THE SENATE OF THE TWENTY-SIXTH LEGISLATURE STATE OF HAWAI'I REGULAR SESSION OF 2012

FIFTY-EIGHTH DAY

APRIL 27, 2012-FRIDAY-6:30 O'CLOCK P.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 244 and 1175-1190

<u>MEASURE</u>	TITLE	REFERRAL
G.M. No. 244	Dated April 24, 2012, transmitting the Annual Report on the Operation of the Internet Portal for Fiscal Year 2011, prepared by the Department of Accounting and General Services and the Access Hawaii Committee pursuant to Act 172, SLH 2007.	FILE
<u>G.M. No. 1175</u>	Informing the Legislature that on April 25, 2012, the following bill became law without the Governor's signature: HB1868, HD1 (Act 074). "RELATING TO TELECOMMUNICATIONS."	FILE
G.M. No. 1176	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2818 HD1 (Act 075). "RELATING TO DISPOSITION OF DEAD HUMAN BODIES."	FILE

G.M. No. 1177	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2866SB1 HD2 (Act 076). "RELATING TO COMPREHENSIVE OFFENDER REENTRY SYSTEM."	FILE
G.M. No. 1178	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2865 HD1 (Act 077). "RELATING TO DEPARTMENT OF PUBLIC SAFETY FEDERAL REIMBURSEMENT MAXIMIZATION SPECIAL FUND."	FILE
G.M. No. 1179	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2822 SD2 HD2 (Act 078). "RELATING TO RECYCLING."	FILE
G.M. No. 1180	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2167 SD1 HD2 (Act 079). "RELATING TO PROFESSIONS AND VOCATIONS."	FILE
G.M. No. 1181	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2009 SD1 HD2 (Act 080). "RELATING TO INSURANCE."	FILE
G.M. No. 1182	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2013 SD1 HD2 (Act 081). "RELATING TO DENTAL HYGIENISTS."	FILE
G.M. No. 1183	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB1312 HD1 (Act 082). "RELATING TO THE LEGACY LAND CONSERVATION COMMISSION."	FILE
G.M. No. 1184	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2397SD1HD3 (Act 083). "RELATING TO FIRE SPRINKLERS."	FILE

G.M. No. 1185	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2386 SD2 HD2 (Act 084). "RELATING TO THE NATIVE HAWAIIAN ROLL COMMISSION."	FILE
<u>G.M. No. 1186</u>	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2842 SD1 HD1 (Act 085). "RELATING TO CIVIL ACTIONS FOR DISCRIMINATORY PRACTICES IN REAL PROPERTY TRANSACTIONS."	FILE
G.M. No. 1187	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2709 HD2 (Act 086). "RELATING TO FURNISHING THE DATE OF VITAL EVENTS TO GOVERNMENTAL AGENCIES WITHIN THE STATE OF HAWAII THAT REQUEST VERIFICATION."	FILE
G.M. No. 1188	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2820 HD2 (Act 087). "RELATING TO THE HAWAII ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES."	FILE
G.M. No. 1189	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB3031 SD1 HD1 (Act 088). "RELATING TO INTOXICATING LIQUOR."	FILE
G.M. No. 1190	Informing the Legislature that on April 26, 2012, the Governor signed the following bill into law: SB2747 SD1 HD2 (Act 089). "RELATING TO ELECTRIC VEHICLE PARKING."	FILE

2. Departmental Communications: None

3. House Communication Nos. 692-710

	Returning the following Senate Concurrent Resolutions which were adopted by the House on April 26, 2012:	REFERRAL
692	S.C.R. No. 12 "AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI, FOR MAINTENANCE AND REPAIR OF EXISTING DECK AND IMPROVEMENTS."(Submerged State Lands; Lahaina, Maui; Non-Exclusive Easement)	FILE
693	S.C.R. No. 18 "APPROVING THE SALE OF THE LEASED FEE INTEREST IN 593 KULIOUOU ROAD, HONOLULU, HAWAII."(Sale of Leased Fee Interest 593 Kuliouou Road)	FILE
694	S.C.R. No. 19 "APPROVING THE SALE OF THE LEASED FEE INTEREST IN 619 KULIOUOU ROAD, HONOLULU, HAWAII."(Sale of the Leased Fee Interest 619 Kuliouou Road)	FILE
695	S.C.R. No. 20 "APPROVING THE SALE OF THE LEASED FEE INTEREST IN 644 HOKIOKIO PLACE, HONOLULU, HAWAII."(Sale of the Leased Fee Interest 644 Hokiokio Place)	FILE
696	S.C.R. No. 21 "APPROVING THE SALE OF THE LEASED FEE INTEREST IN 2314 10TH AVENUE, HONOLULU, HAWAII."(Sale of the Leased Fee Interest 2314 10th Avenue)	FILE

697	S.C.R. No. 22 "APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-557 KAMANAAINA PLACE, WAIMANALO, HAWAII."(Sale of the Leased Fee Interest 41-557 Kamanaaina Place)	FILE
698	S.C.R. No. 23 "APPROVING THE SALE OF THE LEASED FEE INTEREST IN 2949 ALA ILIMA STREET, NO. 303, HONOLULU, HAWAII."(Sale of the Leased Fee Interest 2949 Ala Ilima Street, No. 303)	FILE
699	S.C.R. No. 24 "APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-031 KUAHELANI AVENUE, NO. 242, MILILANI, HAWAII."(Sale of the Leased Fee Interest 95-031 Kuahelani Avenue, No. 242)	FILE
700	S.C.R. No. 25 "APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-017 KUAHELANI AVENUE, NO. 321, MILILANI, HAWAII."(Sale of the Leased Fee Interest 95-017 Kuahelani Avenue, No. 321)	FILE
701	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."(Uninsured Motorists; Uninsured Motorists Database; Working Group)	FILE

702 S.C.R. No. 135 **FILE** "EXPRESSING SUPPORT FOR THE DEPARTMENT OF AGRICULTURE'S EFFORTS TO STIMULATE THE STATE'S AGRICULTURE INDUSTRY, INCREASE AND DIVERSIFY AGRICULTURAL OUTPUT. AND PROMOTE FOOD SECURITY."(Agricultural Development and Food Security) 703 S.C.R. No. 143, S.D. 1 **FILE** "REQUESTING THE STATE'S FULL COMPLIANCE WITH THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET'S STATISTICAL POLICY DIRECTIVE NO. 15, ENTITLED "RACE AND ETHNIC STANDARDS FOR FEDERAL STATISTICS AND ADMINISTRATIVE REPORTING", AND THE PUBLICATION OF COLLECTED RACE AND ETHNICITY DATA SUBJECT TO APPLICABLE STATE AND FEDERAL LAWS."(Demographics Collection; Hawaiian; Asian American; Publication) Informing the Senate that on April 26, 2012, the House agreed to the amendments proposed by the Senate and that said bills passed Final Reading in the House: 704 **FILE** H.B. No. 1181, H.D. 1, S.D. 1 "RELATING TO GOVERNMENT."(False Claims to the State and Counties) H.B. No. 1765, H.D. 2, S.D. 1 "RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES."(Criminal History Record Checks for County Employees; City and County of Honolulu Package)

H.B. No. 2179, S.D. 1

Salary)

"RELATING TO THE AUDITOR."(Auditor;

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)

H.B. No. 2682, H.D. 1, S.D. 1

"RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS."(Ocean Resources; Commercial Activities, Department of Land and Natural Resources)

Informing the Senate that on April 26, 2012, the House agreed to the amendments proposed by the Senate and that said resolution has been adopted in final form in the House:

705 H.C.R. No. 178, H.D. 1, S.D. 1

"REQUESTING A REPORT OF STATE EXPENDITURES RELATING TO ENERGY CONSERVATION CONTRACTS AND POWER PURCHASE AGREEMENTS."(Reports; State Departments)

Informing the Senate that on April 26, 2012, the following bills passed Final Reading in the House:

706 H.B. No. 1957, H.D. 2, S.D. 2, C.D. 1

"RELATING TO HEALTH CARE INFORMATION." (Health Care Information; Privacy)

S.B. No. 824, S.D. 2, H.D. 2, C.D. 1

"RELATING TO MOTOR CARRIERS." (Motor Carriers; Transportation Services; Indemnification)

S.B. No. 2419, S.D. 2, H.D. 3, C.D. 1

"RELATING TO PERSONAL INFORMATION." (Personal Information; Unlawful Use of Hawaii Identification Card or Driver's License) **FILE**

FILE

Informing the Senate that on April 26, 2012, the
House reconsidered its action in disagreeing to
the amendments proposed by the Senate to the
following House Bills:

707	707	H.B. No. 461, H.D. 1, S.D. 1	
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FILE

"RELATING TO THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT." (Military and Overseas Voters Act)

708 <u>H.B. No. 2030, H.D. 2, S.D. 1</u>

FILE

"RELATING TO THE STATEWIDE TRAFFIC CODE."(Emergency Vehicle; Move Over)

709 <u>H.B. No. 755, H.D. 3, S.D. 2</u>

FILE

"RELATING TO PUBLIC HOUSING." (Public Housing; Evictions)

H.B. No. 2150, H.D. 2, S.D. 1

"RELATING TO AGRICULTURAL

LANDS."(Land Use; Agricultural Districts;

Photovoltaic Systems)

H.B. No. 2608, H.D. 1, S.D. 2

"RELATING TO DRIVER

LICENSING."(Driver's License; Foreign

Countries; Reciprocity)

H.B. No. 2751, H.D. 2, S.D. 1

"RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION." (Legislature; Decorum)

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Informing the Senate that on April 27, 2012, the House discharged all conferees on the following bill:

710 <u>H.B. No. 2529, H.D. 1, S.D. 1</u>

FILE

"RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS."(Department of Hawaiian Home Lands; Trust Funds; Procurement Code Exemption)

Discharged all conferees.

- 4. Senate Communications: None
- 5. Judiciary Communications: None
- 6. Conference Committee Report Nos. 47-51 and 74-83

47-12 (48 Hrs. Notice)	H.B. No. 2004, H.D. 2, S.D. 2, C.D. 1 "RELATING TO TRANSPORTATION." (Recommends passage on FINAL READING as amended C.D. 1)
48-12 (48 Hrs. Notice)	H.B. No. 2513, H.D. 1, S.D. 2, C.D. 1 "RELATING TO EDUCATION." (Recommends passage on FINAL READING as amended C.D. 1)
49-12 (48 Hrs. Notice)	H.B. No. 2347, S.D. 1, C.D. 1 "RELATING TO GENERAL OBLIGATION BONDS FOR REVENUE-PRODUCING UNDERTAKINGS." (Recommends passage on FINAL READING as amended C.D. 1)

50-12 (48 Hrs. Notice)	H.B. No. 2099, H.D. 1, S.D. 1, C.D. 1 "RELATING TO WORKERS' COMPENSATION." (Recommends passage on <u>FINAL READING</u> as amended C.D. 1)
51-12 (48 Hrs. Notice)	H.B. No. 2326, H.D. 1, S.D. 1, C.D. 1 "RELATING TO TAXATION." (Recommends passage on <u>FINAL READING</u> as amended C.D. 1)
74-12 (48 Hrs. Notice)	S.B. No. 2001, S.D. 1, H.D. 2, C.D. 1 "RELATING TO THE PUBLIC LAND TRUST." (Recommends passage on <u>FINAL READING</u> as amended C.D. 1)
75-12 (48 Hrs. Notice)	S.B. No. 2763, S.D. 2, H.D. 2, C.D. 1 "RELATING TO MORTGAGE LOAN ORIGINATION." (Recommends passage on <u>FINAL READING</u> as amended C.D. 1)
76-12 (48 Hrs. Notice)	S.B. No. 2540, S.D. 2, H.D. 2, C.D. 1 "RELATING TO EDUCATION." (Recommends passage on <u>FINAL READING</u> as amended C.D. 1)
77-12 (48 Hrs. Notice)	S.B. No. 2800, S.D. 1, H.D. 1, C.D. 1 "RELATING TO EXEMPTIONS FROM CHILD CARE LICENSING." (Recommends passage on <u>FINAL READING</u> as amended C.D. 1)

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> 78-12 (48 Hrs. Notice)

S.B. No. 2655, S.D. 2, H.D. 3, C.D. 1 "RELATING TO PORTABLE

ELECTRONICS INSURANCE."

(Recommends passage on $\underline{FINAL\ READING}$

as amended C.D. 1)

79-12 (48 Hrs. Notice) S.B. No. 2277, S.D. 2, H.D. 2, C.D. 1

"RELATING TO ENDANGERED AND

THREATENED SPECIES."

(Recommends passage on FINAL READING

as amended C.D. 1)

80-12 (48 Hrs. Notice) S.B. No. 2810, S.D. 1, H.D. 1, C.D. 1

"RELATING TO EMPLOYMENT

EXEMPTION FOR DOMESTIC SERVICES AUTHORIZED BY THE DEPARTMENT

OF HUMAN SERVICES."

(Recommends passage on FINAL READING

as amended C.D. 1)

81-12 (48 Hrs. Notice) S.B. No. 1382, S.D. 2, H.D. 1, C.D. 1

"RELATING TO EDUCATION."

(Recommends passage on FINAL READING

as amended C.D. 1)

82-12 (48 Hrs. Notice) S.B. No. 3008, H.D. 3, C.D. 1

"RELATING TO FAMILY COURT."

(Recommends passage on FINAL READING

as amended C.D. 1)

83-12 (48 Hrs. Notice) S.B. No. 243, S.D. 2, H.D. 1, C.D. 1

"RELATING TO THE WESTERN INTERSTATE COMMISSION FOR

HIGHER EDUCATION."

(Recommends passage on FINAL READING

as amended C.D. 1)

ORDER OF THE DAY

7. Advise and Consent

Status & Testimony

3572 WLH G.M. No. 859

"Submitting for consideration and confirmation to the Kahana Valley Living

Park Planning Council, Gubernatorial

Nominee, DANIELLE BEIRNE-KEAWE, for

a term to expire 6-30-2016."

3573 WLH G.M. No. 860

"Submitting for consideration and confirmation to the Natural Area Reserve

System Commission, Gubernatorial Nominee, TRAE MENARD, for a term to expire 6-30-

2016."

3573 WLH <u>G.M. No. 861</u>

"Submitting for consideration and

confirmation to the Natural Area Reserve System Commission, Gubernatorial Nominee, ROBIN NEWBOLD, for a term to expire 6-

30-2016."

3573 WLH G.M. No. 862

"Submitting for consideration and confirmation to the Natural Area Re

confirmation to the Natural Area Reserve System Commission, Gubernatorial Nominee, JONATHAN PRICE, for a term to expire 6-

30-2016."

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3574 WLH <u>G.M. No. 900</u>

Status & Testimony "Submitting for consideration and confirmation to the Legacy Land

Conservation Commission, Gubernatorial Nominee, THORNE ABBOTT, for a term to

expire 6-30-2015."

<u>3574</u> WLH <u>G.M. No. 901</u>

"Submitting for consideration and confirmation to the Legacy Land

Conservation Commission, Gubernatorial Nominee, JOAN CANFIELD, for a term to

expire 6-30-2016."

3574 WLH <u>G.M. No. 902</u>

"Submitting for consideration and confirmation to the Legacy Land

Conservation Commission, Gubernatorial Nominee, HERBERT RICHARDS, JR., for a

term to expire 6-30-2015."

3575 WLH G.M. No. 918

"Submitting for consideration and confirmation to the Kaho'olawe Isl

confirmation to the Kaho'olawe Island Reserve Commission, Gubernatorial

Nominee, NOA EMMETT ALULI, for a term

to expire 6-30-2015."

3575 WLH G.M. No. 919

"Submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, Gubernatorial

Nominee, CHRISTOPHER BAKER, for a

term to expire 6-30-2013."

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> 3576 WLH

G.M. No. 920

Status & Testimony

"Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, LANCE INOUYE, for a term to expire 6-30-2016."

JDL

G.M. No. 561

H.C.R. No. 82

Status & Testimony

3577

"Submitting for consideration and confirmation to the Employees' Retirement System, Board of Trustees, Gubernatorial Nominee, VINCENT BARFIELD, for a term to expire 6-30-2017 (Term amended to 1-1-2017 by GM922)."

8. Adopt Resolutions

3571 **HMS**

Prior Versions/Status & Testimony

"SUPPORTING EFFORTS BY NON-**GOVERNMENTAL ORGANIZATIONS** THAT ASSIST IN FINDING OPPORTUNITIES AND SOLUTIONS TO ADDRESS HOMELESSNESS IN HAWAII."

H.C.R. No. 85 EDU/HWN, WAM

Prior Versions/Status & Testimony

"REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO COMPLY IN FULL WITH THE FINDINGS AND RECOMMENDATIONS OF THE OFFICE OF THE AUDITOR'S MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM."

(Hawaiian Studies Program; DOE; Report on Progress)

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H.C.R. No. 99, H.D. 1 PGM/JDL

Prior Versions/Status & Testimony

"REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO WORK WITH STAKEHOLDERS AND APPROPRIATE AGENCIES TO CREATE AN EFFICIENT TRACKING METHOD FOR DEOXYRIBONUCLEIC ACID (DNA) RAPE KITS."

(DNA; Deoxyribonucleic acid; Backlog; Rape Kit; Sexual Assault)

H.C.R. No. 115 PGM/JDL

Prior Versions/Status & Testimony

"URGING THE UNITED STATES
CONGRESS TO REPEAL THE
MANDATORY MILITARY DETENTION
AND INDEFINITE DETENTION
PROVISIONS OF THE NATIONAL
DEFENSE AUTHORIZATION ACT FOR
FISCAL YEAR 2012 AND AMEND THE
AUTHORIZATION FOR USE OF FORCE."

(Indefinite Military Detention; National Defense Authorization Act; Authorization for Use of Military Force; War; Terrorism)

H.C.R. No. 140, H.D. 1 PGM/EDT

Prior Versions/Status & Testimony

"REQUESTING THE DIRECTOR OF THE OFFICE OF AEROSPACE DEVELOPMENT TO COORDINATE COMMENTS AND IDENTIFY A LEAD ENTITY TO PREPARE A PROPOSAL, ON BEHALF OF THE STATE, FOR HAWAII TO BE SELECTED AS ONE OF THE FEDERAL AVIATION ADMINISTRATION'S SIX UNMANNED AIRCRAFT SYSTEM TEST SITES."

(Unmanned Aircraft System Test Site; Federal Aviation Administration)

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9. Final Adoption

S.C.R. No. 49, S.D. 1, H.D. 1

Prior Versions/Status & Testimony

S.C.R. No. 73, H.D. 1

Prior Versions/Status & Testimony

S.C.R. No. 137, S.D. 1, H.D. 1

Prior Versions/Status & Testimony

"REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO STATEWIDE."

"URGING THE UNITED NATIONS TO GRANT TAIWAN PARTICIPATION AS AN OBSERVER IN THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE CONFERENCE OF THE PARTIES."

"REQUESTING THE OFFICE OF AEROSPACE DEVELOPMENT TO DEVELOP AND PROMOTE A PARTNERSHIP IN AEROSPACE WITH THE STATE OF ALASKA TO EXPAND AND DIVERSIFY BOTH STATES' ECONOMIES AND THE UNITED STATES SPACE PROGRAM."

10. Final Reading

Conf. Com. Rep. No. 7-12

Prior Versions/Status & Testimony

S.B. No. 2748, S.D. 1, H.D. 1, C.D. 1 "RELATING TO UNCLAIMED PROPERTY."

(Unclaimed Property)

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S.B. No. 2506, S.D. 2, H.D. 1 "RELATING TO CIVIL IDENTIFICATION."

Prior Versions/Status & Testimony

(Civil Identification; Driver's License; Department of the Attorney General; Department of Transportation)

<u>S.B. No. 2868, S.D. 1, H.D. 1</u> "RELATING TO TAX CLEARANCE

FEES."

Prior Versions/Status & Testimony

(Tax Clearances)

S.B. No. 3010, S.D. 2, H.D. 1 "RELATING TO TRANSPORTATION."

<u>Prior Versions/Status & Testimony</u> (Transportation; Bridges; Exemptions)

11. Miscellaneous Communications: None

12. Miscellaneous Business

• Reconsideration of Disagreement to House Amendments; Motion to Agree; One Day Notice for Final Reading

S.B. No. 2859, S.D. 1, H.D. 2 JDL "RELATING TO OPEN

GOVERNMENT."

S.B. No. 2876, S.D. 2, H.D. 3 WLH/TIA, WAM "RELATING TO THE COMMERCIAL

HARBORS."

13. Announcements

• Senate Session will convene on Tuesday, May 1, 2012.

14. Adjournment