

THE SENATE
OF THE
TWENTY-SIXTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2012

FORTY-FOURTH DAY

APRIL 4, 2012-WEDNESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

- Floor Presentations

COMMENDING AND RECOGNIZING SISTER AGNELLE CHING FOR HER
OUTSTANDING CONTRIBUTIONS TO HAWAII. (Senator Chun Oakland)

HONORING AND COMMENDING HAWAII'S INVASIVE SPECIES COMMITTEES
AND DR. MOHSEN RAMADAN FOR THEIR EFFORTS TO KEEP HAWAII
NATURALLY BEAUTIFUL. (Senator Gabbard)

1. Messages from the Governor: None
2. Departmental Communications: None
3. House Communication Nos. 354-358

Informing the Senate that on April 3, 2012, the
House disagreed to the amendments proposed by
the Senate to the following House bills:

REFERRAL

354

[H.B. No. 1695, S.D. 1](#)

"RELATING TO TAXATION."(Tax Penalties)

FILE

[H.B. No. 1980, H.D. 1, S.D. 1](#)

"RELATING TO TAXATION."(Taxation; Filing Dates)

[H.B. No. 1984, S.D. 1](#)

"RELATING TO HAWAIIAN LANGUAGE."(Hawaiian Language; Month; February; Public Documents; Letterhead; Symbols)

[H.B. No. 2169, H.D. 2, S.D. 1](#)

"RELATING TO PUBLIC ACCOUNTANCY."(Public Accountancy; Peer Review; Attest)

[H.B. No. 2436, H.D. 1, S.D. 1](#)

"RELATING TO THE INFORMATION PRIVACY AND SECURITY COUNCIL."(Information Privacy and Security Council)

[H.B. No. 2497, S.D. 1](#)

"RELATING TO SECURITIES."(Uniform Securities Act)

[H.B. No. 2568, H.D. 2, S.D. 1](#)

"RELATING TO BACKGROUND CHECKS."(Relating to Background Checks; Department of Health)

[H.B. No. 2605, H.D. 1, S.D. 1](#)

"RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."(Income Tax; Conformity to the Internal Revenue Code for 2011)

Returning the following Senate Bill which passed Third Reading in the House on April 3, 2012:

355

[S.B. No. 2650, S.D. 1](#)

"RELATING TO PROMOTION OF CONTROLLED SUBSTANCES."(Controlled Substances; Protected Places)

FILE

Returning the following Senate Bills which passed Third Reading in the House on April 3, 2012, in an amended form:

356	S.B. No. 1500, H.D. 1 "RELATING TO ANATOMICAL GIFTS."(Anatomical Gifts; Acceptance)	AGREE/DISAGREE
357	S.B. No. 2229, S.D. 2, H.D. 1 "RELATING TO VACCINATIONS."(Vaccinations; Pharmacists; Minors)	AGREE/DISAGREE
358	S.B. No. 2398, S.D. 2, H.D. 1 "RELATING TO TATTOO ARTISTS."(Tattoo Artists; Regulation; Tattoo Artist Task Force)	AGREE/DISAGREE

4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 3158-3173

[3158](#)
(One Day Notice)

(ENE/WLH)

[S.C.R. No. 64, S.D. 1](#)

"URGING THE PUBLIC LAND DEVELOPMENT CORPORATION TO IDENTIFY PUBLIC TRUST LAND ON THE ISLANDS OF HAWAII AND MAUI WITH GEOTHERMAL RESOURCES THAT MAY BE DEVELOPED AND TO WORK WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP AND IMPLEMENT GEOTHERMAL DEVELOPMENT PROJECTS ON PUBLIC TRUST LAND ON THE ISLANDS OF HAWAII AND MAUI."
(AMENDED TITLE)
(Recommends Adoption)

[3159](#)
(One Day Notice)

(EDT)

[S.C.R. No. 116](#)

"APPROVING THE SELECTION OF DANIEL KAHIKINA AKAKA TO BE INDUCTED INTO THE ALOHA ORDER OF MERIT."

(Recommends Adoption)

[3160](#)
(One Day Notice)

(EDT/WLH)

[S.C.R. No. 141](#)

"DECLARING THE FIRST WEEK OF OCTOBER AS HAWAII FISHING AND SEAFOOD WEEK."

(Recommends Adoption)

[3161](#)
(One Day Notice)

(PGM)

[S.C.R. No. 10, S.D. 1](#)

"REQUESTING THE SUPPORT OF THE REPEAL OF COMBAT EXCLUSIONARY RULES." (AMENDED TITLE)

(Recommends Adoption)

[3162](#)
(One Day Notice)

(PGM)

[S.R. No. 10, S.D. 1](#)

"REQUESTING THE SUPPORT OF THE REPEAL OF COMBAT EXCLUSIONARY RULES." (AMENDED TITLE)

(Recommends Adoption)

[3163](#)
(One Day Notice)

(CPN)

[H.B. No. 2409, S.D. 1](#)

"RELATING TO CONSUMER PROTECTION."

(Recommends passage on THIRD READING)

[3164](#)
(One Day Notice)

(CPN)

[H.B. No. 994, H.D. 1](#)

"RELATING TO MOTOR VEHICLE INSURANCE."

(Recommends passage on THIRD READING)

[3165](#)
(One Day Notice)

(CPN)

[H.B. No. 1868, H.D. 1](#)

"RELATING TO
TELECOMMUNICATIONS."
(Recommends passage on THIRD
READING)

[3166](#)
(One Day Notice)

(EDU)

[G.M. No. 738](#)

"Submitting for consideration and
confirmation to the Center for Nursing
Advisory Board, Gubernatorial Nominee,
FRANCISCO CONDE II, for a term to expire
6-30-2016."

(Recommends Senate Consent to
Nomination)

[3166](#)
(One Day Notice)

(EDU)

[G.M. No. 739](#)

"Submitting for consideration and
confirmation to the Center for Nursing
Advisory Board, Gubernatorial Nominee,
ART GLADSTONE, for a term to expire 6-
30-2013."

(Recommends Senate Consent to
Nomination)

[3166](#)
(One Day Notice)

(EDU)

[G.M. No. 742](#)

"Submitting for consideration and
confirmation to the Center for Nursing
Advisory Board, Gubernatorial Nominee,
BARBARA KOOKER, for a term to expire 6-
30-2013."

(Recommends Senate Consent to
Nomination)

[3166](#)
(One Day Notice)

(EDU)

[G.M. No. 743](#)

"Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, SUSAN LEE, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[3166](#)
(One Day Notice)

(EDU)

[G.M. No. 744](#)

"Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, PATRICIA NISHIMOTO, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[3166](#)
(One Day Notice)

(EDU)

[G.M. No. 745](#)

"Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, LANI TSUNEISHI, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[3166](#)
(One Day Notice)

(EDU)

[G.M. No. 746](#)

"Submitting for consideration and confirmation to the Center for Nursing Advisory Board, Gubernatorial Nominee, SUSAN YOUNG, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

- | | | |
|--|-------|--|
| 3167
(48 Hrs. Notice) | (CPN) | H.B. No. 2078, H.D. 2, S.D. 2
"RELATING TO TAXATION."
(Recommends passage on <u>THIRD</u>
<u>READING</u>) |
| 3168
(48 Hrs. Notice) | (CPN) | H.B. No. 1967, H.D. 2, S.D. 2
"RELATING TO MEDICAL CLAIM
CONCILIATION."
(Recommends passage on <u>THIRD</u>
<u>READING</u>) |
| 3169
(48 Hrs. Notice) | (CPN) | H.B. No. 425, H.D. 3, S.D. 2
"RELATING TO PUBLIC UTILITIES."
(Recommends passage on <u>THIRD</u>
<u>READING</u>) |
| 3170
(48 Hrs. Notice) | (CPN) | H.B. No. 2013, H.D. 2, S.D. 1
"RELATED TO MIXED MARTIAL ARTS."
(Recommends passage on <u>THIRD</u>
<u>READING</u>) |
| 3171
(48 Hrs. Notice) | (CPN) | H.B. No. 2257, H.D. 1, S.D. 1
"RELATING TO PROFESSIONAL AND
VOCATIONAL LICENSING."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and placement on the calendar for
Third Reading) |
| 3172
(48 Hrs. Notice) | (CPN) | H.B. No. 1706, H.D. 1, S.D. 1
"RELATING TO CONDOMINIUMS."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and placement on the calendar for
Third Reading) |

[3173](#)
(48 Hrs. Notice)

(EDT)

[H.B. No. 2266, H.D. 1, S.D. 1](#)
"RELATING TO INFORMATION
TECHNOLOGY."
(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

ORDER OF THE DAY

7. Deferred Matters – Agree/Disagree

<u>HSE. COM. NO.</u>		<u>REFERRAL</u>
349	S.B. No. 2222, S.D. 2, H.D. 1 "RELATING TO SEXUAL IMAGES PRODUCED BY MINORS."(Sexual Images Produced by Minors)	AGREE/DISAGREE
350	S.B. No. 2247, S.D. 2, H.D. 1 "RELATING TO PUBLIC SAFETY."(Electronic Communication Service Providers; Disclosure; Emergencies)	AGREE/DISAGREE
353	S.B. No. 3039, S.D. 1, H.D. 1 "RELATING TO ANATOMICAL TRANSPLANTS."(Anatomical Transplants; Human Immunodeficiency Virus; Acquired Immune Deficiency Syndrome; AIDS-Related Complex)	AGREE/DISAGREE

8. Adopt Resolutions

<u>1</u>	SCA-01	S.C.R. No. 34, S.D. 1 "REQUESTING THE AUDITOR TO CONDUCT AUDITS OF STATE DEPARTMENT OPERATIONS THAT RESULT IN HIGH NON-BASE COMPENSATION OF STATE AND COUNTY EMPLOYEES, PAY FOR NOT WORKING, AND SALARY OVERPAYMENTS." (AMENDED TITLE)
Prior Versions/Status & Testimony		
<u>2</u>	SCA-01	S.R. No. 21, S.D. 1 "REQUESTING THE AUDITOR TO CONDUCT AUDITS OF STATE DEPARTMENT OPERATIONS THAT RESULT IN HIGH NON-BASE COMPENSATION OF STATE AND COUNTY EMPLOYEES, PAY FOR NOT WORKING, AND SALARY OVERPAYMENTS." (AMENDED TITLE)
Prior Versions/Status & Testimony		
<u>3152</u>	TIA	S.C.R. No. 162, S.D. 1 "URGING HAWAII'S CONGRESSIONAL DELEGATION TO REQUEST THAT THE DIRECTOR OF THE OFFICE OF GLOBAL CHANGE OF THE UNITED STATES DEPARTMENT OF STATE PROPOSE TO THE CONFERENCE OF PARTIES FOR THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE THAT THE UNITED STATES HOST THE 2015 UNITED NATIONS CLIMATE CHANGE CONFERENCE IN HONOLULU, HAWAII."
Prior Versions/Status & Testimony		

3153	HMS/PGM	S.R. No. 8 "REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE EFFORTS OF THE NATIONAL WOMEN'S HISTORY MUSEUM TO SECURE A PERMANENT HOME IN THE NATION'S CAPITAL."
Prior Versions/Status & Testimony		
3154	HMS/PGM	S.C.R. No. 8 "REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE EFFORTS OF THE NATIONAL WOMEN'S HISTORY MUSEUM TO SECURE A PERMANENT HOME IN THE NATION'S CAPITAL."
Prior Versions/Status & Testimony		
3155	CPN/EDT	S.C.R. No. 97, S.D. 1 "REQUESTING THE INSURANCE COMMISSIONER TO CONVENE A WORKING GROUP TO EXPLORE THE CREATION OF A WEB SERVICES-BASED DATABASE PROGRAM TO TRACK UNINSURED MOTORISTS." (AMENDED TITLE)
Prior Versions/Status & Testimony		
3156	TIA	S.C.R. No. 73 "URGING THE UNITED NATIONS TO GRANT TAIWAN PARTICIPATION AS AN OBSERVER IN THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE CONFERENCE OF THE PARTIES MEETINGS."
Prior Versions/Status & Testimony		
3157	TIA	S.R. No. 32 "URGING THE UNITED NATIONS TO GRANT TAIWAN PARTICIPATION AS AN OBSERVER IN THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE CONFERENCE OF THE PARTIES MEETINGS."
Prior Versions/Status & Testimony		

9. Final Reading

[S.B. No. 2503, S.D. 1, H.D. 1](#)

[Prior Versions/Status & Testimony](#)

"RELATING TO ANIMAL CRUELTY."

(Cruelty to Animals; Equine Animals)

[S.B. No. 3029, S.D. 1, H.D. 1](#)

[Prior Versions/Status & Testimony](#)

"RELATING TO STATUTORY REVISION:
AMENDING VARIOUS PROVISIONS OF
THE HAWAII REVISED STATUTES AND
THE SESSION LAWS OF HAWAII FOR
THE PURPOSE OF CORRECTING
ERRORS AND REFERENCES AND
CLARIFYING LANGUAGE."

(Revision Bill)

10. Third Reading

[\(See Stand. Com. Rep. No. 3128\)](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 1543, S.D. 1](#)

"RELATING TO THE MOTOR VEHICLE
INDUSTRY LICENSING LAW." - (CPN)

(Motor Vehicles; Motor Vehicle
Manufacturers and Distributors;
Reimbursement for Parts)

[\(See Stand. Com. Rep. No. 3129\)](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 1925, H.D. 1, S.D. 1](#)

"RELATING TO LIQUOR." - (AGL/PGM)

(Liquor; Manufacturer License)

[\(See Stand. Com. Rep. No. 3137\)](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 2628, H.D. 2](#)

"RELATING TO THE RESIDENTIAL
LANDLORD-TENANT CODE." - (CPN)

(Landlord-Tenant Code; Dorm Management
Companies)

[\(See Stand. Com. Rep. No. 3138\)](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 1965](#)

"RELATING TO CONTINUING
EDUCATION FOR PHARMACISTS." -
(CPN)

(Continuing Education Requirement for
Pharmacists)

[\(See Stand. Com. Rep. No. 3146\)](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 2587, H.D. 1](#)

"RELATING TO SAILING SCHOOL
VESSELS." - (JDL)

(Sailing School Vessels)

[Stand. Com. Rep. No. 3148](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 2533, H.D. 2](#)

"RELATING TO THE DEFINITION OF
AGGRAVATED CIRCUMSTANCES IN
THE CHILD PROTECTIVE ACT." - (JDL)

(Child Protective Act; Aggravated
Circumstances)

[Stand. Com. Rep. No. 3149](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 2162, H.D. 1](#)

"RELATING TO UNIFORM
COMMERCIAL CODE ARTICLE 9." -
(JDL)

(Uniform Commercial Code; Secured
Transactions)

[Stand. Com. Rep. No. 3150](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 2181](#)

"RELATING TO VACANCIES." - (JDL)

(Office of Hawaiian Affairs; Board of Trustees; Vacancies; Election)

[Stand. Com. Rep. No. 3151](#)

[Prior Versions/Status & Testimony](#)

[H.B. No. 1964, H.D. 2](#)

"RELATING TO HEALTH." - (CPN)

(Insurance; Cancer treatment)

11. Re-Referrals

RE-REFERRAL FOR WEDNESDAY, APRIL 4, 2012

<u>MEASURE</u>	<u>TITLE</u>	<u>RE-REFERRAL</u>
S.C.R. 107, S.D. 1	REQUESTING THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND ECONOMIC DEVELOPMENT AND TECHNOLOGY TO CONVENE A SPECIAL TASK FORCE ON HAWAIIAN HISTORICAL SITES PRESERVATION. (Governor's Special Task Force; Hawaiian Historical Sites Preservation) (HWN/EDT)(ENE/WLH/WAM)	HWN/EDT/WAM

12. Miscellaneous Communications: None

13. Miscellaneous Business

- Waiver of Referral; One Day Notice for Third Reading

[H.B. No. 2593, S.D. 1](#) ENE/WLH, JDL "RELATING TO EMERGENCY RULES FOR
THREATS TO NATURAL RESOURCES OR
THE HEALTH OF THE ENVIRONMENT."
[Prior Versions/Status &
Testimony](#)

14. Announcements

- Floor Presentations for Thursday, April 5, 2012:

CONGRATULATING AND RECOGNIZING ZIPPY'S RESTAURANTS ON RECEIVING THE 2011 NATIONAL FOODSERVICE BEEF BACKER AWARD. (Senator Taniguchi)

RECOGNIZING THE FORMER EMPLOYEES AND SUPPORTERS OF THE HAWAIIAN ROOM AT THE LEXINGTON HOTEL IN NEW YORK CITY IN COMMEMORATION OF THE 75TH ANNIVERSARY OF ITS OPENING. (Senator English)

RECOGNIZING AND HONORING THE 2012 BOYS AND GIRLS CLUB OF HAWAII YOUTH OF THE YEAR FINALISTS. (Senator Tsutsui)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
TIA/EDU	4/4/2012 1:15 PM	224
TIA	4/4/2012 1:16 PM	224
EDU	4/4/2012 1:30 PM	225
HWN/HMS	4/4/2012 2:45 PM	224
WAM	4/5/2012 9:30 AM	211
WAM	4/5/2012 11:20 AM	211
HMS	4/5/2012 1:15 PM	016
INFO-WLH	4/5/2012 1:15 PM	225
WLH	4/5/2012 1:25 PM	225
INFO-HTH-HMS-HUS	4/5/2012 2:30 PM	016
PGM	4/5/2012 2:40 PM	224

PGM	4/5/2012 2:45 PM	224
EDT	4/11/2012 1:15 PM	016
EDT	4/11/2012 2:45 PM	016
HTH	4/12/2012 1:30 PM	229
AGL	4/12/2012 2:45 PM	229
PGM	4/12/2012 2:45 PM	224
EDU	4/13/2012 1:15 PM	225
TIA	4/16/2012 10:00 AM	224
EDU	4/16/2012 1:15 PM	225

- Senate Session will convene at 11:30 a.m. on Thursday, April 5, 2012.

15. Adjournment