

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

TWENTY-FIFTH DAY

MARCH 4, 2011-FRIDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: No. 527

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 527	Submitting for consideration and confirmation as the Director of the Department of Health, Gubernatorial Nominee, LORETTA J. FUDDY, for a term to expire December 1, 2014.	HTH

2. Departmental Communications: None

3. House Communication Nos. 19-25

Informing the Senate that on March 3, 2011, the following House Bills passed Third Reading in the House:

REFERRAL

19

[H.B. No. 266](#)
"RELATING TO WATER QUALITY
STANDARDS."(Water Quality Standards)

7. Standing Committee Report Nos. 548-621

<u>548</u> (48 Hrs. Notice)	(CPN)	<u>S.B. No. 1086, S.D. 1</u> "RELATING TO CONSUMER INFORMATION." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<u>549</u> (48 Hrs. Notice)	(CPN)	<u>S.B. No. 657, S.D. 1</u> "RELATING TO CHIROPRACTIC." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<u>550</u> (48 Hrs. Notice)	(CPN)	<u>S.B. No. 154, S.D. 1</u> "RELATING TO BROKER PRICE OPINIONS." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<u>551</u> (48 Hrs. Notice)	(ENE/TIA/WAM)	<u>S.B. No. 146, S.D. 1</u> "RELATING TO BIOFUEL." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)
<u>552</u> (One Day Notice)	(CPN)	<u>S.B. No. 806, S.D. 1</u> "RELATING TO TEACHERS." (Recommends passage on <u>THIRD</u> <u>READING</u>)
<u>553</u> (One Day Notice)	(CPN)	<u>S.B. No. 1161, S.D. 1</u> "RELATING TO TELECOMMUNICATIONS." (Recommends passage on <u>THIRD</u> <u>READING</u>)

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| 554
(One Day Notice) | (WAM) | S.B. No. 1040, S.D. 1
"RELATING TO THE HAWAII
OCCUPATIONAL SAFETY AND HEALTH
LAW."
(Recommends passage on <u>THIRD
READING</u>) |
| 555
(One Day Notice) | (WAM) | S.B. No. 1460, S.D. 1
"RELATING TO MARIJUANA."
(Recommends passage on <u>THIRD
READING</u>) |
| 556
(One Day Notice) | (WAM) | S.B. No. 1489, S.D. 1
"RELATING TO ATTORNEY'S LIENS."
(Recommends passage on <u>THIRD
READING</u>) |
| 557
(48 Hrs. Notice) | (EDT/AGL) | S.B. No. 1451, S.D. 1
"RELATING TO FARM TO SCHOOL
MONTH."
(Recommends passage on <u>SECOND
READING</u> and placement on the calendar for
Third Reading) |
| 558
(48 Hrs. Notice) | (JDL) | S.B. No. 994, S.D. 1
"RELATING TO NEPOTISM."
(Recommends passage on <u>SECOND
READING</u> and placement on the calendar for
Third Reading) |
| 559
(48 Hrs. Notice) | (JDL) | S.B. No. 1068, S.D. 1
"RELATING TO ANIMAL CRUELTY."
(Recommends passage on <u>SECOND
READING</u> and placement on the calendar for
Third Reading) |

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| 560
(48 Hrs. Notice) | (JDL) | S.B. No. 1080, S.D. 1
"RELATING TO THE UNIFORM
MILITARY AND OVERSEAS VOTERS
ACT."
(Recommends passage on <u>SECOND
READING</u> and placement on the calendar for
Third Reading) |
| 561
(48 Hrs. Notice) | (JDL) | S.B. No. 229, S.D. 1
"RELATING TO EMPLOYMENT
RELATIONS."
(Recommends passage on <u>SECOND
READING</u> and placement on the calendar for
Third Reading) |
| 562
(48 Hrs. Notice) | (JDL) | S.B. No. 1069, S.D. 1
"RELATING TO CRUELTY TO
ANIMALS."
(Recommends passage on <u>SECOND
READING</u> and placement on the calendar for
Third Reading) |
| 563
(48 Hrs. Notice) | (JDL) | S.B. No. 1076, S.D. 1
"RELATING TO EMPLOYMENT
PRACTICES."
(Recommends passage on <u>SECOND
READING</u> and placement on the calendar for
Third Reading) |
| 564
(48 Hrs. Notice) | (JDL) | S.B. No. 1195, S.D. 1
"PROPOSING AN AMENDMENT TO
ARTICLE XVII OF THE CONSTITUTION
OF THE STATE OF HAWAII."
(Recommends passage on <u>SECOND
READING</u> and placement on the calendar for
Third Reading) |

[565](#)
(48 Hrs. Notice)

(JDL)

[S.B. No. 1424, S.D. 1](#)

"RELATING TO OFFENSES AGAINST
PUBLIC ORDER."

(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[566](#)
(48 Hrs. Notice)

(JDL)

[S.B. No. 1481, S.D. 1](#)

"RELATING TO PUBLIC ACCESS."

(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[567](#)
(48 Hrs. Notice)

(WLH)

[S.B. No. 283, S.D. 1](#)

"RELATING TO SUSTAINABILITY."

(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[568](#)
(48 Hrs. Notice)

(WLH)

[S.B. No. 683, S.D. 1](#)

"RELATING TO KAKAAKO."

(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[569](#)
(48 Hrs. Notice)

(WAM)

[S.B. No. 654, S.D. 1](#)

"RELATING TO TAXATION."

(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[570](#)
(48 Hrs. Notice)

(WAM)

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

"RELATING TO THE GENERAL EXCISE
TAX."

(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[571](#)
(48 Hrs. Notice)

(WAM)

[S.B. No. 1316, S.D. 1](#)

"RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."
(Recommends passage on SECOND READING and placement on the calendar for Third Reading)

[572](#)
(48 Hrs. Notice)

(JDL)

[S.B. No. 962, S.D. 1](#)

"RELATING TO CHANGING REFERENCES IN THE HAWAII REVISED STATUTES FROM "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY"."
(Recommends passage on THIRD READING)

[573](#)
(48 Hrs. Notice)

(JDL)

[S.B. No. 40, S.D. 2](#)

"RELATING TO PSEUDOEPHEDRINE."
(Recommends passage on THIRD READING)

[574](#)
(48 Hrs. Notice)

(JDL)

[S.B. No. 171, S.D. 2](#)

"RELATING TO FIREWORKS."
(Recommends passage on THIRD READING)

[575](#)
(48 Hrs. Notice)

(JDL)

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

"RELATING TO FIREWORKS."
(Recommends passage on THIRD READING)

[576](#)
(48 Hrs. Notice)

(JDL)

[S.B. No. 643, S.D. 2](#)

"RELATING TO EXCESSIVE SPEEDING."
(Recommends passage on THIRD READING)

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| 577
(48 Hrs. Notice) | (JDL) | S.B. No. 1221, S.D. 2
"RELATING TO PROCUREMENT."
(Recommends passage on <u>THIRD</u>
<u>READING</u>) |
| 578
(48 Hrs. Notice) | (JDL) | S.B. No. 1291, S.D. 2
"RELATING TO CHILD PROTECTIVE
ACT COURT PROCEEDINGS."
(Recommends passage on <u>THIRD</u>
<u>READING</u>) |
| 579
(48 Hrs. Notice) | (JDL) | S.B. No. 110, S.D. 2
"RELATING TO INTOXICATING LIQUOR
VIOLATIONS INVOLVING MINORS."
(Recommends passage on <u>THIRD</u>
<u>READING</u>) |
| 580
(48 Hrs. Notice) | (JDL) | S.B. No. 173, S.D. 2
"RELATING TO FIRE PROTECTION."
(Recommends passage on <u>THIRD</u>
<u>READING</u>) |
| 581
(48 Hrs. Notice) | (JDL) | S.B. No. 782, S.D. 2
"RELATING TO DANGEROUS
WEAPONS."
(Recommends passage on <u>THIRD</u>
<u>READING</u>) |
| 582
(48 Hrs. Notice) | (JDL) | S.B. No. 892, S.D. 2
"RELATING TO SERVICE ANIMALS."
(Recommends passage on <u>THIRD</u>
<u>READING</u>) |
| 583
(48 Hrs. Notice) | (JDL) | S.B. No. 921, S.D. 2
"RELATING TO MINORS."
(Recommends passage on <u>THIRD</u>
<u>READING</u>) |

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| 584
(48 Hrs. Notice) | (JDL) | S.B. No. 934, S.D. 2
"RELATING TO BULLYING AND
CYBERBULLYING."
(Recommends passage on <u>THIRD
READING</u>) |
| 585
(48 Hrs. Notice) | (WLH) | S.B. No. 1215, S.D. 2
"RELATING TO PUBLIC LANDS."
(Recommends passage on <u>THIRD
READING</u>) |
| 586
(48 Hrs. Notice) | (WLH) | S.B. No. 897, S.D. 2
"RELATING TO HOMELESSNESS."
(Recommends passage on <u>THIRD
READING</u>) |
| 587
(48 Hrs. Notice) | (WAM) | S.B. No. 1290, S.D. 1
"RELATING TO THE HAWAIIAN HOMES
COMMISSION ACT, 1920, AS
AMENDED."
(Recommends passage on <u>THIRD
READING</u>) |
| 588
(48 Hrs. Notice) | (WAM) | S.B. No. 1217, S.D. 1
"RELATING TO EDUCATION."
(Recommends passage on <u>THIRD
READING</u>) |
| 589
(48 Hrs. Notice) | (WAM) | S.B. No. 242, S.D. 1
"RELATING TO THE UNIVERSITY OF
HAWAII."
(Recommends passage on <u>THIRD
READING</u>) |

[590](#)
(48 Hrs. Notice)

(WAM)

[S.B. No. 772, S.D. 2](#)

"RELATING TO BIOFUEL FACILITIES."
(Recommends passage on THIRD
READING)

[591](#)
(48 Hrs. Notice)

(WAM)

[S.B. No. 788, S.D. 2](#)

"RELATING TO HEALTH."
(Recommends passage on THIRD
READING)

[592](#)
(48 Hrs. Notice)

(WAM)

[S.B. No. 116, S.D. 2](#)

"RELATING TO CULTURE AND THE
ARTS."
(Recommends passage on THIRD
READING)

[593](#)
(48 Hrs. Notice)

(WAM)

[S.B. No. 1326, S.D. 2](#)

"RELATING TO COSTS OF RELOCATION
AND UNDERGROUNDING OF UTILITY
FACILITIES."
(Recommends passage on THIRD
READING)

[594](#)
(48 Hrs. Notice)

(WAM)

[S.B. No. 1082, S.D. 2](#)

"MAKING APPROPRIATIONS FOR
SALARY INCREASES FOR PUBLIC
EMPLOYEES."
(Recommends passage on THIRD
READING)

[595](#)
(48 Hrs. Notice)

(WAM)

[S.B. No. 808, S.D. 2](#)

"RELATING TO SALARIES."
(Recommends passage on THIRD
READING)

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| 596
(48 Hrs. Notice) | (WAM) | S.B. No. 1331, S.D. 2
"RELATING TO THE UNIVERSITY OF HAWAII."
(Recommends passage on <u>THIRD READING</u>) |
| 597
(48 Hrs. Notice) | (WAM) | S.B. No. 261, S.D. 2
"RELATING TO HAWAIIAN MUSIC AND DANCE."
(Recommends passage on <u>THIRD READING</u>) |
| 598
(48 Hrs. Notice) | (WAM) | S.B. No. 145, S.D. 2
"RELATING TO IRRIGATION."
(Recommends passage on <u>THIRD READING</u>) |
| 599
(48 Hrs. Notice) | (WAM) | S.B. No. 893, S.D. 2
"RELATING TO INFORMATION ACCESS."
(Recommends passage on <u>THIRD READING</u>) |
| 600
(48 Hrs. Notice) | (WAM) | S.B. No. 26, S.D. 2
"RELATING TO ADVANCED PRACTICE REGISTERED NURSE FEES."
(Recommends passage on <u>THIRD READING</u>) |
| 601
(48 Hrs. Notice) | (WAM) | S.B. No. 722, S.D. 2
"RELATING TO THE ENVIRONMENTAL RESPONSE, ENERGY, AND FOOD SECURITY TAX."
(Recommends passage on <u>THIRD READING</u>) |

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| 602
(48 Hrs. Notice) | (WAM) | S.B. No. 1285, S.D. 2
"RELATING TO CAPITAL INVESTMENTS."
(Recommends passage on <u>THIRD READING</u>) |
| 603
(48 Hrs. Notice) | (WAM) | S.B. No. 414, S.D. 3
"RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."
(Recommends passage on <u>THIRD READING</u>) |
| 604
(48 Hrs. Notice) | (WAM) | S.B. No. 883, S.D. 2
"RELATING TO SPECIAL NUMBER PLATES."
(Recommends passage on <u>THIRD READING</u>) |
| 605
(48 Hrs. Notice) | (WAM) | S.B. No. 1476, S.D. 2
"RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC."
(Recommends passage on <u>THIRD READING</u>) |
| 606
(48 Hrs. Notice) | (WAM) | S.B. No. 652, S.D. 2
"RELATING TO MORTGAGE FORECLOSURES."
(Recommends passage on <u>THIRD READING</u>) |
| 607
(48 Hrs. Notice) | (WAM) | S.B. No. 931, S.D. 2
"RELATING TO EARLY LEARNING."
(Recommends passage on <u>THIRD READING</u>) |

[608](#)
(48 Hrs. Notice)

(JDL)

[S.B. No. 824, S.D. 2](#)

"RELATING TO MOTOR CARRIERS."
(Recommends passage on THIRD
READING)

[609](#)
(48 Hrs. Notice)

(JDL)

[S.B. No. 1059, S.D. 2](#)

"RELATING TO ENVIRONMENTAL
PROTECTION."
(Recommends passage on THIRD
READING)

[610](#)
(48 Hrs. Notice)

(PGM)

[S.B. No. 1332, S.D. 2](#)

"RELATING TO THE UNIVERSITY OF
HAWAII."
(Recommends passage on THIRD
READING)

[611](#)
(48 Hrs. Notice)

(JDL)

[S.B. No. 41, S.D. 1](#)

"RELATING TO THE HAWAII PREPAID
HEALTH CARE ACT."
(Recommends passage on THIRD
READING)

[612](#)
(One Day Notice)

(WAM)

[H.B. No. 827, H.D. 1](#)

"MAKING APPROPRIATIONS TO
PROVIDE FOR THE EXPENSES OF THE
LEGISLATURE, THE AUDITOR, THE
LEGISLATIVE REFERENCE BUREAU,
THE OMBUDSMAN, AND THE ETHICS
COMMISSION."
(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[613](#)
(48 Hrs. Notice)

(WAM)

[S.B. No. 573, S.D. 2](#)

"RELATING TO THE STATE BUDGET."
(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

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| <u>614</u>
(48 Hrs. Notice) | (WAM) | <u>S.B. No. 570, S.D. 2</u>
"RELATING TO TAXATION."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and placement on the calendar for
Third Reading) |
| <u>615</u>
(48 Hrs. Notice) | (WAM) | <u>S.B. No. 120, S.D. 1</u>
"RELATING TO STATE FUNDS."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and placement on the calendar for
Third Reading) |
| <u>616</u>
(48 Hrs. Notice) | (JDL) | <u>S.B. No. 52, S.D. 1</u>
"RELATING TO REGISTRATION OF SEX
OFFENDERS."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and placement on the calendar for
Third Reading) |
| <u>617</u>
(48 Hrs. Notice) | (JDL) | <u>S.B. No. 77, S.D. 1</u>
"RELATING TO THE COURTS."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and placement on the calendar for
Third Reading) |
| <u>618</u>
(48 Hrs. Notice) | (JDL) | <u>S.B. No. 1187, S.D. 1</u>
"PROPOSING AN AMENDMENT TO
ARTICLE V, SECTION 6, OF THE
HAWAII STATE CONSTITUTION, TO
PROVIDE FOR THE ELECTION OF THE
ATTORNEY GENERAL."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and placement on the calendar for
Third Reading) |

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| 619
(48 Hrs. Notice) | (JDL) | S.B. No. 1491, S.D. 1
"RELATING TO DISTRICT COURTS."
(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading) |
| 620
(48 Hrs. Notice) | (JDL) | S.B. No. 815, S.D. 1
"RELATING TO ASSET FORFEITURE."
(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading) |
| 621
(48 Hrs. Notice) | (JDL) | S.B. No. 671, S.D. 1
"RELATING TO ETHICS."
(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading) |

ORDER OF THE DAY

8. Advise and Consent

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| 462
Testimony Status | PGM | G.M. No. 513
"Submitting for consideration and confirmation to the Director of the Department of Public Safety, gubernatorial Nominee, JODIE MAESAKA-HIRATA, for a term to expire December 1, 2014." |
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[463](#) PGM
[Testimony](#) [Status](#)

[G.M. No. 514](#)
"Submitting for consideration and confirmation to the Comptroller of the Department of Accounting and General Services, Gubernatorial Nominee, BRUCE A. COPPA, for a term to expire December 1, 2014."

[464](#) PGM
[Testimony](#) [Status](#)

[G.M. No. 515](#)
"Submitting for consideration and confirmation to the Adjutant General of the Department of Defense , Gubernatorial Nominee, MAJOR GENERAL DARRYLL D.M. WONG, for a term to expire December 1, 2014."

9. Third Reading

[\(See Stand. Com. Rep. No. 509\)](#)
[Testimony](#) [Prior Versions](#) [Status](#)

[S.B. No. 690](#)
"RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE." - (CPN)

(Residential Landlord-Tenant Code; Rent)

[\(See Stand. Com. Rep. No. 510\)](#)
[Testimony](#) [Prior Versions](#) [Status](#)

[S.B. No. 81](#)
"RELATING TO STARLIGHT RESERVE."
- (EDT)

(Starlight Reserve; Extends Termination Date of Advisory Committee)

[\(See Stand. Com. Rep. No. 511\)](#)
[Testimony](#) [Prior Versions](#) [Status](#)

[S.B. No. 676](#)
"RELATING TO THE POWER OF ARREST." - (PGM)

(Power of Arrest; Federal Officers)

[\(See Stand. Com. Rep. No. 512\)](#)

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

[S.B. No. 767](#)

"RELATING TO ECONOMIC RECOVERY." - (PGM/WLH)

(Construction Task Force (2010); County Housing Requirements; Temporary Relief)

[\(See Stand. Com. Rep. No. 513\)](#)

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

[S.B. No. 923](#)

"RELATING TO THE COMMISSION ON FATHERHOOD." - (HMS)

(Commission on Fatherhood; Terms; Keiki Caucus)

[\(See Stand. Com. Rep. No. 514\)](#)

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

[S.B. No. 1292](#)

"MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS." - (HMS/WAM)

(Health Care Payments (HMS 401); Emergency Appropriation)

[\(See Stand. Com. Rep. No. 515\)](#)

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

[S.B. No. 1293](#)

"MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES." - (HMS/WAM)

(Department of Human Services; Emergency Appropriations)

[\(See Stand. Com. Rep. No. 516\)](#)

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

[S.B. No. 1381](#)

"RELATING TO THE HAWAII HEALTH AUTHORITY." - (HTH)

(Hawaii Health Authority; Comprehensive Health Plan)

[Stand. Com. Rep. No. 517](#)

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

[S.B. No. 35](#)

"RELATING TO THE MOTOR VEHICLE
INDUSTRY LICENSING ACT." - (CPN)

(Motor Vehicle Industry Licensing Act)

[Stand. Com. Rep. No. 518](#)

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

[S.B. No. 747](#)

"RELATING TO PETROLEUM." - (CPN)

(Petroleum; Retail Gas and Diesel Dealers;
Tax Posting Required)

10. Miscellaneous Communications: None

11. Miscellaneous Business

- Waiver of Referral; Motion to Calendar for Third Reading

[S.B. No. 45](#)

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

"RELATING TO PUBLIC SAFETY." –
(PGM, JDL)

(Public Safety; Deputy Sheriff; Civil Service)

[S.B. No. 58, S.D. 1](#)

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

"RELATING TO MEDICAL CANNABIS." –
(PGM, JDL)

(Medical Cannabis)

[S.B. No. 106, S.D. 1](#)

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

"RELATING TO THE HAWAII PENAL
CODE." – (PGM, JDL)

(Hawaii Penal Code; Multiple Sentence of
Imprisonment)

[S.B. No. 1301, S.D. 1](#)

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

"RELATING TO FAIR HOUSING
EXEMPTIONS." – (CPN, JDL)

(Fair Housing; Exemptions)

12. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
WAM	3/7/2011 9:00 AM	211
CPN	3/9/2011 10:00 AM	229
ENE/HWN	3/9/2011 2:45 PM	224
HMS	3/10/2011 1:15 PM	016
HMS/CPN	3/10/2011 1:45 PM	016
HTH/CPN	3/11/2011 2:45 PM	229
HTH	3/11/2011 3:30 PM	229

- Senate Session will convene at 9:00 a.m. on Tuesday, March 8, 2011.

13. Adjournment