

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

FIFTY-THIRD DAY

APRIL 20, 2012-FRIDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 238, 924 and 1129

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 238	Dated April 16, 2012, transmitting the Quarterly Report on the Progress Made of All DOE's CIP Appropriations, prepared by the Department of Education pursuant to Act 164, SLH 2011.	FILE
G.M. No. 924	Informing the Senate that on April 19, 2012, the Governor has withdrawn JESSICA SCHLAIS, Gubernatorial Nominee to the Health Planning Council, West O'ahu Subarea, from consideration by the Senate (GM718).	FILE
G.M. No. 1129	Informing the Legislature that on April 19, 2012, the Governor signed the following bill into law: HB2600 HD2 (Act 029). "RELATING TO CONTROLLED SUBSTANCES."	FILE

2. Departmental Communications: None

3. House Communication Nos. 630-641

Returning the following Senate Concurrent Resolution which was adopted by the House on April 19, 2012:

REFERRAL

- | | | |
|-----|---|------|
| 630 | <p><u>S.C.R. No. 116</u>
"APPROVING THE SELECTION OF DANIEL KAHIKINA AKAKA TO BE INDUCTED INTO THE ALOHA ORDER OF MERIT."(Aloha Order of Merit; Daniel Kahikina Akaka)</p> <p>Informing the Senate that on April 19, 2012, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bills:</p> | FILE |
| 631 | <p><u>H.B. No. 1754, H.D. 1, S.D. 1</u>
"RELATING TO ELECTIONS."(Elections; Absentee Ballots; Unique Ballots; Office of Elections Package)</p> | FILE |
| 632 | <p><u>H.B. No. 2169, H.D. 2, S.D. 1</u>
"RELATING TO PUBLIC ACCOUNTANCY."(Public Accountancy; Peer Review; Attest)</p> | FILE |
| 633 | <p><u>H.B. No. 297, H.D. 1, S.D. 1</u>
"RELATING TO THE PROBATION SERVICES FEE."(Probation Services Fee; Deferred Plea)</p> <p><u>H.B. No. 626, S.D. 1</u>
"RELATING TO THE HAWAII UNIFORM COLLABORATIVE LAW ACT."(Uniform Collaborative Law Act)</p> <p><u>H.B. No. 1671, H.D. 2, S.D. 2</u>
"RELATING TO PROCUREMENT."(Procurement Code; Protest; Administrative Proceedings)</p> | FILE |

[H.B. No. 1967, H.D. 2, S.D. 2](#)

"RELATING TO MEDICAL CLAIM CONCILIATION."(Medical Claim Conciliation; Medical Inquiry and Conciliation Panels)

[H.B. No. 2374, S.D. 1](#)

"RELATING TO THE OFFICE OF LANGUAGE ACCESS."(Office of Language Access)

[H.B. No. 2454, H.D. 1, S.D. 1](#)

"RELATING TO THE RAP BACK PROGRAM OF THE HAWAII CRIMINAL JUSTICE DATA CENTER."(Hawaii Criminal Justice Data Center; Rap Back Program)

[H.B. No. 2574, H.D. 1, S.D. 1](#)

"RELATING TO NOTIFICATION OF CHAPTER 91 HEARINGS."(Notification of Chapter 91 Hearing; Department of Labor and Industrial Relations)

[H.B. No. 2656, H.D. 2, S.D. 2](#)

"RELATING TO AIR POLLUTION CONTROL."(Air Pollution Control; Permit; Crematoriums)

Informing the Senate that on April 19, 2012, the House appointed Conferees to the following bills:

634

[S.B. No. 240, S.D. 2, H.D. 2](#)

"RELATING TO PHYSICIAN WORKFORCE ASSESSMENT."(Physician Workforce Assessment Fee; John A. Burns School of Medicine)

Yamane/M. Lee, Co-Chrs.; Morikawa, Pine

FILE

635

[H.B. No. 1054, H.D. 1, S.D. 1](#)

"RELATING TO EDUCATION."(Education; Board of Education; State Libraries)

Takumi/Yamashita, Co-Chrs.; Hashem, Mizuno, Johanson

FILE

- 636 [S.B. No. 243, S.D. 2, H.D. 1](#) FILE
"RELATING TO THE WESTERN
INTERSTATE COMMISSION FOR HIGHER
EDUCATION."(WICHE; Professional Student
Exchange Program; Special Fund)

Nishimoto/Tokioka, Co-Chrs.; Nakashima, Saiki,
Johanson

Informing the Senate that on April 19, 2012, the
House made changes to conferee assignments to
the following bill:
- 637 [S.B. No. 1065, S.D. 1, H.D. 1](#) FILE
"RELATING TO COLLECTIVE
BARGAINING."(Collective Bargaining; State
Law Enforcement Officers; BU (14))

Added Representative Awana as a member.

Informing the Senate that on April 19, 2012, the
House discharged all conferees on the following
bills:
- 638 [H.B. No. 2454, H.D. 1, S.D. 1](#) FILE
"RELATING TO THE RAP BACK PROGRAM
OF THE HAWAII CRIMINAL JUSTICE DATA
CENTER."(Hawaii Criminal Justice Data Center;
Rap Back Program)

Discharged all conferees.
- 639 [H.B. No. 2374, S.D. 1](#) FILE
"RELATING TO THE OFFICE OF
LANGUAGE ACCESS."(Office of Language
Access)

Discharged all conferees.

Informing the Senate that on April 19, 2012, the House appointed Conferees to the following bills:

- | | | |
|-----|---|------|
| 640 | <u>S.B. No. 1382, S.D. 2, H.D. 1</u>
"RELATING TO EDUCATION."(Education; State Authorization; Federal Compliance; Licensing Principals, Vice-Principals, Teachers; HTSB)

Nishimoto/Takumi/Yamashita/Tokioka, Co-Chrs.; Belatti, Nakashima, Johanson | FILE |
| 641 | <u>H.B. No. 2152, H.D. 2, S.D. 2</u>
"RELATING TO WORKERS' COMPENSATION."(Workers' Compensation;)

Rhoads/McKelvey/Oshiro, Co-Chrs.; Yamashita, Johanson | FILE |

4. Senate Communications: None
5. Judiciary Communications: None
6. Introduction of Measures: Senate Concurrent Resolution No. 176

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<u>S.C.R. No. 176</u>	"REQUESTING THE GOVERNOR TO RETURN SENATE BILL NO. 650, H.D. 1, TO THE SENATE TO RECONSIDER ACTION TAKEN."	ADOPT

7. Standing Committee Report No. 3542

[3542](#) (PGM)
(One Day Notice)

[H.C.R. No. 92, S.D. 1](#)
"URGING THE PRESIDENT AND
CONGRESS OF THE UNITED STATES TO
CREATE AND ADOPT AN APPROPRIATE
FLAG HONORING VETERANS."
(AMENDED TITLE)
(Recommends Adoption)

ORDER OF THE DAY

8. Advise and Consent

[3535](#) JDL
[Status & Testimony](#)

[G.M. No. 645](#)
"Submitting for consideration and
confirmation to the Civil Rights Commission,
Gubernatorial Nominee, WALLACE
FUKUNAGA, for a term to expire 6-30-
2016."

[3535](#) JDL
[Status & Testimony](#)

[G.M. No. 646](#)
"Submitting for consideration and
confirmation to the Civil Rights Commission,
Gubernatorial Nominee, KIM COCO
IWAMOTO, for a term to expire 6-30-2016."

[3536](#) AGL
[Status & Testimony](#)

[G.M. No. 826](#)
"Submitting for consideration and
confirmation to the Board of Agriculture,
Gubernatorial Nominee, LYNN DECOITE,
for a term to expire 6-30-2016."

3536 Status & Testimony	AGL	G.M. No. 827 "Submitting for consideration and confirmation to the Board of Agriculture, Gubernatorial Nominee, GLENN HONG, for a term to expire 6-30-2016 (Term amended to 6-30-2013 by GM922)."
3537 Status & Testimony	AGL	G.M. No. 863 "Submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, Gubernatorial Nominee, PATRICK KOBAYASHI, for a term to expire 6-30-2016."
3537 Status & Testimony	AGL	G.M. No. 864 "Submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, Gubernatorial Nominee, DEREK KURISU, for a term to expire 6-30-2015."
3537 Status & Testimony	AGL	G.M. No. 865 "Submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, Gubernatorial Nominee, LETITIA UYEHARA, for a term to expire 6-30-2016."
3538 Status & Testimony	AGL	G.M. No. 873 "Submitting for consideration and confirmation to the Advisory Committee on Pesticides, Gubernatorial Nominee, PATRICK BILY, for a term to expire 6-30-2015."

[3538](#) AGL
[Status & Testimony](#)

[G.M. No. 874](#)
"Submitting for consideration and confirmation to the Advisory Committee on Pesticides, Gubernatorial Nominee, QING XIAO LI, for a term to expire 6-30-2015."

[3538](#) AGL
[Status & Testimony](#)

[G.M. No. 875](#)
"Submitting for consideration and confirmation to the Advisory Committee on Pesticides, Gubernatorial Nominee, REBECCA CAROL TAYLOR, for a term to expire 6-30-2015."

9. Adopt Resolutions

[3539](#) WLH
[Prior Versions/Status & Testimony](#)

[H.C.R. No. 142](#)
"AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT HONOKAWAI, LAHAINA, MAUI, FOR SEAWALL PURPOSES."

[3540](#) WLH
[Prior Versions/Status & Testimony](#)

[H.C.R. No. 143, S.D. 1](#)
"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."

<u>3541</u>	WLH	<u>H.C.R. No. 162</u> "AUTHORIZING THE GRANT OF A FIFTY-FIVE YEAR TERM FOR A NON-EXCLUSIVE EASEMENT TO KOOLAU PROPERTIES, LLC, FOR SEAWALL PURPOSES AT SPRECKLESVILLE BEACH LOTS, WAILUKU, MAUI, AS APPROVED BY THE BOARD OF LAND AND NATURAL RESOURCES."
<u>Prior Versions/Status & Testimony</u>		
<u>H.C.R. No. 23</u>	WLH, WAM	"AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI, FOR MAINTENANCE AND REPAIR OF EXISTING DECK AND IMPROVEMENTS."(Submerged State Lands; Lahaina, Maui; Non-Exclusive Easement)
<u>Prior Versions/Status & Testimony</u>		
<u>H.C.R. No. 24</u>	WLH, WAM	"APPROVING THE SALE OF THE LEASED FEE INTEREST IN 593 KULIOUOU ROAD, HONOLULU, HAWAII."(Sale of Leased Fee Interest 593 Kuliouou Road)
<u>Prior Versions/Status & Testimony</u>		
<u>H.C.R. No. 25</u>	WLH, WAM	"APPROVING THE SALE OF THE LEASED FEE INTEREST IN 619 KULIOUOU ROAD, HONOLULU, HAWAII."(Sale of the Leased Fee Interest 619 Kuliouou Road)
<u>Prior Versions/Status & Testimony</u>		
<u>H.C.R. No. 26</u>	WLH, WAM	"APPROVING THE SALE OF THE LEASED FEE INTEREST IN 644 HOKIOKIO PLACE, HONOLULU, HAWAII."(Sale of the Leased Fee Interest 644 Hokiokio Place)
<u>Prior Versions/Status & Testimony</u>		
<u>H.C.R. No. 27</u>	WLH, WAM	"APPROVING THE SALE OF THE LEASED FEE INTEREST IN 2314 10TH AVENUE, HONOLULU, HAWAII."(Sale of the Leased Fee Interest 2314 10th Avenue)
<u>Prior Versions/Status & Testimony</u>		

H.C.R. No. 28	WLH, WAM	"APPROVING THE SALE OF THE LEASED FEE INTEREST IN 41-557 KAMANAAINA PLACE, WAIMANALO, HAWAII."(Sale of the Leased Fee Interest 41-557 Kamanaaina Place)
Prior Versions/Status & Testimony		
H.C.R. No. 29	WLH, WAM	"APPROVING THE SALE OF THE LEASED FEE INTEREST IN 2949 ALA ILIMA STREET, NO. 303, HONOLULU, HAWAII."(Sale of the Leased Fee Interest 2949 Ala Ilima Street, No. 303)
Prior Versions/Status & Testimony		
H.C.R. No. 30	WLH, WAM	"APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-031 KUAHELANI AVENUE, NO. 242, MILILANI, HAWAII."(Sale of the Leased Fee Interest 95-031 Kuahelani Avenue, No. 242)
Prior Versions/Status & Testimony		
H.C.R. No. 31	WLH, WAM	"APPROVING THE SALE OF THE LEASED FEE INTEREST IN 95-017 KUAHELANI AVENUE, NO. 321, MILILANI, HAWAII."(Sale of the Leased Fee Interest 95-017 Kuahelani Avenue, No. 321)
Prior Versions/Status & Testimony		

10. Final Reading

[S.B. No. 2412, S.D. 2, H.D. 2](#)

"RELATING TO CONTRACTS."

[Prior Versions/Status & Testimony](#)

(Construction Contracts; Subcontractors and Materialmen; Payments)

11. Miscellaneous Communications: None

12. Miscellaneous Business

13. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
EDT	4/20/2012 1:15 PM	423
EDU	4/20/2012 1:15 PM	329
EDU/AGL	4/20/2012 1:15 PM	329
WLH/TSM/TIA	4/20/2012 1:15 PM	224
EDU/HWN	4/20/2012 1:20 PM	329
CONF	4/20/2012 1:30 PM	423
CONF	4/20/2012 1:31 PM	423
CONF	4/20/2012 2:00 PM	329
CONF	4/20/2012 2:00 PM	229
CONF	4/20/2012 2:00 PM	329
CONF	4/20/2012 2:05 PM	325
CONF	4/20/2012 2:10 PM	325
CONF	4/20/2012 2:15 PM	329
CONF	4/20/2012 2:15 PM	325
CONF	4/20/2012 2:15 PM	224
CONF	4/20/2012 2:30 PM	325
CONF	4/20/2012 2:30 PM	329
CONF	4/20/2012 2:30 PM	224
CONF	4/20/2012 2:35 PM	325
CONF	4/20/2012 2:40 PM	224
CONF	4/20/2012 3:00 PM	312
CONF	4/20/2012 3:00 PM	229
CONF	4/20/2012 4:00 PM	312
CONF	4/20/2012 4:05 PM	312
CONF	4/23/2012 9:00 AM	312
CONF	4/23/2012 9:30 AM	224
CONF	4/23/2012 9:30 AM	016
CONF	4/23/2012 10:00 AM	016
CONF	4/23/2012 10:00 AM	225
CONF	4/23/2012 10:05 AM	225
JDL	4/23/2012 10:30 AM	325
CONF	4/23/2012 11:00 AM	016
HMS	4/23/2012 11:00 AM	229
CONF	4/23/2012 2:00 PM	325
CONF	4/23/2012 2:30 PM	329

CONF	4/23/2012 2:45 PM	325
CONF	4/23/2012 2:45 PM	329
CONF	4/23/2012 3:00 PM	229
CONF	4/23/2012 3:15 PM	312
CONF	4/23/2012 7:00 PM	309
CONF	4/24/2012 9:45 AM	229
CONF	4/25/2012 11:00 AM	423
CONF	4/25/2012 1:00 PM	423
CONF	4/25/2012 1:30 PM	225
CONF	4/25/2012 2:30 PM	325
CONF	4/27/2012 2:30 PM	325

- Senate Session will convene at 11:30 a.m. on Monday, April 23, 2012.

14. Adjournment