

THE SENATE  
OF THE  
TWENTY-SIXTH LEGISLATURE  
STATE OF HAWAII  
REGULAR SESSION OF 2012

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FORTY-THIRD DAY

APRIL 3, 2012-TUESDAY-11:30 O'CLOCK A.M.

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ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

- Floor Presentation:

CONGRATULATING THE HONORABLE DANIEL K. AKAKA ON HIS SELECTION FOR THE HARRY S. TRUMAN AWARD BY THE NATIONAL GUARD ASSOCIATION OF THE UNITED STATES. (Senator Kim)

1. Messages from the Governor: No. 235

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">G.M. No. 235</a>	Dated March 19, 2012, transmitting the 2010-2011 Annual Report of the Hawaii State Foundation on Culture and the Arts pursuant to Section 9-3, HRS.	FILE

2. Departmental Communications: None

3. House Communication Nos. 347-353

Informing the Senate that on April 2, 2012, the following House Concurrent Resolutions were adopted in the House:

REFERRAL

347 [H.C.R. No. 92](#)  
"URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ADOPT THE VETERANS REMEMBERED FLAG."(Veterans; Flag)

348 [H.C.R. No. 109](#)  
"URGING CONGRESS TO CREATE A SEPARATE BRANCH OF THE UNITED STATES ARMED FORCES TO COMBAT CYBER CRIMES, CYBER WARFARE, AND CYBER TERRORISM."(Cyber Terrorism; United States Armed Forces)

Returning the following Senate Bills which passed Third Reading in the House on April 2, 2012, in an amended form:

349 [S.B. No. 2222, S.D. 2, H.D. 1](#) AGREE/DISAGREE  
"RELATING TO SEXUAL IMAGES PRODUCED BY MINORS."(Sexual Images Produced by Minors)

350 [S.B. No. 2247, S.D. 2, H.D. 1](#) AGREE/DISAGREE  
"RELATING TO PUBLIC SAFETY."(Electronic Communication Service Providers; Disclosure; Emergencies)

Returning the following Senate Bills which passed Third Reading in the House on April 2, 2012:

351 [S.B. No. 2518, S.D. 1](#) FILE  
"RELATING TO MOTOR AND OTHER VEHICLES."(Driver's License; Active Duty Military; Dependents)



[2](#)  
(One Day Notice)

SCA-01

[S.R. No. 21, S.D. 1](#)  
"REQUESTING THE AUDITOR TO  
CONDUCT AUDITS OF STATE  
DEPARTMENT OPERATIONS THAT  
RESULT IN HIGH NON-BASE  
COMPENSATION OF STATE AND  
COUNTY EMPLOYEES, PAY FOR NOT  
WORKING, AND SALARY  
OVERPAYMENTS." (AMENDED TITLE)  
(Recommends Adoption)

7. Standing Committee Report Nos. 3136-3157

[3136](#)  
(48 Hrs. Notice)

(CPN)

[H.B. No. 2258, H.D. 2, S.D. 1](#)  
"RELATING TO PROFESSIONAL AND  
VOCATIONAL LICENSING."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[3137](#)  
(One Day Notice)

(CPN)

[H.B. No. 2628, H.D. 2](#)  
"RELATING TO THE RESIDENTIAL  
LANDLORD-TENANT CODE."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

[3138](#)  
(One Day Notice)

(CPN)

[H.B. No. 1965](#)  
"RELATING TO CONTINUING  
EDUCATION FOR PHARMACISTS."  
(Recommends passage on SECOND  
READING and placement on the calendar for  
Third Reading)

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| <a href="#">3139</a><br>(48 Hrs. Notice) | (CPN) | <a href="#">H.B. No. 2272, H.D. 2, S.D. 1</a><br>"RELATING TO PROFESSIONS AND VOCATIONS."<br>(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)              |
| <a href="#">3140</a><br>(48 Hrs. Notice) | (CPN) | <a href="#">H.B. No. 2242, H.D. 1, S.D. 1</a><br>"RELATING TO CONTINUING EDUCATION FOR VETERINARIANS."<br>(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading) |
| <a href="#">3141</a><br>(48 Hrs. Notice) | (CPN) | <a href="#">H.B. No. 1879, H.D. 2, S.D. 1</a><br>"RELATING TO THE ONE CALL CENTER."<br>(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)                    |
| <a href="#">3142</a><br>(48 Hrs. Notice) | (EDU) | <a href="#">H.B. No. 1054, H.D. 1, S.D. 1</a><br>"RELATING TO EDUCATION."<br>(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)                              |
| <a href="#">3143</a><br>(48 Hrs. Notice) | (JDL) | <a href="#">H.B. No. 626, S.D. 1</a><br>"RELATING TO THE HAWAII UNIFORM COLLABORATIVE LAW ACT."<br>(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)        |

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| <a href="#">3144</a><br>(48 Hrs. Notice) | (JDL) | <a href="#">H.B. No. 1771, H.D. 1, S.D. 1</a><br>"RELATING TO FELONIES FOR WHICH<br>CRIMINAL CHARGES MAY BE<br>INSTITUTED BY WRITTEN<br>INFORMATION."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading) |
| <a href="#">3145</a><br>(48 Hrs. Notice) | (JDL) | <a href="#">H.B. No. 2296, H.D. 1, S.D. 1</a><br>"RELATING TO ANIMAL WELFARE."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)  |
| <a href="#">3146</a><br>(One Day Notice) | (JDL) | <a href="#">H.B. No. 2587, H.D. 1</a><br>"RELATING TO SAILING SCHOOL<br>VESSELS."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)   |
| <a href="#">3147</a><br>(48 Hrs. Notice) | (JDL) | <a href="#">H.B. No. 2686, H.D. 1, S.D. 1</a><br>"RELATING TO CIVIL LIABILITY."<br>(Recommends passage on <u>SECOND</u><br><u>READING</u> and placement on the calendar for<br>Third Reading)   |
| <a href="#">3148</a><br>(One Day Notice) | (JDL) | <a href="#">H.B. No. 2533, H.D. 2</a><br>"RELATING TO THE DEFINITION OF<br>AGGRAVATED CIRCUMSTANCES IN<br>THE CHILD PROTECTIVE ACT."<br>(Recommends passage on <u>THIRD</u><br><u>READING</u> )   |

<a href="#">3149</a> (One Day Notice)	(JDL)	<a href="#">H.B. No. 2162, H.D. 1</a> "RELATING TO UNIFORM COMMERCIAL CODE ARTICLE 9." (Recommends passage on <u>THIRD READING</u> )
<a href="#">3150</a> (One Day Notice)	(JDL)	<a href="#">H.B. No. 2181</a> "RELATING TO VACANCIES." (Recommends passage on <u>THIRD READING</u> )
<a href="#">3151</a> (One Day Notice)	(CPN)	<a href="#">H.B. No. 1964, H.D. 2</a> "RELATING TO HEALTH." (Recommends passage on <u>THIRD READING</u> )
<a href="#">3152</a> (One Day Notice)	(TIA)	<a href="#">S.C.R. No. 162, S.D. 1</a> "URGING HAWAII'S CONGRESSIONAL DELEGATION TO REQUEST THAT THE DIRECTOR OF THE OFFICE OF GLOBAL CHANGE OF THE UNITED STATES DEPARTMENT OF STATE PROPOSE TO THE CONFERENCE OF PARTIES FOR THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE THAT THE UNITED STATES HOST THE 2015 UNITED NATIONS CLIMATE CHANGE CONFERENCE IN HONOLULU, HAWAII." (Recommends Adoption)
<a href="#">3153</a> (One Day Notice)	(HMS/PGM)	<a href="#">S.R. No. 8</a> "REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE EFFORTS OF THE NATIONAL WOMEN'S HISTORY MUSEUM TO SECURE A PERMANENT HOME IN THE NATION'S CAPITAL." (Recommends Adoption)

[3154](#)  
(One Day Notice)

(HMS/PGM)

[S.C.R. No. 8](#)

"REQUESTING HAWAII'S  
CONGRESSIONAL DELEGATION TO  
SUPPORT THE EFFORTS OF THE  
NATIONAL WOMEN'S HISTORY  
MUSEUM TO SECURE A PERMANENT  
HOME IN THE NATION'S CAPITAL."  
(Recommends Adoption)

[3155](#)  
(One Day Notice)

(CPN/EDT)

[S.C.R. No. 97, S.D. 1](#)

"REQUESTING THE INSURANCE  
COMMISSIONER TO CONVENE A  
WORKING GROUP TO EXPLORE THE  
CREATION OF A WEB SERVICES-  
BASED DATABASE PROGRAM TO  
TRACK UNINSURED MOTORISTS."  
(AMENDED TITLE)  
(Recommends Adoption)

[3156](#)  
(One Day Notice)

(TIA)

[S.C.R. No. 73](#)

"URGING THE UNITED NATIONS TO  
GRANT TAIWAN PARTICIPATION AS  
AN OBSERVER IN THE UNITED  
NATIONS FRAMEWORK CONVENTION  
ON CLIMATE CHANGE CONFERENCE  
OF THE PARTIES MEETINGS."  
(Recommends Adoption)

[3157](#)  
(One Day Notice)

(TIA)

[S.R. No. 32](#)

"URGING THE UNITED NATIONS TO  
GRANT TAIWAN PARTICIPATION AS  
AN OBSERVER IN THE UNITED  
NATIONS FRAMEWORK CONVENTION  
ON CLIMATE CHANGE CONFERENCE  
OF THE PARTIES MEETINGS."  
(Recommends Adoption)



ORDER OF THE DAY

8. Deferred Matters

Deferred Matters - Agree/Disagree

<u>HSE. COM. NO.</u>		<u>REFERRAL</u>
331	<a href="#">S.B. No. 2503, S.D. 1, H.D. 1</a> "RELATING TO ANIMAL CRUELTY."(Cruelty to Animals; Equine Animals)	AGREE/DISAGREE
338	<a href="#">S.B. No. 3029, S.D. 1, H.D. 1</a> "RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES AND CLARIFYING LANGUAGE."(Revision Bill)	AGREE/DISAGREE

Deferred Matters - Adopt Resolutions

<a href="#">3077</a>	HWN/EDT	<a href="#">S.R. No. 51, S.D. 1</a> "REQUESTING THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND ECONOMIC DEVELOPMENT AND TECHNOLOGY TO CONVENE A SPECIAL TASK FORCE ON HAWAIIAN HISTORICAL SITES PRESERVATION." (AMENDED TITLE)
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[Prior Versions/Status &  
Testimony](#)

<a href="#">3078</a>	HWN/EDT	<a href="#">S.C.R. No. 107, S.D. 1</a> "REQUESTING THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND ECONOMIC DEVELOPMENT AND TECHNOLOGY TO CONVENE A SPECIAL TASK FORCE ON HAWAIIAN HISTORICAL SITES PRESERVATION." (AMENDED TITLE)
<a href="#">Prior Versions/Status &amp; Testimony</a>		

9. Advise and Consent

<a href="#">3133</a>	CPN	<a href="#">G.M. No. 750</a> "Submitting for consideration and confirmation to the Board of Private Detectives and Guards, Gubernatorial Nominee, EDWARD AKIONA, for a term to expire 6-30-2016."
<a href="#">Status &amp; Testimony</a>		

<a href="#">3134</a>	CPN	<a href="#">G.M. No. 675</a> "Submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, Gubernatorial Nominee, RICHARD J.Y. LOUIS, for a term to expire 6-30-2016."
<a href="#">Status &amp; Testimony</a>		

<a href="#">3135</a>	CPN	<a href="#">G.M. No. 618</a> "Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, Gubernatorial Nominee, SHERRY MENOR-MCNAMARA, for a term to expire 6-30-2015 (Replaces GM607)."
<a href="#">Status &amp; Testimony</a>		

<a href="#">3135</a>	CPN	<a href="#">G.M. No. 620</a> "Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, Gubernatorial Nominee, ROBERT HIROKAWA, for a term to expire 6-30-2014 (Replaces GM609)."
<a href="#">Status &amp; Testimony</a>		
<a href="#">3135</a>	CPN	<a href="#">G.M. No. 621</a> "Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, Gubernatorial Nominee, CLIFFORD ALAKAI, for a term to expire 6-30-2016 (Replaces GM610)."
<a href="#">Status &amp; Testimony</a>		
<a href="#">3135</a>	CPN	<a href="#">G.M. No. 622</a> "Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, Gubernatorial Nominee, GWEN RULONA, for a term to expire 6-30-2014 (Replaces GM611)."
<a href="#">Status &amp; Testimony</a>		
<a href="#">3135</a>	CPN	<a href="#">G.M. No. 623</a> "Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, Gubernatorial Nominee, CHRISTINE SAKUDA, for a term to expire 6-30-2015 (Replaces GM612)."
<a href="#">Status &amp; Testimony</a>		
<a href="#">3135</a>	CPN	<a href="#">G.M. No. 624</a> "Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, Gubernatorial Nominee, JOAN DANIELEY, for a term to expire 6-30-2015 (Replaces GM613)."
<a href="#">Status &amp; Testimony</a>		

[3135](#) CPN  
[Status & Testimony](#)

[G.M. No. 625](#)  
"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, Gubernatorial Nominee, JENNIFER DIESMAN, for a term to expire 6-30-2014 (Replaces GM614)."

[3135](#) CPN  
[Status & Testimony](#)

[G.M. No. 626](#)  
"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, Gubernatorial Nominee, MICHAEL GLEASON, for a term to expire 6-30-2015 (Replaces GM615)."

[3135](#) CPN  
[Status & Testimony](#)

[G.M. No. 628](#)  
"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, Gubernatorial Nominee, FAYE KURREN, for a term to expire 6-30-2014 (Replaces GM617)."

[3135](#) CPN  
[Status & Testimony](#)

[G.M. No. 643](#)  
"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Connector, Gubernatorial Nominee, CLEMENTINA CERIA-ULEP, for a term to expire 6-30-2014."

#### 10. Adopt Resolutions

[3130](#) WLH/AGL  
[Prior Versions/Status & Testimony](#)

[S.C.R. No. 157, S.D. 1](#)  
"REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EXAMINE STATE REGULATION OF THE HARVESTING OF HAWAIIAN SANDALWOOD."

[3131](#) WLH/AGL  
[Prior Versions/Status &  
Testimony](#)

[S.R. No. 93, S.D. 1](#)  
"REQUESTING THE ESTABLISHMENT  
OF A TASK FORCE TO EXAMINE STATE  
REGULATION OF THE HARVESTING OF  
HAWAIIAN SANDALWOOD."

[3132](#) ENE/WLH  
[Prior Versions/Status &  
Testimony](#)

[S.R. No. 25, S.D. 1](#)  
"URGING THE PUBLIC LAND  
DEVELOPMENT CORPORATION TO  
IDENTIFY PUBLIC TRUST LAND ON  
THE ISLANDS OF HAWAII AND MAUI  
WITH GEOTHERMAL RESOURCES  
THAT MAY BE DEVELOPED AND TO  
WORK WITH THE DEPARTMENT OF  
LAND AND NATURAL RESOURCES TO  
DEVELOP AND IMPLEMENT  
GEOTHERMAL DEVELOPMENT  
PROJECTS ON PUBLIC TRUST LAND ON  
THE ISLANDS OF HAWAII AND MAUI."  
(AMENDED TITLE)

11. Referrals and Re-Referrals

REFERRALS FOR TUESDAY, APRIL 3, 2012

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">H.C.R. 37</a>	REQUESTING THE UNITED STATES CONGRESS TO PASS LEGISLATION THAT REQUIRES INTERNET RETAILERS TO OFFER SHIPPING FEES FOR POSTAGE TO ALASKA AND HAWAII THAT ARE COMPARABLE TO SHIPPING FEES FOR POSTAGE TO THE FORTY-EIGHT CONTIGUOUS STATES. (Requesting Congress to pass legislation that requires internet retailers to offer shipping and handling fees for postage to Alaska and Hawaii that are comparable to shipping and handling fees for postage to the forty-eight contiguous states.)	PGM/EDT, CPN
<a href="#">H.C.R. 39</a>	AFFIRMING THE LEGISLATURE'S SUPPORT OF THE FEDERAL AVIATION ADMINISTRATION'S CURRENT RULES AND SAFETY GUIDELINES RELATING TO UNMANNED AIRCRAFT. (FAA; Drones)	TIA/PGM
<a href="#">H.C.R. 48, H.D. 1</a>	DECLARING SATURDAYS AND SUNDAYS TO BE "EAT LOCAL, BUY LOCAL" DAY IN HAWAII AND ENCOURAGING FAMILIES, RESTAURANTS, AND GROCERS TO BUY HAWAII-GROWN FOODS, FLOWERS, AND PRODUCE. ("Declaring Saturdays and Sundays to be "Eat Local, Buy Local" Day in Hawaii and Encouraging Families, Restaurants, and Grocers to Buy Hawaii-Grown Foods, Flowers, and Produce.)	AGL

<a href="#">H.C.R. 142</a>	AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT HONOKAWAI, LAHAINA, MAUI, FOR SEAWALL PURPOSES. (State Submerged Lands; Non-Exclusive Easement; Lahaina, Maui)	WLH
<a href="#">H.C.R. 143</a>	AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT, COVERING A PORTION OF STATE SUBMERGED LANDS AT MAHINAHINA, LAHAINA, MAUI, FOR RUBBLE ROCK REVETMENT PURPOSES. (Submerged State Lands; Non-Exclusive Easement; Lahaina, Maui)	WLH
<a href="#">H.C.R. 144</a>	REQUESTING THAT DEVELOPERS AND COUNTY PLANNING DEPARTMENTS ENCOURAGE SMALLER AND CHEAPER HOUSING. (Affordable housing; Construction)	WLH/PGM
<a href="#">H.C.R. 150</a>	DECLARING THE MONTH OF APRIL OF EACH YEAR AS AUTISM AWARENESS MONTH IN HAWAII. (Autism Awareness Month; April; Outreach and Awareness on Autism)	HTH
<a href="#">H.C.R. 186</a>	REQUESTING THE WEEK OF OCTOBER 1 THROUGH 7, 2012, TO BE RECOGNIZED AS "HAWAII FISHING AND SEAFOOD WEEK". (Hawaii Fishing and Seafood Week; Sustainability)	EDT/WLH

RE-REFERRAL FOR TUESDAY, APRIL 3, 2012

<u>MEASURE</u>	<u>TITLE</u>	<u>RE-REFERRAL</u>
<a href="#">H.B. 254, H.D. 1</a>	RELATING TO PUBLIC ORDER. (Urinating and Defecating in Public) (JDL)	HTH/JDL

12. Miscellaneous Communications: None

13. Miscellaneous Business

14. Announcements

- Floor Presentations for Wednesday, April 4, 2012:

HONORING AND COMMENDING HAWAII'S INVASIVE SPECIES COMMITTEES AND DR. MOHSEN RAMADAN FOR THEIR EFFORTS TO KEEP HAWAII NATURALLY BEAUTIFUL. (Senator Gabbard)

COMMENDING AND RECOGNIZING SISTER AGNELLE CHING FOR HER OUTSTANDING CONTRIBUTIONS TO HAWAII. (Senator Chun Oakland)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE &amp; TIME</u>	<u>ROOM</u>
HMS/EDT	4/3/2012 1:00 PM	016
PGM/WLH	4/3/2012 1:10 PM	225
INFO-HMS-HUS	4/3/2012 1:15 PM	016
WLH/PGM/TIA	4/3/2012 1:15 PM	225
WLH/WAM	4/3/2012 2:35 PM	225
WLH/ENE/WAM	4/3/2012 2:40 PM	225
ENE/WAM	4/3/2012 2:45 PM	225
PGM/TIA	4/3/2012 2:45 PM	224
ENE/WLH	4/3/2012 2:50 PM	225
ENE/CPN	4/3/2012 3:00 PM	225
CPN/WAM	4/4/2012 8:45 AM	211
WAM	4/4/2012 9:05 AM	211
WAM	4/4/2012 9:10 AM	211
CPN	4/4/2012 9:30 AM	229
JDL	4/4/2012 10:00 AM	016
TIA/EDU	4/4/2012 1:15 PM	224
TIA	4/4/2012 1:16 PM	224
EDU	4/4/2012 1:30 PM	225
HWN/HMS	4/4/2012 2:45 PM	224
WAM	4/5/2012 9:30 AM	211
HMS	4/5/2012 1:15 PM	016
INFO-WLH	4/5/2012 1:15 PM	225



WLH	4/5/2012 1:25 PM	225
INFO-HTH-HMS-HUS	4/5/2012 2:30 PM	016
PGM	4/5/2012 2:45 PM	224
EDT	4/11/2012 1:15 PM	016
AGL	4/12/2012 2:45 PM	229
PGM	4/12/2012 2:45 PM	224
EDU	4/13/2012 1:15 PM	225

- Senate Session will convene at 11:30 a.m. on Wednesday, April 4, 2012.

#### 15. Adjournment