjournment