

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

FIFTY-FOURTH DAY

APRIL 23, 2012-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 Communication No. 80

MEASURE

TITLE

REFERRAL

[D.C. No. 80](#)

From the Public Utilities Commission dated April 19, 2012, transmitting a Report on the Application of Hawaii Electric Light Company, Inc. for Approval of a General Rate Increase and Other Related Matters pursuant to Section 269-16(d), HRS.

FILE

3. House Communication Nos. 642-651

Informing the Senate that on April 20, 2012, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bills:

REFERRAL

642

[H.B. No. 1524, H.D. 2, S.D. 2](#)

"RELATING TO AGRICULTURAL THEFT."(Agricultural Commodities; Criminal Penalties)

FILE

[H.B. No. 2242, H.D. 1, S.D. 1](#)

"RELATING TO CONTINUING EDUCATION FOR VETERINARIANS."(Veterinarians; Continuing Education)

[H.B. No. 2264, H.D. 2, S.D. 1](#)

"RELATING TO EMPLOYMENT SECURITY."(Employment Security; Unemployment Insurance Contribution Rate Schedule; Unemployment Compensation Fund)

[H.B. No. 2266, H.D. 1, S.D. 1](#)

"RELATING TO INFORMATION TECHNOLOGY."(Information Technology Steering Committee; Members)

[H.B. No. 2273, S.D. 1](#)

"RELATING TO CONCUSSIONS."(Concussions; Concussion Awareness Program; School Athletics)

[H.B. No. 2296, H.D. 1, S.D. 1](#)

"RELATING TO ANIMAL WELFARE."(Exotic Animals; Bears; Prohibitions)

[H.B. No. 2491, H.D. 1, S.D. 1](#)

"RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."(Employer-Union Health Benefits Trust Fund; Other Post-Employment Benefits Trust)

643 [H.B. No. 2429, H.D. 1, S.D. 1](#) FILE
"RELATING TO THE BOARD OF
AGRICULTURE."(Board of Agriculture)

Informing the Senate that on April 20, 2012, the House agreed to the amendments proposed by the Senate and that said bills passed Final Reading in the House:

644 [H.B. No. 297, H.D. 1, S.D. 1](#) FILE
"RELATING TO THE PROBATION
SERVICES FEE."(Probation Services Fee;
Deferred Plea)

[H.B. No. 626, S.D. 1](#)
"RELATING TO THE HAWAII UNIFORM
COLLABORATIVE LAW ACT."(Uniform
Collaborative Law Act)

[H.B. No. 1671, H.D. 2, S.D. 2](#)
"RELATING TO
PROCUREMENT."(Procurement Code; Protest;
Administrative Proceedings)

[H.B. No. 1754, H.D. 1, S.D. 1](#)
"RELATING TO ELECTIONS."(Elections;
Absentee Ballots; Unique Ballots; Office of
Elections Package)

[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. 2169, H.D. 2, S.D. 1](#)
"RELATING TO PUBLIC
ACCOUNTANCY."(Public Accountancy; Peer
Review; Attest)

[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)

Returning the following Senate Concurrent Resolution which was adopted by the House on April 20, 2012:

645

[S.C.R. No. 162, S.D. 1](#)

FILE

"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."(Climate Change; United Nations; Conference)

Informing the Senate that on April 20, 2012, the House appointed Conferees to the following bill:

646

[H.B. No. 2703, H.D. 2, S.D. 2](#)

FILE

"RELATING TO FOOD SELF-SUFFICIENCY."(Food Sustainability; Department of Agriculture)

Tsuji/Oshiro, Co-Chrs.; Riviere

Informing the Senate that on April 20, 2012, the House made changes to conferee assignments to the following bill:

647 [H.B. No. 2319, H.D. 2, S.D. 1](#) FILE
"RELATING TO ECONOMIC DEVELOPMENT."(Community-Based Economic Development; Hydrogen Investment Capital Special Fund; High Technology Innovation Corporation)

Added Representative Yamashita as a member.

Informing the Senate that on April 20, 2012, the House discharged all conferees to the following bills:

648 [H.B. No. 2491, H.D. 1, S.D. 1](#) FILE
"RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."(Employer-Union Health Benefits Trust Fund; Other Post-Employment Benefits Trust)

Discharged all conferees.

649 [H.B. No. 1524, H.D. 2, S.D. 2](#) FILE
"RELATING TO AGRICULTURAL THEFT."(Agricultural Commodities; Criminal Penalties)

Discharged all conferees.

[H.B. No. 2296, H.D. 1, S.D. 1](#)
"RELATING TO ANIMAL WELFARE."(Exotic Animals; Bears; Prohibitions)

Discharged all conferees.

[H.B. No. 2429, H.D. 1, S.D. 1](#)
"RELATING TO THE BOARD OF AGRICULTURE."(Board of Agriculture)

Discharged all conferees.

Informing the Senate that on April 20, 2012, the House appointed Conferees to the following bill:

650 [H.B. No. 70, H.D. 2, S.D. 1](#) FILE
"RELATING TO THE HOMELESS."(Homeless;
Return-to-Home Program; Appropriation)

Cabanilla/Mizuno/Kawakami, Co-Chrs.; Pine

651 [S.B. No. 596, S.D. 2, H.D. 1](#) FILE
"RELATING TO HAWAII HEALTH
CORPS."(Hawaii Health Corps; Appropriation)

Yamane/Nishimoto/Morikawa, Co-Chrs.;
Nakashima, Saiki, Pine

4. Senate Communications: None
5. Judiciary Communications: None
6. Conference Committee Reports: Nos. 26-27

[26-12](#)
(48 Hrs. Notice)

[H.B. No. 2594, H.D. 2, S.D. 1, C.D. 1](#)
"PROPOSING AN AMENDMENT TO
ARTICLE VII, SECTION 12, OF THE
HAWAII STATE CONSTITUTION TO
ASSIST DAM AND RESERVOIR
OWNERS."
(Recommends passage on FINAL READING
as amended C.D. 1)

[27-12](#)
(48 Hrs. Notice)

[H.B. No. 2595, H.D. 2, S.D. 2, C.D. 1](#)
"RELATING TO SPECIAL PURPOSE
REVENUE BONDS TO ASSIST DAM AND
RESERVOIR OWNERS."
(Recommends passage on FINAL READING
as amended C.D. 1)

7. Standing Committee Reports: No(s). 3543-3555

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| 3543 | (HTH) | H.C.R. No. 154
"REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STATE ACTION PLAN TO COMBAT CHRONIC OBSTRUCTIVE PULMONARY DISEASE IN THE STATE."
(Recommends Adoption) |
| 3544 | (CPN) | H.C.R. No. 9, S.D. 1
"REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURANCE COVERAGE FOR FERTILITY PRESERVATION PROCEDURES FOR PERSONS OF REPRODUCTIVE AGE WHO HAVE BEEN DIAGNOSED WITH CANCER AND WILL UNDERGO TREATMENT THAT MAY ADVERSELY AFFECT FERTILITY."
(Recommends Adoption) |
| 3545 | (CPN) | H.C.R. No. 58, H.D. 1, S.D. 1
"REQUESTING THE PUBLIC UTILITIES COMMISSION TO DIRECT ELECTRIC UTILITIES TO EXAMINE SPECIFIC RENEWABLE ENERGY STRATEGIES IN THE INTEGRATED RESOURCE PLANNING PROCESS."
(Recommends Adoption) |
| 3546 | (CPN/EDT) | H.C.R. No. 118, H.D. 1, S.D. 1
"REQUESTING A SUNRISE REVIEW OF REGULATIONS FOR ZIPLINES AND CANOPY TOURS."
(Recommends Adoption) |

- [3547](#) (WAM) [H.C.R. No. 178, H.D. 1, S.D. 1](#)
"REQUESTING A REPORT OF STATE EXPENDITURES RELATING TO ENERGY CONSERVATION CONTRACTS AND POWER PURCHASE AGREEMENTS."
(AMENDED TITLE)
(Recommends Adoption)
- [3548](#) (WLH/TSM/TIA) [H.C.R. No. 169, H.D. 1, S.D. 1](#)
"URGING THE ESTABLISHMENT OF KOREATOWN AND DEVELOPMENT OF A MASTER PLAN FOR THE DEVELOPMENT OF A KOREATOWN."
(AMENDED TITLE)
(Recommends Adoption)
- [3549](#) (EDT) [H.C.R. No. 50, H.D. 1, S.D. 1](#)
"REQUESTING THE GOVERNOR TO RECOGNIZE LOCAL KOREANS BY DIRECTING THE PLACEMENT OF COMMEMORATIVE PLAQUES DESIGNATING THE FORMER SITES OF THE KOREAN CHRISTIAN INSTITUTE."
(AMENDED TITLE)
(Recommends Adoption)
- [3550](#) (EDT) [H.C.R. No. 51, H.D. 1, S.D. 1](#)
"REQUESTING THE GOVERNOR TO RECOGNIZE LOCAL KOREANS BY DIRECTING THE PLACEMENT OF A COMMEMORATIVE PLAQUE DESIGNATING THE FORMER SITE OF THE KOREAN BOARDING SCHOOL FOR BOYS AND THE KOREAN METHODIST CHURCH."
(Recommends Adoption)

[3551](#) (HTH/CPN)

[H.C.R. No. 177, H.D. 2, S.D. 1](#)

"REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON REQUIRING INSURANCE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF AUTISM SPECTRUM DISORDERS."

(Recommends Adoption)

[3552](#) (JDL)
(One Day Notice)

[G.M. No. 798](#)

"Submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, Gubernatorial Nominee, TRISTAN ALDEGUER, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[3553](#) (JDL)
(One Day Notice)

[G.M. No. 841](#)

"Submitting for consideration and confirmation to the Board of Registration of the Islands of Maui, Moloka'i, Lana'i, and Kaho'olawe, Gubernatorial Nominee, BRANDON STARR, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[3553](#) (JDL)
(One Day Notice)

[G.M. No. 842](#)

"Submitting for consideration and confirmation to the Board of Registration of the Islands of Maui, Moloka'i, Lana'i, and Kaho'olawe, Gubernatorial Nominee, GENNARO ZARRO, JR., for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[3554](#)
(One Day Notice)

(JDL)

[G.M. No. 843](#)

"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee, MELBA BANTAY, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[3554](#)
(One Day Notice)

(JDL)

[G.M. No. 844](#)

"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee, JENNIFER DOTSON, for a term to expire 6-30-2015."

(Recommends Senate Consent to Nomination)

[3554](#)
(One Day Notice)

(JDL)

[G.M. No. 845](#)

"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee, MARGARITA HOPKINS, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[3554](#)
(One Day Notice)

(JDL)

[G.M. No. 846](#)

"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee, DOMINIC INOCELDA, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[3554](#)
(One Day Notice)

(JDL)

[G.M. No. 847](#)

"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee, GERALD OHTA, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[3554](#)
(One Day Notice)

(JDL)

[G.M. No. 848](#)

"Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee, MARY SANTA MARIA, for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

[3555](#)
(One Day Notice)

(JDL)

[G.M. No. 898](#)

"Submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, Gubernatorial Nominee, DONALD GENTZLER, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[3555](#)
(One Day Notice)

(JDL)

[G.M. No. 899](#)

"Submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, Gubernatorial Nominee, PAUL JOHNSTON, JR., for a term to expire 6-30-2016."

(Recommends Senate Consent to Nomination)

ORDER OF THE DAY

8. Adopt Resolutions

3542	PGM	H.C.R. No. 92, S.D. 1
Prior Versions/Status & Testimony		"URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO CREATE AND ADOPT AN APPROPRIATE FLAG HONORING VETERANS." (AMENDED TITLE)

9. Miscellaneous Communications: None

10. Miscellaneous Business

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

S.B. No. 2534, S.D. 2, H.D. 2	EDU/WLH, WAM	"RELATING TO PUBLIC SCHOOL FACILITIES."
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S.B. No. 2630, H.D. 2	PGM	"RELATING TO NOISE."
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11. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
CONF	4/23/2012 1:00 PM	329

CONF	4/23/2012 1:30 PM	329
CONF	4/23/2012 2:00 PM	325
CONF	4/23/2012 2:00 PM	224
CONF	4/23/2012 2:00 PM	325
CONF	4/23/2012 2:10 PM	224
CONF	4/23/2012 2:30 PM	229
CONF	4/23/2012 2:30 PM	329
CONF	4/23/2012 2:35 PM	229
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 3:30 PM	224
CONF	4/23/2012 3:30 PM	312
CONF	4/23/2012 3:35 PM	312
CONF	4/23/2012 3:45 PM	325
CONF	4/23/2012 3:45 PM	312
CONF	4/23/2012 3:50 PM	312
CONF	4/23/2012 7:00 PM	309
CONF	4/24/2012 9:00 AM	016
CONF	4/24/2012 9:30 AM	016
CONF	4/24/2012 9:45 AM	229
CONF	4/24/2012 10:00 AM	016
CONF	4/24/2012 10:00 AM	229
CONF	4/24/2012 10:00 AM	225
CONF	4/24/2012 10:00 AM	423
CONF	4/24/2012 10:30 AM	325
CONF	4/24/2012 10:35 AM	325
CONF	4/24/2012 11:00 AM	225
CONF	4/24/2012 2:00 PM	229
CONF	4/24/2012 2:00 PM	325
CONF	4/24/2012 2:05 PM	325
CONF	4/24/2012 2:15 PM	224
CONF	4/24/2012 2:15 PM	325
CONF	4/24/2012 2:30 PM	325
CONF	4/24/2012 2:30 PM	224
CONF	4/24/2012 2:31 PM	325
CONF	4/24/2012 2:40 PM	224
CONF	4/24/2012 3:00 PM	423
CONF	4/24/2012 3:00 PM	312
CONF	4/24/2012 3:30 PM	312
CONF	4/24/2012 3:30 PM	423
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 1:31 PM	225
CONF	4/25/2012 2:00 PM	329
CONF	4/25/2012 2:30 PM	325
CONF	4/25/2012 4:00 PM	423
CONF	4/27/2012 2:30 PM	325
CONF	4/27/2012 2:31 PM	325
CONF	4/27/2012 2:45 PM	325

- Senate Session will convene at 11:30 a.m. on Tuesday, April 24, 2012.

12. Adjournment