

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

FIFTY-FOURTH DAY

APRIL 25, 2011-MONDAY-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. 669-674

Returning the following Senate Concurrent
Resolution which was adopted by the House on
April 21, 2011, in an amended form:

REFERRAL

669

[S.C.R. No. 44, S.D. 1, H.D. 1](#)

"ENCOURAGING FURTHER
IMPLEMENTATION OF HOUSING FIRST
PROGRAMS AND SERVICES TO COMBAT
CHRONIC HOMELESSNESS."(Housing First;
Homelessness)

AGREE/DISAGREE

Informing the Senate that on April 21, 2011, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bills:

- 670 [H.B. No. 49, H.D. 1, S.D. 1](#) FILE
"RELATING TO ARMED FORCES SERVICE MEMBERS."(Disposition of Body; Armed Forces Services Members)
- [H.B. No. 320, H.D. 2, S.D. 1](#)
"RELATING TO BROKER PRICE OPINIONS."(Real Estate Brokers and Salespersons; Broker Price Opinion)
- [H.B. No. 397, H.D. 2, S.D. 2](#)
"RELATING TO LANDS CONTROLLED BY THE STATE."(Office of Hawaiian Affairs; Lands Controlled by the State)
- [H.B. No. 915, H.D. 2, S.D. 2](#)
"RELATING TO CONVEYANCE TAX."(Taxation; Conveyance Tax)
- [H.B. No. 1093, H.D. 1, S.D. 2](#)
"RELATING TO COMMERCIAL DRIVER LICENSING."(Commercial Driver Licensing; Alcohol Concentration)

Informing the Senate that on April 21, 2011, the House appointed Conferees to the following bills:

- 671 [H.B. No. 306, H.D. 1, S.D. 2](#) FILE
"RELATING TO TAXATION."(Estate and Transfer Tax; Enterprise Zones)

M. Oshiro, Chr.; Chong, Choy, M. Lee, Marumoto

[H.B. No. 793, S.D. 1](#)

"RELATING TO TAXATION."(Taxation;
Exemptions; Suspension; Appropriation)

M. Oshiro, Chr.; Chong, Choy, M. Lee,
Marumoto

[H.B. No. 1039, H.D. 1, S.D. 2](#)

"RELATING TO
TRANSPORTATION."(Transportation;
Guaranteed Rent Adjusting Formula)

Souki/M. Oshiro, Co-Chrs.; Chong, Choy,
Ichiyama, M. Lee, Johanson

[H.B. No. 1092, H.D. 1, S.D. 3](#)

"RELATING TO TAXATION."(Taxation; Tax
Improvement)

M. Oshiro, Chr.; Chong, Choy, M. Lee

672

[S.B. No. 120, S.D. 1, H.D. 1](#)

"RELATING TO STATE FUNDS."(Certain
Special Funds; Certain Revolving Funds; Repeal)

M. Oshiro, Chr.; Chong, Choy, M. Lee, Ward

[S.B. No. 233, S.D. 2, H.D. 1](#)

"RELATING TO TOBACCO
PRODUCTS."(Moist Snuff; Excise Tax)

Yamane/M. Oshiro, Co-Chrs.; M. Lee, Ward

[S.B. No. 570, S.D. 2, H.D. 1](#)

"RELATING TO TAXATION."(Taxation;
Pension; Deductions; Personal Exemption)

M. Oshiro, Chr.; Chong, Choy, M. Lee

FILE

[S.B. No. 741, S.D. 1, H.D. 1](#)

"RELATING TO INTOXICATING LIQUOR."(Liquor Tax Rate; Small Breweries and Brewpubs; Coupons)

M. Oshiro, Chr.; Chong, Choy, M. Lee, Riviere

[S.B. No. 754, S.D. 1, H.D. 1](#)

"RELATING TO TAXATION."(General Excise and Use Taxes; Temporary Suspension; Exemption for Certain Persons and Gross Amounts)

M. Oshiro, Chr.; Chong, Choy, M. Lee, Riviere

[S.B. No. 756, S.D. 2, H.D. 1](#)

"RELATING TO TAXATION."(Taxation; Omnibus)

M. Oshiro, Chr.; Chong, Choy, M. Lee, Marumoto

[S.B. No. 1186, S.D. 2, H.D. 1](#)

"RELATING TO THE TRANSIENT ACCOMMODATIONS TAX."(Transient Accommodations Tax; Minimum Daily Tax; Time Share Rate; County Distribution)

M. Oshiro, Chr.; Chong, Choy, M. Lee, Riviere

[S.B. No. 1270, S.D. 2, H.D. 1](#)

"RELATING TO THE HAWAII HURRICANE RELIEF FUND."(State Budget; Hawaii Hurricane Relief Fund; Appropriation)

M. Oshiro, Chr.; Chong, Choy, M. Lee, Marumoto

673 [S.B. No. 1355, S.D. 1, H.D. 2](#) FILE
"RELATING TO TAXATION."(GET; Out-of-
State Business; In-State Business; Nexus
Standard)

McKelvey/M. Oshiro, Co-Chrs.; Chong, Choy

Informing the Senate that on April 21, 2011, the
House made changes to conferee assignments to
the following bill:

674 [S.B. No. 1086, S.D. 1, H.D. 2](#) FILE
"RELATING TO CONSUMER
INFORMATION."(Baked Bread; Baked Goods;
Advertising; Signage)

Added Representative Mizuno as a member.

4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 1335-1344

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 758](#)
"Submitting for consideration and
confirmation to the Hawai'i Aerospace
Advisory Committee, Gubernatorial
Nominee, STEWART BURLEY, for a term
to expire 6-30-2013."

(Recommends Senate Consent to
Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 759](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, LEEANN CRABBE, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 760](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, STEPHEN DAY, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 761](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, ROCKLIN GMEINER, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 762](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, GALEN HO, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 763](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, MICHAEL T. MABERRY, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 764](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, MARK MCGUFFIE, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 765](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, PETER MOUGINIS-MARK, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 766](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, JAMES L. PASQUINO, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 767](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, ELLIOT PULHAM, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 768](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, PETER QUIGLEY, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 769](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, STEVEN J. SKLADANEK, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 770](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, DONALD STRANEY, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1335](#)
(One Day Notice)

(PGM)

[G.M. No. 771](#)

"Submitting for consideration and confirmation to the Hawai'i Aerospace Advisory Committee, Gubernatorial Nominee, DERRICK TSURUDA, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1336](#)
(One Day Notice)

(HTH)

[G.M. No. 643](#)

"Submitting for consideration and confirmation to the Health Planning Council, Hawai'i County Subarea, Gubernatorial Nominee, AMY DOFF, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1337](#)
(One Day Notice)

(HTH)

[G.M. No. 644](#)

"Submitting for consideration and confirmation to the Board of Certification of Operation Personnel in Wastewater Treatment Plants, Gubernatorial Nominee, KEVIN NAKAMURA, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1338](#)
(One Day Notice)

(HTH)

[G.M. No. 705](#)

"Submitting for consideration and confirmation to the Board of Health, Gubernatorial Nominee, VINCENT LEE, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1338](#)
(One Day Notice)

(HTH)

[G.M. No. 706](#)

"Submitting for consideration and confirmation to the Board of Health, Gubernatorial Nominee, MARK YAMAKAWA, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1339](#)
(One Day Notice)

(HTH)

[G.M. No. 707](#)

"Submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, Gubernatorial Nominee, HEATHER LUSK, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1340](#)
(One Day Notice)

(HTH)

[G.M. No. 708](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, CHARLENE DARABAN, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1340](#)
(One Day Notice)

(HTH)

[G.M. No. 709](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, THERESA MINAMI, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1341](#)
(One Day Notice)

(HTH)

[G.M. No. 710](#)

"Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Hawai'i Service Area Board, Gubernatorial Nominee, ALICE L. BRATTON, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1341](#)
(One Day Notice)

(HTH)

[G.M. No. 711](#)

"Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Hawai'i Service Area Board, Gubernatorial Nominee, CHRISTOPHER HOLSCHUH, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1341](#)
(One Day Notice)

(HTH)

[G.M. No. 712](#)

"Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Hawai'i Service Area Board, Gubernatorial Nominee, STACY KUWATA, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1342](#)
(One Day Notice)

(HTH)

[G.M. No. 716](#)

"Submitting for consideration and confirmation to the Radiologic Technology Board, Gubernatorial Nominee, JODI ANN NAKAOKA, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1342](#) (HTH)
(One Day Notice)

[G.M. No. 717](#)
"Submitting for consideration and confirmation to the Radiologic Technology Board, Gubernatorial Nominee, KATHLEEN ANN SUGAI, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1342](#) (HTH)
(One Day Notice)

[G.M. No. 718](#)
"Submitting for consideration and confirmation to the Radiologic Technology Board, Gubernatorial Nominee, ANITA L. TU'UA, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[1343](#) (HTH)
(One Day Notice)

[G.M. No. 719](#)
"Submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, Gubernatorial Nominee, ALAN KIMURA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[1343](#) (HTH)
(One Day Notice)

[G.M. No. 720](#)
"Submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, Gubernatorial Nominee, ZACHARY OCTAVIO, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[1343](#)
(One Day Notice)

(HTH)

[G.M. No. 721](#)

"Submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, Gubernatorial Nominee, KARLSON PUNG, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[1344](#)
(One Day Notice)

(TSM/EDU)

[H.C.R. No. 273, S.D. 1](#)

"REQUESTING THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT AT THE UNIVERSITY OF HAWAII AT MANOA TO DEVELOP ENHANCEMENTS FOR THE TOURISM-RELATED CAPABILITIES OF THE UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION DATA PORTAL AND EVALUATE WAYS TO BRING GREATER EFFICIENCIES TO THE WAY TOURISM-RELATED DATA IS STORED AND MONITORED." (AMENDED TITLE)
(Recommends Adoption)

ORDER OF THE DAY

7. Advise and Consent

[1331](#)
[Testimony Status](#)

AGL

[G.M. No. 577](#)

"Submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, Gubernatorial Nominee, LETITIA UYEHARA, for a term to expire 6-30-2012."

1331 Testimony Status	AGL	G.M. No. 578 "Submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, Gubernatorial Nominee, SCOTT E. ENRIGHT, for a term to expire 6-30-2015."
1331 Testimony Status	AGL	G.M. No. 579 "Submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, Gubernatorial Nominee, ALAN T. TAKEMOTO, for a term to expire 6-30-2015."
1332 Testimony Status	HMS	G.M. No. 612 "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."
1332 Testimony Status	HMS	G.M. No. 613 "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."
1332 Testimony Status	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."

1333 Testimony Status	TIA	G.M. No. 751 "Submitting for consideration and confirmation to the Commission on Transportation, Gubernatorial Nominee, ERIC MATSUDA, for a term to expire 6-30-2014."
1334 Testimony Status	HMS	G.M. No. 611 "Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, LANI BARTHOLOMEW, for a term to expire 6-30-2015."
1334 Testimony Status	HMS	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."
1334 Testimony Status	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."
1334 Testimony Status	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."

8. Adopt Resolutions – Referrals Waived

[H.C.R. No. 85, H.D. 1](#)

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

"URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE WHETHER LANDS ALONG THE WAIPIO PENINSULA AND WAIPAHAU SHORELINES ARE ACCRETED LANDS AND THEREFORE STATE PROPERTY FOR PROSPECTIVE USE AS A STATE PARK."

(Waipio Peninsula Shoreline; Waipahu; Accreted Lands; State Park)

[H.C.R. No. 100, H.D. 2](#)

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

"ENCOURAGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO LOCATE LAND SUITABLE TO CONSTRUCT A MOTORSPORTS CENTER ON THE ISLAND OF OAHU."

(Motorsports Center, HCDA; DLNR)

[H.C.R. No. 167](#)

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

"REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A WORKING GROUP TO EXAMINE THE FEDERAL 2008 FARM BILL AMENDMENT TO THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT."

(Child Nutrition Programs; Farm-to-School Programs)

[H.C.R. No. 173](#)

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

"URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH MOANALUA GARDENS FOUNDATION TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE USE OF KAMANANUI (MOANALUA) VALLEY FOR EDUCATIONAL AND CULTURAL PURPOSES."

(Kamananui Valley; DLNR; Moanalua Gardens Foundation; Memorandum of Understanding)

9. Final Reading

[Conf. Com. Rep. No. 1](#)

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

[S.B. No. 98, S.D. 2, H.D. 1, C.D. 1](#)

"RELATING TO WATER CARRIERS."

(Public Utilities Commission; Water Carriers)

[S.B. No. 1293, H.D. 2](#)

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

"MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES."

(Department of Human Services; Emergency Appropriations)

10. Miscellaneous Communications: None

11. Miscellaneous Business

12. Announcements

• Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
CONF	4/25/2011 12:55 PM	224
CONF	4/25/2011 1:00 PM	224
CONF	4/25/2011 1:30 PM	225
CONF	4/25/2011 1:30 PM	229
CONF	4/25/2011 1:30 PM	423
CONF	4/25/2011 1:30 PM	229
CONF	4/25/2011 1:30 PM	225
CONF	4/25/2011 1:35 PM	423
CONF	4/25/2011 1:45 PM	423
CONF	4/25/2011 2:00 PM	329
CONF	4/25/2011 2:00 PM	224
CONF	4/25/2011 2:30 PM	224
CONF	4/25/2011 2:30 PM	325
CONF	4/25/2011 2:30 PM	423
CONF	4/25/2011 2:30 PM	224
CONF	4/25/2011 2:45 PM	325
CONF	4/25/2011 3:00 PM	325
TSM	4/25/2011 3:00 PM	423
CONF	4/25/2011 3:30 PM	224
CONF	4/25/2011 3:30 PM	423
CONF	4/25/2011 3:30 PM	225
CONF	4/25/2011 3:30 PM	312
CONF	4/25/2011 3:35 PM	423
CONF	4/25/2011 3:35 PM	225
CONF	4/25/2011 3:35 PM	312
CONF	4/25/2011 3:45 PM	312
CONF	4/25/2011 4:00 PM	229
CONF	4/25/2011 4:00 PM	312
CONF	4/25/2011 4:00 PM	229
CONF	4/25/2011 7:00 PM	309
HMS-HUS	4/26/2011 8:00 AM	229
CONF	4/26/2011 8:30 AM	423
CONF	4/26/2011 9:30 AM	229
CONF	4/26/2011 9:30 AM	016
CONF	4/26/2011 9:45 AM	016
CONF	4/26/2011 10:00 AM	224
CONF	4/26/2011 10:40 AM	229
CONF	4/26/2011 10:50 AM	229
CONF	4/26/2011 11:00 AM	423

CONF	4/26/2011 11:00 AM	229
CONF	4/26/2011 1:30 PM	329
CONF	4/26/2011 1:30 PM	224
CONF	4/26/2011 1:30 PM	229
CONF	4/26/2011 2:00 PM	224
CONF	4/26/2011 2:00 PM	325
CONF	4/26/2011 2:00 PM	016
CONF	4/26/2011 2:00 PM	325
CONF	4/26/2011 2:05 PM	016
CONF	4/26/2011 2:30 PM	325
CONF	4/26/2011 2:30 PM	229
CONF	4/26/2011 2:30 PM	312
CONF	4/26/2011 3:00 PM	224
CONF	4/26/2011 3:15 PM	224
CONF	4/26/2011 3:30 PM	224
CONF	4/26/2011 3:30 PM	312
CONF	4/26/2011 4:00 PM	224
CONF	4/27/2011 9:30 AM	229
CONF	4/27/2011 11:00 AM	229
CONF	4/27/2011 3:30 PM	225
CONF	4/28/2011 1:45 PM	312
CONF	4/28/2011 2:30 PM	325

- Senate Session will convene at 11:30 a.m. on Tuesday, April 26, 2011.

13. Adjournment