

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

FIFTY-SECOND DAY

APRIL 20, 2011-WEDNESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: None
2. Departmental Communications: None
3. House Communication Nos. 658-662

Informing the Senate that on April 19, 2011, the House agreed to the amendments proposed by the Senate and that said bills passed Final Reading in the House:

REFERRAL

658

[H.B. No. 122, H.D. 1, S.D. 2](#)

FILE

"RELATING TO RENEWABLE ENERGY."(Renewable Energy; Subdivision Requirements; Exemption)

[H.B. No. 1069, H.D. 2, S.D. 1](#)

"RELATING TO EFFECT OF FINDING OF UNFITNESS TO PROCEED."(Effect of Finding of Unfitness to Proceed)

[H.B. No. 1134, H.D. 1, S.D. 2](#)

"RELATING TO PREPAID HEALTH CARE."(Health Insurance; Prepaid Health Care)

Informing the Senate that on April 19, 2011, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bills:

659 [H.B. No. 389, H.D. 3, S.D. 2](#) FILE
"RELATING TO LAND USE."(Land Use; Heeia Community Development District)

[H.B. No. 1004, H.D. 1, S.D. 1](#)
"RELATING TO CHAPTER 480, HAWAII REVISED STATUTES."(Antitrust)

Informing the Senate that on April 19, 2011, the House appointed Conferees to the following bills:

660 [S.B. No. 199, S.D. 2, H.D. 1](#) FILE
"RELATING TO RENEWABLE ENERGY."(Renewable Energy Technologies Income Tax Credit; Reimbursement)

M. Oshiro, Chair; Chong, Ito, Yamashita, Ward

[S.B. No. 831, S.D. 2, H.D. 1](#)
"RELATING TO TAXATION."(New Markets Tax Credit; Section 704(b)(2), Internal Revenue Code)

McKelvey/M. Oshiro, Co-Chairs; Choy, Evans, Ward

Informing the Senate that on April 19, 2011, the House made changes to conferee assignments to the following bill:

661 [S.B. No. 753, S.D. 2, H.D. 2](#) FILE
"RELATING TO HIGH TECHNOLOGY."(High Technology; Tax Credit for Research Activities)

Added Representative Yamashita as a member.

Informing the Senate that on April 19, 2011, the House appointed Conferees to the following bills:

662

[H.B. No. 1038, H.D. 2, S.D. 2](#)
"RELATING TO THE EMPLOYEES'
RETIREMENT SYSTEM."(Employees'
Retirement System)

FILE

Rhoads/M. Oshiro, Co-Chrs.; Yamashita,
Fontaine

[S.B. No. 1341, S.D. 2, H.D. 1](#)
"RELATING TO THE EMPLOYEES'
RETIREMENT SYSTEM."(Employees'
Retirement System)

Rhoads/M. Oshiro, Co-Chrs.; Yamashita,
Fontaine

4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 1325-1330

[1325](#)
(One Day Notice)

(HMS)

[H.C.R. No. 60, S.D. 1](#)
"RECOGNIZING APRIL AS SEXUAL
ASSAULT AWARENESS AND
PREVENTION MONTH."
(Recommends Adoption)

[1326](#)
(One Day Notice)

(HMS)

[H.C.R. No. 309, H.D. 1, S.D. 1](#)
"REQUESTING THE GOVERNOR TO
PROCLAIM THE SECOND WEEK OF
AUGUST OF EVERY YEAR AS "HAWAII
STATE ASSISTANCE DOGS WEEK". "
(AMENDED TITLE)
(Recommends Adoption)

[1327](#)
(One Day Notice)

(HMS)

[G.M. No. 722](#)

"Submitting for consideration and confirmation to the Commission on Fatherhood, Gubernatorial Nominee, RUSS S. AWAKUNI, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1328](#)
(One Day Notice)

(HMS)

[G.M. No. 727](#)

"Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, ABELINA SHAW, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1328](#)
(One Day Notice)

(HMS)

[G.M. No. 728](#)

"Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, BEVERLY JEAN WITHINGTON, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[1329](#)
(One Day Notice)

(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."

(Recommends Senate Consent to Nomination)

[1329](#)
(One Day Notice)

(CPN)

[G.M. No. 597](#)

"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."

(Recommends Senate Consent to Nomination)

[1329](#)
(One Day Notice)

(CPN)

[G.M. No. 598](#)

"Submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, gubernatorial nominee, WARREN HIGA, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1329](#)
(One Day Notice)

(CPN)

[G.M. No. 599](#)

"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. (Term amended to 6-30-2014 by GM789)."

(Recommends Senate Consent to Nomination)

[1330](#)
(One Day Notice)

(WLH)

[S.R. No. 110, S.D. 1](#)

"REQUESTING THE STATE HAZARD MITIGATION FORUM TO STUDY MEASURES TO MITIGATE RISKS ASSOCIATED WITH STATE FLOOD HAZARDS." (AMENDED TITLE)

(Recommends Adoption)

ORDER OF THE DAY

7. Advise and Consent

1317	CPN	G.M. No. 602
Testimony Status		"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."
1318	CPN	G.M. No. 603
Testimony Status		"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. (Term amended to 6-30-2013 by GM789)."
1319	CPN	G.M. No. 604
Testimony Status		"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."
1319	CPN	G.M. No. 605
Testimony Status		"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."

1319 Testimony Status	CPN	G.M. No. 606 "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."
1319 Testimony Status	CPN	G.M. No. 607 "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."
1320 Testimony Status	CPN	G.M. No. 626 "Submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, PAUL W. CONDRY, for a term to expire 6-30-2015."
1321 Testimony Status	CPN	G.M. No. 629 "Submitting for consideration and confirmation to the State Board of Nursing, Gubernatorial Nominee, DENISE L. COHEN, for a term to expire 6-30-2014."
1322 Testimony Status	HMS	G.M. No. 723 "Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Public Housing Authority, Gubernatorial Nominee, DAVID J. GIERLACH, for a term to expire 6-30-2015."

1322 Testimony Status	HMS	G.M. No. 725 "Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Public Housing Authority, Gubernatorial Nominee, TREVOR N. TOKISHI, for a term to expire 6-30-2015."
1322 Testimony Status	HMS	G.M. No. 726 "Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Public Housing Authority, Gubernatorial Nominee, GEORGE YOKOYAMA, for a term to expire 6-30-2015."
1323 Testimony Status	HMS	G.M. No. 772 "Submitting for consideration and confirmation to the Statewide Council on Independent Living, Gubernatorial Nominee, MITCHELL J. KEAWE."
1323 Testimony Status	HMS	G.M. No. 773 "Submitting for consideration and confirmation to the Statewide Council on Independent Living, Gubernatorial Nominee, JENNIFER HAUSLER, for a term to expire 6-30-2014."
1324 Testimony Status	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."

[1324](#) HMS
[Testimony Status](#)

[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."

[1324](#) HMS
[Testimony Status](#)

[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."

[1324](#) HMS
[Testimony Status](#)

[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."

[1324](#) HMS
[Testimony Status](#)

[G.M. No. 640](#)
"Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, ANTHONY LENZER, for a term to expire 6-30-2015."

8. Final Reading

[S.B. No. 921, S.D. 2, H.D. 3](#)
[Testimony Prior Versions Status](#)

"RELATING TO MINORS."
(Minors; Emergency Shelter; Consent)

[S.B. No. 1076, S.D. 1, H.D. 3](#)

[Testimony](#) [Prior Versions](#) [Status](#)

"RELATING TO EMPLOYMENT PRACTICES."

(Employee Benefits; Employment Practices; Sick Leave)

[S.B. No. 1241, S.D. 1, H.D. 1](#)

[Testimony](#) [Prior Versions](#) [Status](#)

"RELATING TO CONVEYANCE TAX."

(Conveyance Tax Exemption; Low-income Housing Development)

[S.B. No. 1281, S.D. 1, H.D. 1](#)

[Testimony](#) [Prior Versions](#) [Status](#)

"RELATING TO EDUCATION."

(Committee on Weights; Weighted Student Formula)

[S.B. No. 1291, S.D. 2, H.D. 2](#)

[Testimony](#) [Prior Versions](#) [Status](#)

"RELATING TO CHILD PROTECTIVE ACT COURT PROCEEDINGS."

(Child Protective Act Hearings)

[S.B. No. 1342, S.D. 1, H.D. 1](#)

[Testimony](#) [Prior Versions](#) [Status](#)

"RELATING TO PARKING FOR THE DISABLED."

(Disabled Parking Placards; Display; Rearview Mirror)

[S.B. No. 1386, S.D. 1, H.D. 1](#)

[Testimony](#) [Prior Versions](#) [Status](#)

"RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII."

(University of Hawaii Board of Regents)

[S.B. No. 1417, S.D. 1, H.D. 1](#)

[Testimony](#) [Prior Versions](#) [Status](#)

"RELATING TO THE STATE REHABILITATION COUNCIL."

(State Rehabilitation Council)

[S.B. No. 1491, S.D. 1, H.D. 1](#)

"RELATING TO DISTRICT COURTS."

[Testimony](#) [Prior Versions](#) [Status](#)

(District Courts; Service)

[S.B. No. 1559, S.D. 2, H.D. 2](#)

"RELATING TO IMPORTANT
AGRICULTURAL LANDS."

[Testimony](#) [Prior Versions](#) [Status](#)

(Important Agricultural Lands; Incentives)

9. Miscellaneous Communications: None

10. Miscellaneous Business

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

[S.B. No. 1292, H.D. 1](#)

HMS/WAM

"MAKING AN EMERGENCY
APPROPRIATION TO THE
DEPARTMENT OF HUMAN SERVICES
FOR HEALTH CARE PAYMENTS."

[S.B. No. 1288, S.D. 1, H.D. 1](#)

WAM

"RELATING TO THE EMERGENCY
AND BUDGET RESERVE FUND."

[S.B. No. 1325, S.D. 1, H.D. 1](#)

TIA, CPN

"RELATING TO MOTOR VEHICLE
REGISTRATION."

[S.B. No. 590, S.D. 1, H.D. 2](#)

PGM, WAM

"RELATING TO THE LEGISLATIVE
FEDERAL ECONOMIC STIMULUS
PROGRAM OVERSIGHT
COMMISSION."

[S.B. No. 782, S.D. 2, H.D. 1](#)

PGM, JDL

"RELATING TO DANGEROUS
WEAPONS."

[S.B. No. 823, S.D. 1, H.D. 1](#)

PGM/TIA, WAM

"RELATING TO PROCUREMENT."

S.B. No. 883, S.D. 2, H.D. 1	PGM, WAM	"RELATING TO SPECIAL NUMBER PLATES."
S.B. No. 892, S.D. 2, H.D. 2	PGM, JDL	"RELATING TO SERVICE ANIMALS."

- Waiver of Referral; One Day Notice for Adoption

H.C.R. No. 286, H.D. 1	CPN	"REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO WORK COLLABORATIVELY TO FIND WAYS TO MORE EFFECTIVELY ENFORCE THE STATE'S CIVIL AND CRIMINAL LAWS THAT MAY APPLY TO UNLICENSED CONTRACTORS."
H.C.R. No. 24	HMS/WAM	"EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING."

11. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
CONF	4/20/2011 1:30 PM	423
CONF	4/20/2011 1:30 PM	225
CONF	4/20/2011 1:30 PM	423
CONF	4/20/2011 1:35 PM	229
CONF	4/20/2011 2:00 PM	329
CONF	4/20/2011 2:30 PM	312
CONF	4/20/2011 2:30 PM	229
CONF	4/20/2011 2:30 PM	224
CONF	4/20/2011 3:00 PM	224

CONF	4/20/2011 3:20 PM	224
CONF	4/20/2011 4:00 PM	224
CONF	4/20/2011 7:00 PM	309
CONF	4/21/2011 9:00 AM	224
JDL	4/21/2011 9:00 AM	325
CONF	4/21/2011 9:30 AM	016
WAM	4/21/2011 9:30 AM	211
JDL	4/21/2011 9:45 AM	325
CONF	4/21/2011 11:00 AM	423
CONF	4/21/2011 1:30 PM	225
CONF	4/21/2011 2:30 PM	423
HMS	4/21/2011 2:30 PM	229
CONF	4/21/2011 3:00 PM	229
CONF	4/21/2011 3:15 PM	225
EDU	4/25/2011 10:00 AM	329
CONF	4/25/2011 4:00 PM	229

- Senate Session will convene at 11:30 a.m. on Thursday, April 21, 2011.

12. Adjournment