

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

FIFTY-EIGHTH DAY

APRIL 29, 2011-FRIDAY-6:30 O'CLOCK P.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 1130-1133

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 1130	Informing the Senate that on April 28, 2011, the Governor signed the following bill into law: SB1293 HD2 (Act 030). "MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES."	FILE
G.M. No. 1131	Informing the Senate that on April 29, 2011, the Governor signed the following bill into law: SB1301 SD1 HD1 (Act 031). "RELATING TO FAIR HOUSING EXEMPTIONS."	FILE

[G.M. No. 1132](#) Informing the Senate that on April 29, 2011, the Governor signed the following bill into law: FILE
[SB1318 SD1](#) (Act 032).

"RELATING TO USE TAX."

[G.M. No. 1133](#) Informing the Senate that on April 29, 2011, the Governor signed the following bill into law: FILE
[SB1260 SD1](#) (Act 033).

"RELATING TO PUBLIC FINANCE."

2. Departmental Communications: None

3. House Communication Nos. 691-694

Informing the Senate that on April 28, 2011, the House agreed to the amendments proposed by the Senate and that said bills passed Final Reading in the House: REFERRAL

691 [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 28, 2011, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bills:

692

[H.B. No. 467, H.D. 2, S.D. 1](#)

FILE

"RELATING TO WHISTLEBLOWERS' PROTECTION."(Employment Practices; Whistleblowers' Protection)

[H.B. No. 924, H.D. 2, S.D. 2](#)

"RELATING TO INSURANCE."(Commercial Liability Insurance Policies; Construction Professionals)

[H.B. No. 1056, H.D. 1, S.D. 2](#)

"RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS."(Relating to the Certification of Principals and Vice-Principals)

[H.B. No. 1107, H.D. 1, S.D. 2](#)

"RELATING TO THE HAWAII NATIONAL GUARD."(National Guard; Non-Lethal Weapons; Electric Guns)

[H.B. No. 1434, H.D. 2, S.D. 1](#)

"RELATING TO PUBLIC WORK PROJECTS."(Public Work Projects; Hours and Wages; Violations)

Informing the Senate that on April 28, 2011, the House agreed to the amendments proposed by the Senate and that said resolution has been adopted in final form in the House:

693

[H.C.R. No. 309, H.D. 1, S.D. 1](#)

FILE

"REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND WEEK OF AUGUST OF EVERY YEAR AS "HAWAII STATE ASSISTANCE DOGS WEEK"."(Hawaii State Assistance Dogs Week)

Returning the following Senate Concurrent Resolution which was adopted by the House on April 28, 2011:

694

[S.C.R. No. 79, S.D. 1](#)

FILE

"REQUESTING THE BOARD OF EDUCATION TO REVIEW ITS BY-LAWS AND POLICIES AND APPLICABLE ADMINISTRATIVE RULES AND STATUTES TO IMPROVE THE EFFECTIVENESS OF THE EDUCATIONAL DELIVERY SYSTEM." (Board of Education; Department of Education, By-laws; Polices)

4. Senate Communications: None
5. Judiciary Communications: None
6. Conference Committee Reports: Nos. 34-39 and 84-87

[34](#)
(48 Hrs. Notice)

[S.B. No. 285, S.D. 2, H.D. 2, C.D. 1](#)
"RELATING TO HEALTH."
(Recommends passage on FINAL READING as amended C.D. 1)

[35](#)
(48 Hrs. Notice)

[S.B. No. 1394, S.D. 1, H.D. 1, C.D. 1](#)
"RELATING TO HAWAII PUBLIC HOUSING AUTHORITY."
(Recommends passage on FINAL READING as amended C.D. 1)

[36](#)
(48 Hrs. Notice)

[S.B. No. 806, S.D. 1, H.D. 2, C.D. 1](#)
"RELATING TO TEACHERS."
(Recommends passage on FINAL READING as amended C.D. 1)

[37](#)
(48 Hrs. Notice)

[S.B. No. 1511, S.D. 1, H.D. 2, C.D. 1](#)
"RELATING TO AQUACULTURE."
(Recommends passage on FINAL READING
as amended C.D. 1)

[38](#)
(48 Hrs. Notice)

[S.B. No. 1290, S.D. 1, H.D. 2, C.D. 1](#)
"RELATING TO THE HAWAIIAN HOMES
COMMISSION ACT, 1920, AS
AMENDED."
(Recommends passage on FINAL READING
as amended C.D. 1)

[39](#)
(48 Hrs. Notice)

[S.B. No. 1331, S.D. 2, H.D. 2, C.D. 1](#)
"RELATING TO THE UNIVERSITY OF
HAWAII."
(Recommends passage on FINAL READING
as amended C.D. 1)

[84](#)
(48 Hrs. Notice)

[H.B. No. 945, H.D. 2, S.D. 1, C.D. 1](#)
"RELATING TO EDUCATION."
(Recommends passage on FINAL READING
as amended C.D. 1)

[85](#)
(48 Hrs. Notice)

[H.B. No. 4, H.D. 2, S.D. 2, C.D. 1](#)
"RELATING TO THE INTERSTATE
COMPACT ON EDUCATIONAL
OPPORTUNITY FOR MILITARY
CHILDREN."
(Recommends passage on FINAL READING
as amended C.D. 1)

[86](#)
(48 Hrs. Notice)

[H.B. No. 739, H.D. 2, S.D. 1, C.D. 1](#)
"RELATING TO COMMUNITY CARE
FOSTER FAMILY HOMES."
(Recommends passage on FINAL READING
as amended C.D. 1)

[87](#)
(48 Hrs. Notice)

[H.B. No. 605, H.D. 2, S.D. 2, C.D. 1](#)
"RELATING TO PUBLIC SAFETY."
(Recommends passage on FINAL READING
as amended C.D. 1)

ORDER OF THE DAY

7. Adopt Resolutions

[1405](#) TSM/EDU
[Testimony](#) [Prior](#)
[Versions](#) [Status](#)

[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."

Adopt Resolutions – Referrals Waived

[H.C.R. No. 27](#)
[Testimony](#) [Prior Versions](#) [Status](#)

"URGING THE HONOLULU CITY
COUNCIL TO EXTEND HISTORIC
PROPERTY TAX EXEMPTIONS TO
INFILL HOMES WITHIN THE EWA
VILLAGES HISTORIC DISTRICT."

(Historical Property Tax Exemption for Infill
Homes)

[H.C.R. No. 104, H.D. 1](#)

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

"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."

(Kalauhaihai fishpond)

[H.C.R. No. 183](#)

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

"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."

(Tsunami; Emergency Relief; County of Hawaii and Maui)

[H.C.R. No. 208](#)

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

"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."

(Public-Private Correctional Partnership for Construction and Operation of Prisons in Hawaii; Feasibility Study)

8. Final Reading

[Conf. Com. Rep. No. 2](#)

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

[S.B. No. 172, S.D. 2, H.D. 2, C.D. 1](#)

"RELATING TO FIREWORKS."

(Fire Protection; Fireworks; Inventory; Labeling; Importation; Permit Revocation or Suspension)

[Conf. Com. Rep. No. 3](#)

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

[S.B. No. 1483, S.D. 1, H.D. 1, C.D. 1](#)

"RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E)."

(Condominium Associations; Maintenance of Time Share Owner Records)

[Conf. Com. Rep. No. 51](#)

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

[H.B. No. 1094, H.D. 1, S.D. 2, C.D. 1](#)

"RELATING TO COMMERCIAL DRIVER LICENSING."

(Commercial Driver Licensing)

[Conf. Com. Rep. No. 52](#)

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

[H.B. No. 1241, H.D. 2, S.D. 2, C.D. 1](#)

"RELATING TO ABANDONED VEHICLES."

(Abandoned Vehicles; Repossession; Disposal)

[Conf. Com. Rep. No. 53](#)

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

[H.B. No. 555, H.D. 1, S.D. 1, C.D. 1](#)

"RELATING TO GRAFFITI."

(Graffiti; Sentencing)

[S.B. No. 173, S.D. 2, H.D. 2](#)

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

"RELATING TO FIRE PROTECTION."

(Public Safety; Fire Protection; Novelty Lighters)

[S.B. No. 1040, S.D. 1, H.D. 2](#)

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

"RELATING TO THE HAWAII
OCCUPATIONAL SAFETY AND HEALTH
LAW."

(Occupational Safety and Health)

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

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

"RELATING TO CRUELTY TO
ANIMALS."

(Crimes; Dog Fighting; Animal Cruelty)

[S.B. No. 1153, S.D. 1, H.D. 2](#)

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

"RELATING TO AGRICULTURAL
LOANS."

(Agricultural Loans; New Farmer Program;
Appropriation)

[S.B. No. 1489, S.D. 1, H.D. 1](#)

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

"RELATING TO ATTORNEY'S LIENS."

(Attorney's Lien)

[S.B. No. 1533, S.D. 1, H.D. 1](#)

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

"RELATING TO CRUELTY TO
ANIMALS."

(Cruelty to Animals; Exception for Insects,
Vermin, and Other Pests)

9. Miscellaneous Communications: None

10. Miscellaneous Business

- Waiver of Referral; One Day Notice for Adoption

[S.R. No. 45, S.D. 1](#)

PGM, WAM

"REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO RETURN HAWAII PRISONERS HELD IN MAINLAND FACILITIES AND TO CONSIDER CONSTRUCTION OF A NEW PRISON, RE-ENTRY CENTER, OR OTHER CORRECTIONAL FACILITY ON THE BIG ISLAND."

[S.R. No. 70, S.D. 1](#)

WLH/JDL, WAM

"REQUESTING THE AUDITOR TO CONDUCT AN AUDIT RELATING TO GEOTHERMAL RESOURCES."

[H.C.R. No. 298, H.D. 1](#)

EDT/AGL

"REQUESTING THAT THE ASIA-PACIFIC ECONOMIC COOPERATION HOST COMMITTEE SELECT PRODUCTS UNIQUE TO HAWAII THAT SHOWCASE HAWAII'S EXCELLENCE IN AGRICULTURE."

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

[S.B. No. 11, S.D. 2, H.D. 2](#)

PGM, WAM

"RELATING TO THE DEPARTMENT OF THE SHERIFF."

11. Announcements

- Senate Session will convene at 9:00 a.m. on Tuesday, May 3, 2011.

12. Adjournment