

THE SENATE
OF THE
TWENTY-FOURTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2008

FIFTIETH DAY

APRIL 15, 2008-TUESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Ms. Sarah Montgomery
Mountain View Community Church

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 629-632

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 629	Informing the Senate that on April 14, 2008, the Governor signed the following bill into law: HB2656 (Act 011). "RELATING TO CAMPAIGN CONTRIBUTIONS."	FILE
G.M. No. 630	Informing the Senate that on April 14, 2008, the Governor signed the following bill into law: HB2428 (Act 012). "RELATING TO HIGHWAYS."	FILE
G.M. No. 631	Informing the Senate that on April 14, 2008, the Governor returned the following bill without approval: HB2391 HD1 "RELATING TO LEGAL SERVICE."	FILE

G.M. No. 632

Informing the Senate that on April 14, 2008, the Governor returned the following bill without approval: HB2974 HD2

FILE

"RELATING TO LABOR."

2. Departmental Communications: None
3. House Communication Nos. 731-737

Informing the Senate that on April 14, 2008, the following House Bill passed Third Reading in the House:

REFERRAL

731

H.B. No. 2250, H.D. 1

"RELATING TO TRANSPORTATION."(Hawaii Interisland Airlines Regulation)

Informing the Senate that on April 14, 2008, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bills:

732

H.B. No. 7, H.D. 1, S.D. 1

"RELATING TO THE I-SAVERX PRESCRIPTION DRUG PROGRAM."(Prescription Drugs; I-SaveRx; Governor; Reimportation)

FILE

H.B. No. 2699, H.D. 1, S.D. 1

"RELATING TO THE UNIFORM PROBATE CODE."(Probate; Omnibus Bill)

Informing the Senate that on April 14, 2008, the House agreed to the amendments proposed by the Senate and that said bills passed Final Reading in the House:

733

[H.B. No. 2045, S.D. 1](#)

FILE

"RELATING TO ESTABLISHING A GLOBAL YOUTH CENTER."(Global Youth Center)

[H.B. No. 2163, H.D. 2, S.D. 1](#)

"RELATING TO COMPTROLLER SUPERVISION OF ACCOUNTS."(UH; Preaudit)

[H.B. No. 2263, S.D. 1](#)

"RELATING TO HARBORS."(Harbors; Noise; Scaling Exemption)

[H.B. No. 2301, H.D. 1, S.D. 1](#)

"RELATING TO DENTISTRY."(Dentistry)

[H.B. No. 2436, H.D. 2, S.D. 2](#)

"RELATING TO FIREWORKS."(Display Fireworks; Consumer Fireworks; Permits; Minors)

[H.B. No. 2517, H.D. 1, S.D. 1](#)

"RELATING TO INVASIVE SPECIES."(Invasive Species; Restricted Plants; Noxious weeds)

Informing the Senate that on April 14, 2008, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bills:

734

[H.B. No. 2254, H.D. 2, S.D. 1](#)

FILE

"RELATING TO BANKS AND FINANCIAL INSTITUTIONS."(Financial Institution Name Fraud; Banks)

[H.B. No. 2559, H.D. 2, S.D. 1](#)

"RELATING TO THE UNIFORM
UNCLAIMED PROPERTY ACT."(Uniform
Unclaimed Property Act)

Informing the Senate that on April 14, 2008, the
House made changes to conferee assignments to
the following bills:

735

[H.B. No. 3352, H.D. 2, S.D. 2](#)

FILE

"RELATING TO AN AUDIT OF THE HAWAII
DISABILITY RIGHTS CENTER."

Representative Shimabukuro replaced
Representative Rhoads as Co-Chair.

[S.B. No. 2464, H.D. 1](#)

"RELATING TO THE STATE MAMMAL."

Representative Thielen replaced Representative
Ching as conferee.

736

[S.B. No. 2365, S.D. 1, H.D. 1](#)

FILE

"RELATING TO TRANSPORTATION."

Discharged Representative Morita, Yamane and
Herkes as Co-Chairs.

737

[S.B. No. 651, S.D. 2, H.D. 2](#)

FILE

"RELATING TO RECYCLING."

Added Representative Yamashita as Co-Chair.

4. Senate Communications: None
5. Judiciary Communications: None

6. Standing Committee Report Nos. 3568-3576

[3568](#) (EDT)
(One Day Notice)

[G.M. No. 329](#)
"Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, TREVOR H. KAINOA DAINES, for a term to expire 6-30-2010."

(Recommends Senate Consent to Nomination)

[3568](#) (EDT)
(One Day Notice)

[G.M. No. 463](#)
"Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, CECILIA K. AKIM, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3568](#) (EDT)
(One Day Notice)

[G.M. No. 464](#)
"Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, PONI ELLIOT KAMAUU, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3568](#) (EDT)
(One Day Notice)

[G.M. No. 465](#)
"Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, JACQUELINE LEILANI ROSSETTI, for a term to expire 6-30-2009."

(Recommends Senate Consent to Nomination)

[3568](#) (EDT)
(One Day Notice)

[G.M. No. 466](#)
"Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, MAXEEN LAUAHI SHEA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3569](#) (EDT)
(One Day Notice)

[G.M. No. 337](#)
"Submitting for consideration and confirmation to the Board of Taxation Review, 1st Taxation District (Oahu), Gubernatorial Nominee, MICHAEL JOSEPH CHOI, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3570](#) (HSP)
(One Day Notice)

[G.M. No. 537](#)
"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, GWEN L. KELIIHOOMALU, for a term to expire 6-30-2010."

(Recommends Senate Consent to Nomination)

[3570](#)
(One Day Notice)

(HSP)

[G.M. No. 582](#)

"Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, CHRISTIAN E. YATES, for a term to expire 6-30-2011."

(Recommends Senate Consent to Nomination)

[3571](#)
(One Day Notice)

(IGM)

[H.C.R. No. 194, S.D. 1](#)

"REQUESTING THE U.S. NAVY TO CLEAR THE COASTLINE OF LOWER WAIPAHAU THAT IS UNDER ITS JURISDICTION FROM INVASIVE PLANT-LIFE AND EXCESSIVE FOLIAGE FOR SAFETY AND AESTHETIC PURPOSES." (AMENDED TITLE)
(Recommends Adoption)

[3572](#)
(One Day Notice)

(WTL)

[H.C.R. No. 117, S.D. 1](#)

"REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, LAND DIVISION, TO ASSEMBLE VARIOUS STATE, COUNTY, AND COMMUNITY AGENCIES TO MEET AND DEVELOP A HANAPEPE SALT POND RESOURCE MANAGEMENT PLAN."
(Recommends Adoption)

[3573](#)

(HTH)

[S.B. No. 2532, S.D. 1](#)

"RELATING TO HEALTH INSURANCE."
(Recommends recommittal to HTH)

[3574](#)
(One Day Notice)

(HTH)

[G.M. No. 365](#)

"Submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, Gubernatorial Nominee, DIANE M. IRONS, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3574](#)
(One Day Notice)

(HTH)

[G.M. No. 366](#)

"Submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, Gubernatorial Nominee, IAN T. T. SANTEE, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3574](#)
(One Day Notice)

(HTH)

[G.M. No. 367](#)

"Submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, Gubernatorial Nominee, DANIEL E. SCHAAL, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3574](#)
(One Day Notice)

(HTH)

[G.M. No. 368](#)

"Submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, Gubernatorial Nominee, WILLIAM T. WATKINS JR., for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3575](#)
(One Day Notice)

(HTH)

[G.M. No. 381](#)

"Submitting for consideration and confirmation to the Medical Advisory Board, Gubernatorial Nominee, CARLOS WARTER, for a term to expire 6-30-2009."

(Recommends Senate Consent to Nomination)

[3576](#)
(One Day Notice)

(HTH)

[G.M. No. 382](#)

"Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Kaua'i Service Area Board, Gubernatorial Nominee, THOMAS E. DORSEY PHD, for a term to expire 6-30-2010."

(Recommends Senate Consent to Nomination)

[3576](#)
(One Day Notice)

(HTH)

[G.M. No. 383](#)

"Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Kaua'i Service Area Board, Gubernatorial Nominee, MARDI L. MAIONE, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3576](#)
(One Day Notice)

(HTH)

[G.M. No. 384](#)

"Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Kaua'i Service Area Board, Gubernatorial Nominee, CANDACE M. SANDAL, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

ORDER OF THE DAY

7. Advise and Consent

3556	AHW	G.M. No. 271
Testimony Status		"Submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, Gubernatorial Nominee, KU H. KAHAKALAU PHD, for a term to expire 6-30-2012."
3556	AHW	G.M. No. 528
Testimony Status		"Submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, Gubernatorial Nominee, GENE KALEOLANI LESLIE, for a term to expire 6-30-2012."
3557	AHW	G.M. No. 272
Testimony Status		"Submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, Gubernatorial Nominee, JAMES BALLAO, for a term to expire 6-30-2009."
3557	AHW	G.M. No. 453
Testimony Status		"Submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, Gubernatorial Nominee, JOHN B. NAEOLE, for a term to expire 6-30-2012."

3558 Testimony Status	AHW	G.M. No. 286 "Submitting for consideration and confirmation to the Island Burial Council, Islands of Kaua'i and Ni'ihau, Gubernatorial Nominee, MARK S. HUBBARD SPHR, for a term to expire 6-30-2012."
3558 Testimony Status	AHW	G.M. No. 287 "Submitting for consideration and confirmation to the Island Burial Council, Islands of Kaua'i and Ni'ihau, Gubernatorial Nominee, MICHAEL Y.M. LOO, for a term to expire 6-30-2012."
3558 Testimony Status	AHW	G.M. No. 288 "Submitting for consideration and confirmation to the Island Burial Council, Islands of Kaua'i and Ni'ihau, Gubernatorial Nominee, SANDRA P. QUINSAAT, for a term to expire 6-30-2012."
3559 Testimony Status	AHW	G.M. No. 282 "Submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, Gubernatorial Nominee, ANGELA LISA LEIMAILE EHIA-QUITEVIS, for a term to expire 6-30-2012."
3559 Testimony Status	AHW	G.M. No. 284 "Submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, Gubernatorial Nominee, HINALEIMOANA K.K. WONG, for a term to expire 6-30-2008."

3559 Testimony Status	AHW	G.M. No. 285 "Submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, Gubernatorial Nominee, HINALEIMOANA K.K. WONG, for a term to expire 6-30-2012."
3559 Testimony Status	AHW	G.M. No. 529 "Submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, Gubernatorial Nominee, SHAD S. KANE, for a term to expire 6-30-2012."
3560 Testimony Status	AHW	G.M. No. 273 "Submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, Gubernatorial Nominee, MALIA K.H. AKUTAGAWA ESQ., for a term to expire 6-30-2012."
3560 Testimony Status	AHW	G.M. No. 274 "Submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, Gubernatorial Nominee, FRANCES COBB-ADAMS, for a term to expire 6-30-2011."
3560 Testimony Status	AHW	G.M. No. 275 "Submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, Gubernatorial Nominee, SUE ANN M.M. HASEGAWA, for a term to expire 6-30-2010."

3560 Testimony Status	AHW	G.M. No. 276 "Submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, Gubernatorial Nominee, KEKAMAIIKAMAIIKALANI HELM, for a term to expire 6-30-2010."
3560 Testimony Status	AHW	G.M. No. 277 "Submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, Gubernatorial Nominee, ELROY K.M. MALO, for a term to expire 6-30-2008."
3560 Testimony Status	AHW	G.M. No. 278 "Submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, Gubernatorial Nominee, ELROY K.M. MALO, for a term to expire 6-30-2012."
3560 Testimony Status	AHW	G.M. No. 279 "Submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, Gubernatorial Nominee, JERSULA L. MANABA, for a term to expire 6-30-2008."
3560 Testimony Status	AHW	G.M. No. 280 "Submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, Gubernatorial Nominee, JERSULA L. MANABA, for a term to expire 6-30-2012."

3560 Testimony Status	AHW	G.M. No. 281 "Submitting for consideration and confirmation to the Island Burial Council, Island of Molokai, Gubernatorial Nominee, MICHELLE KANANIONAPUA AYAU PESCAIA, for a term to expire 6-30-2011."
3561 Testimony Status	CPH	G.M. No. 297 "Submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, Gubernatorial Nominee, HERBERT B. MINN, for a term to expire 6-30-2012."
3562 Testimony Status	CPH	G.M. No. 315 "Submitting for consideration and confirmation to the Board of Examiners in Optometry, Gubernatorial Nominee, TIMOTHY H. MOON OD, for a term to expire 6-30-2012."
3563 Testimony Status	CPH	G.M. No. 318 "Submitting for consideration and confirmation to the Board of Pharmacy, Gubernatorial Nominee, PATRICK LEE ADAMS, for a term to expire 6-30-2012."
3564 Testimony Status	CPH	G.M. No. 322 "Submitting for consideration and confirmation to the Public Utilities Commission (PUC), Gubernatorial Nominee, LESLIE HARUO KONDO, for a term to expire 6-30-2014."

3565	CPH	G.M. No. 456
Testimony Status		"Submitting for consideration and confirmation to the Board of Private Detectives and Guards, Gubernatorial Nominee, DOUGLAS HIROSHI INOUE, for a term to expire 6-30-2012."
3566	CPH	G.M. No. 457
Testimony Status		"Submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, Gubernatorial Nominee, JOSEPH C. SNIEZEK MD, FACS, for a term to expire 6-30-2011."
3567	WTL	G.M. No. 616
Testimony Status		"Submitting for consideration and confirmation to the Hawai'i Community Development Authority (HCDA), Gubernatorial Nominee, JONATHAN WAI YUN LAI, for a term to expire 6-30-2012."

8. Final Reading

S.B. No. 2779, H.D. 2	"RELATING TO LABOR."
Testimony Prior Versions Status	(Labor; Wages and Hours; Emergencies; Suspension)
S.B. No. 3004, S.D. 2, H.D. 2	"RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Testimony Prior Versions Status	(ERS; Information from Employers; Direct Deposit of Refunds)

[S.B. No. 3005, S.D. 2, H.D. 2](#)

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

"RELATING TO FEDERAL TAX
QUALIFICATION OF THE EMPLOYEES'
RETIREMENT SYSTEM."

(ERS; Membership of Elective Officers and
Judges)

[S.B. No. 3228, H.D. 1](#)

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

"RELATING TO ADJUSTING THE
ANNUAL PENSIONS OF RETIRED
PATIENT EMPLOYEES AT HANSEN'S
DISEASE FACILITIES."

(Pensions of Hansen's Disease Facilities
Employees)

9. Miscellaneous Communication No. 1

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
M.C. No. 1	From the Honorable Colleen Hanabusa, President of the Senate, and the Honorable Calvin K. Y. Say, Speaker of the House of Representatives, dated April 7, 200, transmitting a Legislative Communication authorizing an exception to the 2008 Legislative Timetable for H.B. No. 2250, H.D. 1, to process, transmit and receive said measure, as appropriate, to meet Constitutional bill passage requirements.	FILE

10. Miscellaneous Business

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

S.B. No. 3068, S.D. 1, H.D. 1	HTH, WAM	"MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION." (Emergency Appropriation for the Adult Mental Health Division)
S.B. No. 3074, S.D. 1, H.D. 1	HTH, WAM	"MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM BRANCH." (Emergency Appropriation for Emergency Medical Services)

11. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
TSG	4/15/2008 1:00 PM	229
AHW	4/15/2008 1:15 PM	414
EDU	4/16/2008 1:15 PM	225
HSP	4/17/2008 8:30 AM	229
EDT	4/17/2008 1:15 PM	224

- Senate Session will convene at 11:30 a.m. on Wednesday, April 16, 2008.

12. Adjournment