

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

THIRD DAY

JANUARY 21, 2011-FRIDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor Nos. 1-41 and 504-519

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 1	Dated December 3, 2010, transmitting the Department of Accounting and General Services' Annual Report on Goals and Objectives for fiscal year ending June 30, 2010, pursuant to Act 100, SLH 1999.	FILE
G.M. No. 2	Dated December 3, 2010, transmitting the Department of Accounting and General Services' Annual Report on the Building Code Council for the period December 2009 through December 2010, pursuant to Act 82, SLH 2007.	FILE
G.M. No. 3	Dated December 3, 2010, transmitting the Department of Accounting and General Services' Annual Report on the Wireless Enhanced 911 Board for the period July 1, 2009 through June 30, 2010, pursuant to Section 138-6, HRS.	FILE

- | | | |
|-----------------------------------|--|------|
| <u>G.M. No. 4</u> | Dated December 3, 2010, transmitting the Department of Accounting and General Services' Annual Report of Claims and Lawsuits Arbitrated, Compromised, or Settled for fiscal year ending June 30, 2010. | FILE |
| <u>G.M. No. 5</u> | Dated December 1, 2010, transmitting the report, "The Impact of the High Technology Business Investment Tax Credit on Hawaii's Economy for Calendar Year 2009," prepared by the Department of Taxation pursuant to Act 206, SLH 2007. | FILE |
| <u>G.M. No. 6</u> | Dated December 20, 2010, transmitting the Multi-Year Program and Financial Plan and Executive Budget for the Period 2011-17, the Variance Report for FYs 2010-11, and The Budget in Brief, prepared by the Department of Budget and Finance pursuant to Sections 37-69, 37-71, and 37-75, HRS. | FILE |
| <u>G.M. No. 7</u> | Dated January 5, 2011, transmitting the Hawaii Housing Finance and Development Corporation's Report to the Twenty-Sixth Legislature, pursuant to S.C.R. No. 93 (2010). | FILE |
| <u>G.M. No. 8</u> | Dated December 2, 2010, transmitting the Department of Human Services' FY 2010 Annual Report, pursuant to Section 346-5, HRS. | FILE |
| <u>G.M. No. 9</u> | Dated December 16, 2010, transmitting the following reports prepared by the Department of Business, Economic Development and Tourism: "Self-Sufficiency Income Standard, Estimates for 2008," pursuant to Section 201-3(b), HRS; "Report to the Legislature on Criteria Used to Measure Growth of Emerging Industries," pursuant to Section 201-19(b), HRS; and "Requesting Reports on the Economic Value of Expanded Workforce Development Capacity and STEM Initiatives," pursuant to H.C.R. No. 297 (2010). | FILE |

G.M. No. 10	Dated December 20, 2010, transmitting the Special Fund Report for fiscal year ending June 30, 2010, prepared by the Public Utilities Commission pursuant to Section 269-33(c), HRS.	FILE
G.M. No. 11	Dated December 20, 2010, transmitting the Annual Report for fiscal year ending June 30, 2010, prepared by the Public Utilities Commission pursuant to Section 269-5, HRS.	FILE
G.M. No. 12	Dated December 27, 2010, transmitting the 2011 Exempt Study Report, prepared by the Department of Human Resources Development pursuant to Act 300, SLH 2006.	FILE
G.M. No. 13	Dated January 10, 2011, transmitting the Office of Information Practices' 2010 Annual Report for the fiscal year ending June 30, 2010, pursuant to Section 92F-42(7), HRS.	FILE
G.M. No. 14	Dated December 30, 2010, transmitting the Annual External Review Report, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Section 432E-13, HRS.	FILE
G.M. No. 15	Dated December 30, 2010, transmitting the Loss Mitigation Grant Program Report, prepared by the Department of Commerce and Consumer Affairs, Insurance Division, pursuant to Section 431:22-102(c), HRS.	FILE
G.M. No. 16	Dated December 30, 2010, transmitting the Report of the Insurance Commissioner - 2010, prepared by the Department of Commerce and Consumer Affairs pursuant to Section 431:2-211, HRS.	FILE
G.M. No. 17	Dated December 30, 2010, transmitting a Report on the Use of Remote Dispensing Machines, prepared by the Department of Commerce and Consumer Affairs pursuant to Act 212, SLH 2008.	FILE

- | | | |
|------------------------------------|--|------|
| <u>G.M. No. 18</u> | Dated December 30, 2010, transmitting the 2010 Annual Compliance Resolution Fund Report, prepared by the Department of Commerce and Consumer Affairs pursuant to Act 100, SLH 1999. | FILE |
| <u>G.M. No. 19</u> | Dated December 30, 2010, transmitting the Hawaii Real Estate Commission's 2010 Annual Report, prepared by the Department of Commerce and Consumer Affairs, Real Estate Branch, pursuant to Section 467-4, HRS. | FILE |
| <u>G.M. No. 20</u> | Dated December 30, 2010, transmitting the Receipt and Expenditures of Federal Moneys from the American Recovery and Reinvestment (ARRA) Act of 2009 Report, prepared by the Department of Commerce and Consumer Affairs, Cable Television Division, pursuant to Act 199, SLH 2010. | FILE |
| <u>G.M. No. 21</u> | Dated December 30, 2010, transmitting the Development and Expansion of Telework Initiatives Report, prepared by the Department of Commerce and Consumer Affairs, Cable Television Division, pursuant to Act 199, SLH 2010. | FILE |
| <u>G.M. No. 22</u> | Dated December 30, 2010, transmitting the Streamlining Permitting Functions for the Development of Broadband Services and Technology Report, prepared by the Department of Commerce and Consumer Affairs, Cable Television Division, pursuant to Act 199, SLH 2010. | FILE |
| <u>G.M. No. 23</u> | Dated December 23, 2010, transmitting the Employees' Retirement System's Report on its Hawaii Venture Capital Investment Program, pursuant to Act 260, SLH 2007. | FILE |

<u>G.M. No. 24</u>	Dated December 23, 2010, transmitting a Report on the Direct Holdings in Sudan Scrutinized Companies, prepared by the Employees' Retirement System pursuant to Act 192, SLH 2007.	FILE
<u>G.M. No. 25</u>	Letter dated January 3, 2011, informing the Senate of a request by the Department of Commerce and Consumer Affairs, Insurance Division, to expend additional federal funds for Insurance Regulatory Services, and including a copy of the Department's request.	FILE
<u>G.M. No. 26</u>	Letter dated January 3, 2011, informing the Senate of a request by the Department of Commerce and Consumer Affairs, Insurance Division, to expend additional federal funds for Insurance Regulatory Services, and including a copy of the Department's request.	FILE
<u>G.M. No. 27</u>	Dated January 7, 2011, transmitting the Employment and Training Fund Annual Report, prepared by the Department of Labor and Industrial Relations pursuant to Section 383-128, HRS.	FILE
<u>G.M. No. 28</u>	Dated January 7, 2010, transmitting the Special Fund for Temporary Disability Benefits Annual Report, prepared by the Department of Labor and Industrial Relations pursuant to Section 392-61, HRS.	FILE
<u>G.M. No. 29</u>	Dated January 7, 2010, transmitting the Special Compensation Fund Annual Report, prepared by the Department of Labor and Industrial Relations pursuant to Section 386-151, HRS.	FILE
<u>G.M. No. 30</u>	Dated January 7, 2010, transmitting the Premium Supplementation Fund Annual Report, prepared by the Department of Labor and Industrial Relations pursuant to Section 393-41, HRS.	FILE

- | | | |
|------------------------------------|--|------|
| <u>G.M. No. 31</u> | Dated January 7, 2010, transmitting the Unemployment Insurance Trust Fund Annual Report, prepared by the Department of Labor and Industrial Relations pursuant to Section 383-121, HRS. | FILE |
| <u>G.M. No. 32</u> | Dated January 10, 2011, transmitting the Hawaii Civil Rights Commission 2009-2010 Annual Report, prepared by the Department of Labor and Industrial Relations pursuant to Sections 368-3, 368-4, and 515-9, HRS. | FILE |
| <u>G.M. No. 33</u> | Dated January 10, 2010, transmitting the Office of Language Access 2010 Annual Report, prepared by the Department of Labor and Industrial Relations, Office of Language Access, pursuant to Act 290, SLH 2006. | FILE |
| <u>G.M. No. 34</u> | Dated January 10, 2011, transmitting the Employment and Training Fund Program 2009-2010 Annual Report, prepared by the Department of Labor and Industrial Relations pursuant to Section 383-128, HRS. | FILE |
| <u>G.M. No. 35</u> | Dated January 7, 2010, transmitting the Special Unemployment Insurance Administration Fund Annual Report, prepared by the Department of Labor and Industrial Relations pursuant to Section 383-127, HRS. | FILE |
| <u>G.M. No. 36</u> | Dated January 11, 2011, transmitting the report, "Status of the Kaho'olawe Rehabilitation Trust Fund," prepared by the Department of Land and Natural Resources, Kaho'olawe Island Reserve Commission, pursuant to Section 6K-9.5(e), HRS. | FILE |
| <u>G.M. No. 37</u> | Dated January 11, 2011, transmitting the report, "The Hawaii Historic Preservation Special Fund For Fiscal Year 2010-2011," prepared by the Department of Land and Natural Resources pursuant to Section 6E-3, HRS. | FILE |

- | | | |
|-------------------------------------|---|------|
| <u>G.M. No. 38</u> | Dated January 11, 2011, transmitting the report, "Requiring All Departments And Agencies To Identify Their Goals, Objectives, And Policies, To Provide A Basis For Determining Priorities And Allocating Limited Public Funds And Human Resources," prepared by the Department of Land and Natural Resources pursuant to Act 100, SLH 1999. | FILE |
| <u>G.M. No. 39</u> | Dated January 11, 2011, transmitting the report, "The Dam And Reservoir Safety Program Fiscal Year 2009-2010," prepared by the Department of Land and Natural Resources pursuant to Section 179D-29, HRS. | FILE |
| <u>G.M. No. 40</u> | Dated January 11, 2011, transmitting the report, "Requesting The Department Of Land And Natural Resources To Submit A Project-Funded Staff Services Budget Report Fiscal Year 2010-2011," prepared by the Department of Land and Natural Resources pursuant to Act 162, SLH 2009. | FILE |
| <u>G.M. No. 41</u> | Dated January 11, 2011, transmitting the report, "Hawaii's Stream Protection Program And Identification Of 'Wild And Scenic Rivers'," prepared by the Department of Land and Natural Resources pursuant to Section 174C-3(c), HRS. | FILE |
| <u>G.M. No. 504</u> | Submitting for consideration and confirmation to the Chairperson of the Board of Agriculture, Gubernatorial Nominee, RUSSELL S. KOKUBUN, for a term to expire December 31, 2014. | AGL |
| <u>G.M. No. 505</u> | Submitting for consideration and confirmation to the Director of the Department of Commerce and Consumer Affairs, Gubernatorial Nominee, KEALILALANIKULANI S. LOPEZ, for a term to expire December 1, 2014. | CPN |

<u>G.M. No. 506</u>	Submitting for consideration and confirmation to the Director of the Department of Business, Economic Development and Tourism, Gubernatorial Nominee, RICHARD C. LIM, for a term to expire December 1, 2014.	EDT/TSM
<u>G.M. No. 507</u>	Submitting for consideration and confirmation to the Chairperson of the Department of Hawaiian Home Lands, Gubernatorial Nominee, ALBERT (ALAPAKI) NAHALE-A, for a term to expire December 31, 2014.	HWN
<u>G.M. No. 508</u>	Submitting for consideration and confirmation to the Director of the Department of Health, Gubernatorial Nominee, NEAL A. PALAFOX, for a term to expire December 1, 2014.	HTH
<u>G.M. No. 509</u>	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.	HMS
<u>G.M. No. 510</u>	Submitting for consideration and confirmation to the Attorney General of the Department of the Attorney General, Gubernatorial Nominee, DAVID M. LOUIE, for a term to expire December 1, 2014.	JDL
<u>G.M. No. 511</u>	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.	JDL
<u>G.M. No. 512</u>	Submitting for consideration and confirmation to the Director of the Department of Labor and Industrial Relations, Gubernatorial Nominee, DWIGHT TAKAMINE, for a term to expire December 1, 2014.	JDL

G.M. No. 513	Submitting for consideration and confirmation to the Director of the Department of Public Safety, Gubernatorial Nominee, JODIE MAESAKA-HIRATA, for a term to expire December 1, 2014.	PGM
G.M. No. 514	Submitting for consideration and confirmation to the Comptroller of the Department of Accounting and General Services, Gubernatorial Nominee, BRUCE A. COPPA, for a term to expire December 1, 2014.	PGM
G.M. No. 515	Submitting for consideration and confirmation to the Adjutant General of the Department of Defense , Gubernatorial Nominee, MAJOR GENERAL DARRYLL D.M. WONG, for a term to expire December 1, 2014.	PGM
G.M. No. 516	Submitting for consideration and confirmation to the Director of the Department of Transportation, Gubernatorial Nominee, GLENN M. OKIMOTO, for a term to December 1, 2014.	TIA
G.M. No. 517	Submitting for consideration and confirmation to the Chairperson of the Board of Land and Natural Resources, Gubernatorial Nominee, WILLIAM JOHNSON AILA, JR., for a term to expire December 31, 2014.	WLH
G.M. No. 518	Submitting for consideration and confirmation to the Director of the Department of Budget and Finance, Gubernatorial Nominee, KALBERT K. YOUNG, for a term to expire December 1, 2014.	WAM
G.M. No. 519	Submitting for consideration and confirmation to the Director of the Department of Taxation, Gubernatorial Nominee, FREDERICK D. PABLO, for a term to expire December 1, 2014.	WAM

2. Departmental Communications: None

3. House Communication No. 4

Returning the following Senate Concurrent Resolution which was adopted by the House on January 20, 2011:

REFERRAL

4

S.C.R. No. 1

"REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION FOR THE STATE OF THE JUDICIARY ADDRESS."(State of the Judiciary Address)

FILE

4. Senate Communications: None

5. Judiciary Communications: None

6. Introduction of Measures: Senate Bill Nos. 62 - 230

Senate Concurrent Resolution No. 2

ORDER OF THE DAY

7. Referrals and Re-Referrals

REFERRALS FOR FRIDAY, JANUARY 21, 2011

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<u>S.B. 23</u>	RELATING TO NATIVE HAWAIIANS. (Aha Kiole Advisory Commission)	WLH/HWN
<u>S.B. 24</u>	RELATING TO TRESPASS. (Trespass; Unimproved or Unused Land)	JDL

<u>S.B. 25</u>	RELATING TO LANDOWNER LIABILITY. (Trespass; Landowner Liability)	JDL
<u>S.B. 26</u>	RELATING TO ADVANCED PRACTICE REGISTERED NURSE FEES. (Advanced Practice Registered Nurses; Compliance Resolution Fund; Fees; DCCA)	CPN, WAM
<u>S.B. 27</u>	RELATING TO LONG-TERM CARE INSURANCE. (Long-Term Care Insurance)	CPN
<u>S.B. 28</u>	RELATING TO CONTROL OPERATORS. (Pest Control Operators)	CPN
<u>S.B. 29</u>	RELATING TO MOTOR VEHICLE RENTAL. (Motor Vehicle Rentals)	CPN
<u>S.B. 30</u>	RELATING TO ABANDONED VEHICLES. (Abandoned Vehicles; Repossession; Disposal)	CPN, JDL
<u>S.B. 31</u>	RELATING TO CONSERVATION DISTRICTS. (Marine Life Conservation Districts; Shoreline Protection)	WLH
<u>S.B. 32</u>	RELATING TO HEALTH. (Auricular Acupuncture; License Exemption)	HTH, CPN
<u>S.B. 33</u>	RELATING TO SPECIAL FUNDS. (Conservation and Resources; Special Funds)	WLH, WAM
<u>S.B. 34</u>	RELATING TO TAX APPEALS. (Tax Appeals; Small Claims)	JDL, WAM
<u>S.B. 35</u>	RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT. (Motor Vehicle Industry Licensing Act)	CPN

<u>S.B. 36</u>	RELATING TO HEALTH. (Mental Health and Substance Abuse Parity; Working Group)	HTH
<u>S.B. 37</u>	RELATING TO NURSES. (Advanced Practice Registered Nurses; Qualifications)	HTH/CPN
<u>S.B. 38</u>	RELATING TO ADVANCED PRACTICE REGISTERED NURSES. (Advanced Practice Registered Nurse; Hospitals)	HTH, CPN
<u>S.B. 39</u>	RELATING TO PLANNED COMMUNITY ASSOCIATIONS. (Planned Community Associations; Notice of Meeting Required)	CPN, JDL
<u>S.B. 40</u>	RELATING TO PSEUDOEPHEDRINE. (Pseudoephedrine; Prescription Drugs)	HTH/CPN, JDL
<u>S.B. 41</u>	RELATING TO THE HAWAII PREPAID HEALTH CARE ACT. (Hawaii Prepaid Health Care Act)	HTH, JDL
<u>S.B. 42</u>	RELATING TO OCEAN SAFETY. (Ocean Safety; Swimming Buoys; Appropriation)	WLH, WAM
<u>S.B. 43</u>	RELATING TO PUBLIC SAFETY. (Public Safety; Freedom of Information; Out- of-State Prisons)	PGM, JDL
<u>S.B. 44</u>	RELATING TO PUBLIC SAFETY. (Inmate Rehabilitation; Reentry System; Performance Indicators)	PGM
<u>S.B. 45</u>	RELATING TO PUBLIC SAFETY. (Public Safety; Deputy Sheriff; Civil Service)	PGM, JDL
<u>S.B. 46</u>	RELATING TO CORRECTIONS. (Corrections; Inmate Programs; Day Reporting Center; Appropriation)	PGM, WAM

<u>S.B. 47</u>	RELATING TO CORRECTIONS. (Corrections; Electronic Monitoring; Pilot Program)	PGM, WAM
<u>S.B. 48</u>	RELATING TO CORRECTIONS. (Public Safety; Corrections; Inmate Transfers)	PGM
<u>S.B. 49</u>	RELATING TO CORRECTIONAL FACILITIES. (Correctional Facility Deaths; Reporting Requirements)	PGM
<u>S.B. 50</u>	RELATING TO SHERIFFS. (Sheriffs; Department of Public Safety; Attorney General)	PGM/JDL, WAM
<u>S.B. 51</u>	RELATING TO OBSCENITY. (Obscenity; Promoting or Possessing Electronically Communicated Indecent Material by a Minor)	EDT, JDL
<u>S.B. 52</u>	RELATING TO REGISTRATION OF SEX OFFENDERS. (Sex Offender Registration; Violation of Privacy)	JDL
<u>S.B. 53</u>	RELATING TO WEAPONS. (Weapons; Electric Guns; Domestic Violence)	PGM, JDL
<u>S.B. 54</u>	RELATING TO STATUTES OF LIMITATIONS. (Statutes of Limitations; Sexual Assault; Child Abuse)	JDL
<u>S.B. 55</u>	RELATING TO BILL OF RIGHTS FOR VICTIMS. (Bill of Rights for Victims)	JDL
<u>S.B. 56</u>	RELATING TO INTOXICATING LIQUOR. (Liquor Commission)	PGM
<u>S.B. 57</u>	RELATING TO IOLANI PALACE. (Iolani Palace; Law Enforcement Jurisdiction)	WLH/PGM

S.B. 58	RELATING TO MEDICAL CANNABIS. (Medical Cannabis)	PGM, JDL
S.B. 59	RELATING TO PASSENGER SAFETY FOR PICKUP TRUCKS. (Pickup Trucks; Passenger Restraints; Secured Mounted Seat)	TIA, JDL
S.B. 60	RELATING TO HIGHWAY SAFETY. (Highway Safety; Appropriation)	PGM/JDL, WAM
S.B. 61	RELATING TO STATEWIDE TRAFFIC CODE. (Emergency Vehicle; Move Over)	TIA, JDL

8. Miscellaneous Communications: None

9. Miscellaneous Business

10. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
EDU	1/24/2011 1:15 PM	225
CPN	1/28/2011 9:30 AM	229

- Senate Session will convene at 9:30 a.m. on Monday, January 24, 2011.
- The Governor's State of the State Address will commence at 10:00 a.m. on Monday, January 24, 2011 in the House Chamber.

11. Adjournment