

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

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FIFTY-SEVENTH DAY

APRIL 28, 2011-THURSDAY-6:30 O'CLOCK P.M.

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ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 197 and 1119-1129

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">G.M. No. 197</a>	Dated April 1, 2011, transmitting the 2010 Annual Report of the State of Hawaii Overseas Offices, prepared by the Department of Business, Economic Development & Tourism pursuant to Section 201-84, HRS.	FILE
<a href="#">G.M. No. 1119</a>	Informing the Senate that on April 27, 2011, the Governor signed the following bill into law: <a href="#">HB112 HD1</a> (Act 019).  "RELATING TO CABLE TELEVISION SYSTEMS."	FILE
<a href="#">G.M. No. 1120</a>	Informing the Senate that on April 27, 2011, the Governor signed the following bill into law: <a href="#">SB675 SD1</a> (Act 020).  "RELATING TO STUDENT LOAN FUNDS."	FILE

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|--------------------------------------|---|------|
| <a href="#"><u>G.M. No. 1121</u></a> | Informing the Senate that on April 27, 2011, the Governor signed the following bill into law:<br><a href="#"><u>SB1484 SD1 HD2</u></a> (Act 021).<br><br>"RELATING TO INSURANCE."   | FILE |
| <a href="#"><u>G.M. No. 1122</u></a> | Informing the Senate that on April 27, 2011, the Governor signed the following bill into law:<br><a href="#"><u>SB698 SD2 HD1</u></a> (Act 022).<br><br>"RELATING TO ROADWAY MATERIALS."  | FILE |
| <a href="#"><u>G.M. No. 1123</u></a> | Informing the Senate that on April 27, 2011, the Governor signed the following bill into law:<br><a href="#"><u>HB1540</u></a> (Act 023).<br><br>"RELATING TO EDUCATION."   | FILE |
| <a href="#"><u>G.M. No. 1124</u></a> | Informing the Senate that on April 27, 2011, the Governor signed the following bill into law:<br><a href="#"><u>SB1171</u></a> (Act 024).<br><br>"RELATING TO EDUCATION."   | FILE |
| <a href="#"><u>G.M. No. 1125</u></a> | Informing the Senate that on April 27, 2011, the Governor signed the following bill into law:<br><a href="#"><u>SB1288 SD1 HD1</u></a> (Act 025).<br><br>"RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND."                         | FILE |
| <a href="#"><u>G.M. No. 1126</u></a> | Informing the Senate that on April 28, 2011, the Governor signed the following bill into law:<br><a href="#"><u>HB383</u></a> (Act 026).<br><br>"RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION." | FILE |

[G.M. No. 1127](#) Informing the Senate that on April 28, 2011, the Governor signed the following bill into law: FILE  
[HB775](#) (Act 027).

"RELATING TO THE PHOTO  
ENFORCEMENT REVOLVING FUND."

[G.M. No. 1128](#) Informing the Senate that on April 28, 2011, the Governor signed the following bill into law: FILE  
[HB1015 HD1](#) (Act 028).

"MAKING AN EMERGENCY  
APPROPRIATION OUT OF THE  
BROWNFIELDS CLEANUP REVOLVING  
LOAN FUND."

[G.M. No. 1129](#) Informing the Senate that on April 28, 2011, the Governor signed the following bill into law: FILE  
[HB1035 HD1](#) (Act 029).

"RELATING TO EMPLOYEES' RETIREMENT  
SYSTEM BENEFIT ENHANCEMENT  
MORATORIUM."

2. Departmental Communications: None

3. House Communication Nos. 688-690

Informing the Senate that on April 27, 2011, the House agreed to the amendments proposed by the Senate and that said bills passed Final Reading in the House:

REFERRAL

688 [H.B. No. 299, H.D. 1, S.D. 1](#) FILE  
"RELATING TO COURTS OF APPEAL."(Court of Appeals; Time Period for Filing Application for Writ of Certiorari)

[H.B. No. 519, H.D. 1, S.D. 2](#)  
"RELATING TO WORKERS'  
COMPENSATION."(Workers' Compensation)

Informing the Senate that on April 27, 2011, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bills:

689      [H.B. No. 1130, S.D. 1](#)      FILE  
"RELATING TO SERVICE OF  
PROCESS."(Service of Process; Access Policy)

[H.B. No. 1376, S.D. 1](#)  
"RELATING TO EVIDENCE."(News Media  
Privilege; Evidence)

[H.B. No. 1447, H.D. 2, S.D. 2](#)  
"RELATING TO THE PERMITTED  
TRANSFERS IN TRUST ACT."(Permitted  
Transfers in Trust Act)

Informing the Senate that on April 27, 2011, the House agreed to the amendments proposed by the Senate and that said resolution has been adopted in final form in the House:

690      [H.C.R. No. 60, S.D. 1](#)      FILE  
"RECOGNIZING APRIL AS SEXUAL  
ASSAULT AWARENESS AND PREVENTION  
MONTH."(Sexual Assault Awareness and  
Prevention Month)

4. Senate Communications: None
5. Judiciary Communications: None

6. Conference Committee Report No. 4-17 and 54-60

[4](#)  
(48 Hrs. Notice)

[S.B. No. 45, H.D. 1, C.D. 1](#)  
"RELATING TO PUBLIC SAFETY."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[5](#)  
(48 Hrs. Notice)

[S.B. No. 283, S.D. 1, H.D. 1, C.D. 1](#)  
"RELATING TO SUSTAINABILITY."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[6](#)  
(48 Hrs. Notice)

[S.B. No. 1278, S.D. 1, H.D. 2, C.D. 1](#)  
"RELATING TO INSURANCE."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[7](#)  
(48 Hrs. Notice)

[S.B. No. 281, S.D. 2, H.D. 2, C.D. 1](#)  
"RELATING TO ANIMAL INDUSTRY."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[8](#)  
(48 Hrs. Notice)

[S.B. No. 1493, S.D. 1, H.D. 3, C.D. 1](#)  
"RELATING TO LIGHT POLLUTION."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[9](#)  
(48 Hrs. Notice)

[S.B. No. 631, S.D. 1, H.D. 2, C.D. 1](#)  
"RELATING TO RENEWABLE ENERGY."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[10](#)  
(48 Hrs. Notice)

[S.B. No. 101, S.D. 1, H.D. 2, C.D. 1](#)  
"RELATING TO HEALTH."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[11](#)  
(48 Hrs. Notice)

[S.B. No. 105, S.D. 2, H.D. 1, C.D. 1](#)  
"RELATING TO UNIFORM REAL  
PROPERTY TRANSFER ON DEATH."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[12](#)  
(48 Hrs. Notice)

[S.B. No. 975, S.D. 1, H.D. 2, C.D. 1](#)  
"RELATING TO APPRAISALS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[13](#)  
(48 Hrs. Notice)

[S.B. No. 1519, S.D. 3, H.D. 2, C.D. 1](#)  
"RELATING TO MORTGAGE LOAN  
ORIGINATORS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[14](#)  
(48 Hrs. Notice)

[S.B. No. 44, S.D. 1, H.D. 1, C.D. 1](#)  
"RELATING TO PUBLIC SAFETY."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[15](#)  
(48 Hrs. Notice)

[S.B. No. 758, S.D. 1, H.D. 2, C.D. 1](#)  
"RELATING TO SMALL BUSINESS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[16](#)  
(48 Hrs. Notice)

[S.B. No. 1277, S.D. 2, H.D. 2, C.D. 1](#)  
"RELATING TO CONSUMER  
PROTECTION."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[17](#)  
(48 Hrs. Notice)

[S.B. No. 142, S.D. 1, H.D. 1, C.D. 1](#)  
"RELATING TO DAMS AND  
RESERVOIRS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[54](#)  
(48 Hrs. Notice)

[H.B. No. 866, H.D. 2, S.D. 2, C.D. 1](#)  
"RELATING TO AGRICULTURE."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[55](#)  
(48 Hrs. Notice)

[H.B. No. 319, H.D. 1, S.D. 1, C.D. 1](#)  
"RELATING TO OWNER-BUILDERS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[56](#)  
(48 Hrs. Notice)

[H.B. No. 663, H.D. 2, S.D. 2, C.D. 1](#)  
"RELATING TO CONTRACTS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[57](#)  
(48 Hrs. Notice)

[H.B. No. 680, S.D. 2, C.D. 1](#)  
"RELATING TO KAKAAKO."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[58](#)  
(48 Hrs. Notice)

[H.B. No. 931, S.D. 1, C.D. 1](#)  
"RELATING TO SMALL BOAT  
HARBORS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[59](#)  
(48 Hrs. Notice)

[H.B. No. 227, H.D. 2, S.D. 2, C.D. 1](#)  
"RELATING TO TRESPASS."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

[60](#)  
(48 Hrs. Notice)

[H.B. No. 985, H.D. 2, S.D. 2, C.D. 1](#)  
"RELATING TO PROCUREMENT."  
(Recommends passage on FINAL READING  
as amended C.D. 1)

7. Standing Committee Report No. 1405

[1405](#) (TSM/EDU)  
(One Day Notice)

[H.C.R. No. 273](#)  
"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."  
(Recommends Adoption)

ORDER OF THE DAY

8. Deferred Matters – Agree / Disagree

HSE. COM. NO.

REFERRAL

682

[S.C.R. No. 124, S.D. 2, H.D. 1](#)  
"URGING THE CONVENING OF TASK  
FORCES TO DEVELOP COMMUNITY  
BENEFITS PACKAGES FOR THE  
NEIGHBORHOODS LOCATED NEAREST  
TO LANDFILLS."(Landfills; Community  
Benefits Task Force; Creation)

AGREE/DISAGREE



9. Final Adoption

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

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

"ENCOURAGING FURTHER  
IMPLEMENTATION OF HOUSING FIRST  
PROGRAMS AND SERVICES TO  
COMBAT CHRONIC HOMELESSNESS."

(Housing First; Homelessness)

10. Adopt Resolutions – Referrals Waived

[H.C.R. No. 78](#)

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

"REQUESTING THE DEPARTMENT OF  
LAND AND NATURAL RESOURCES  
AND THE CITY AND COUNTY OF  
HONOLULU TO AGREE TO A FINAL  
DETERMINATION REGARDING THE  
OWNERSHIP AND JURISDICTION OF AN  
UNIMPROVED SECTION OF  
KAIMAKANI STREET."

(Ownership of Kaimakani Street; DLNR; City  
and County of Honolulu)

[H.C.R. No. 86](#)

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

"URGING CONGRESS AND THE  
PRESIDENT OF THE UNITED STATES TO  
SUPPORT THE FILIPINO VETERANS  
FAMILY REUNIFICATION ACT OF 2009,  
OR SIMILAR LEGISLATION, TO  
EXPEDITE FAMILY REUNIFICATION  
FOR CERTAIN FILIPINO VETERANS OF  
WORLD WAR II."

(Filipino Veterans; Family Reunification)

[H.C.R. No. 126, H.D. 1](#)

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

"REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO DETERMINE THE FEASIBILITY OF ESTABLISHING AN EARNED-TIME PROGRAM FOR HAWAII'S NON-VIOLENT AND LOW-LEVEL DRUG OFFENDERS."

(Earned-Time Program)

[H.C.R. No. 163](#)

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

"REQUESTING THE GOVERNOR TO SET ASIDE AND TRANSFER SIXTY ACRES OF LAND TO SUPPORT THE ESTABLISHMENT OF A WEST HAWAII MULTI-PURPOSE AND INTERGENERATIONAL VETERANS CENTER."

(Set Aside; West Hawaii Veterans Council)

[H.C.R. No. 253, H.D. 1](#)

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

"URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS."

(Filipino War Veterans; Benefits)

[H.C.R. No. 263, H.D. 2](#)

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

"URGING THE USE OF CERTIFIED FIRE-RETARDANT COATINGS IN NEWLY-CONSTRUCTED ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS, AND IN CONDOMINIUMS AND OTHER HIGH RISES THAT DO NOT HAVE SPRINKLER SYSTEMS."

(Fire Sprinklers; Fire-Retardant Coating; Dwellings)

11. Miscellaneous Communications: None

12. Miscellaneous Business

- Waiver of Referral; One Day Notice for Adoption

<a href="#"><u>H.C.R. No. 104, H.D. 1</u></a>	TIA/WLH	"REQUESTING THE SUPPORT OF THE DEPARTMENT OF TRANSPORTATION, IN CONSULTATION WITH THE BOARD OF LAND AND NATURAL RESOURCES, FOR A STUDY ON REDUCING THE SEWER AND UTILITY LINE LOAD BY REPAIRING AN ARTERY TO ALLOW TRADITIONAL WATER FLOW TO KALAUHA‘IHA‘I FISHPOND AND MAUNALUA BAY."
<a href="#"><u>H.C.R. No. 27</u></a>	PGM/WAM	"URGING THE HONOLULU CITY COUNCIL TO EXTEND HISTORIC PROPERTY TAX EXEMPTIONS TO INFILL HOMES WITHIN THE EWA VILLAGES HISTORIC DISTRICT."
<a href="#"><u>H.C.R. No. 183</u></a>	PGM/WAM	"REQUESTING APPLICATION FOR, GRANTING OF, AND FISCAL SUPPORT FOR EMERGENCY RELIEF AND EMERGENCY PREVENTION EFFORTS FOR THE COUNTY OF HAWAII AND THE COUNTY OF MAUI IN THE WAKE OF THE MARCH 2011 TSUNAMI."

<a href="#">H.C.R. No. 208</a>	PGM/WAM	"REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO STUDY THE FEASIBILITY OF ESTABLISHING A PUBLIC-PRIVATE CORRECTIONAL PARTNERSHIP FOR THE CONSTRUCTION AND OPERATION OF PRISONS IN HAWAII."
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- Reconsideration of Disagreement to House Amendments; Agree; One Day Notice for Final Reading

<a href="#">S.B. No. 173, S.D. 2, H.D. 2</a>	PGM, JDL	"RELATING TO FIRE PROTECTION."
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<a href="#">S.B. No. 1040, S.D. 1, H.D. 2</a>	JDL, WAM	"RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW."
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<a href="#">S.B. No. 1069, S.D. 1, H.D. 1</a>	JDL	"RELATING TO CRUELTY TO ANIMALS."
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<a href="#">S.B. No. 1489, S.D. 1, H.D. 1</a>	JDL, WAM	"RELATING TO ATTORNEY'S LIENS."
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<a href="#">S.B. No. 1533, S.D. 1, H.D. 1</a>	JDL	"RELATING TO CRUELTY TO ANIMALS."
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<a href="#">S.B. No. 1153, S.D. 1, H.D. 2</a>	AGL, WAM	"RELATING TO AGRICULTURAL LOANS."
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### 13. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE &amp; TIME</u>	<u>ROOM</u>
CONF	4/28/2011 8:00 PM	325
CONF	4/28/2011 8:30 PM	325
CONF	4/28/2011 9:00 PM	325
CONF	4/29/2011 9:00 AM	312
CONF	4/29/2011 9:30 AM	229
CONF	4/29/2011 9:30 AM	016
CONF	4/29/2011 9:45 AM	224
CONF	4/29/2011 10:00 AM	229
CONF	4/29/2011 11:00 AM	229
CONF	4/29/2011 11:00 AM	423
CONF	4/29/2011 11:00 AM	229
CONF	4/29/2011 11:00 AM	309
CONF	4/29/2011 12:55 PM	224
CONF	4/29/2011 1:30 PM	329
WLH	4/29/2011 2:00 PM	224

- Senate Session will convene at 6:30 p.m. on Friday, April 29, 2011.

### 14. Adjournment