

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

---

FIFTY-THIRD DAY

APRIL 18, 2008-FRIDAY-11:30 O'CLOCK A.M.

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ORDER OF BUSINESS

Invocation by Rabbi Peter Schaktman  
Temple Emanu-El

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 639-643

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">G.M. No. 639</a>	Letter dated April 16, 2008, transmitting proposed changes to the General Appropriations Act for the Department of Education.	FILE
<a href="#">G.M. No. 640</a>	Dated April 14, 2008, transmitting the 2007 Annual Report of the State of Hawaii Overseas Offices, prepared by the Department of Business, Economic Development and Tourism pursuant to Act 201, Section 201-84, HRS.	FILE
<a href="#">G.M. No. 641</a>	Informing the Senate that on April 17, 2008, the Governor signed the following bill into law: <a href="#">HB2467 HD2</a> (Act 018).  "RELATING TO FIRE PROTECTION."	FILE

[G.M. No. 642](#) Informing the Senate that on April 17, 2008, the Governor signed the following bill into law: [SB2402 SD1](#) (Act 019). FILE

"MAKING VARIOUS HOUSEKEEPING AMENDMENTS TO VOLUME 11 OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, AND CLARIFYING LANGUAGE."

[G.M. No. 643](#) Informing the Senate that on April 17, 2008, the Governor returned the following bill without approval: [SB1805 SD1](#) FILE

"RELATING TO GENETIC COUNSELORS."

2. Departmental Communication Nos. 41-43

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">D.C. No. 41</a>	From the State Auditor dated April 16, 2008, transmitting a report, "Performance Audit on the State Administration's Actions Exempting Certain Harbor Improvements to Facilitate Large Capacity Ferry Vessels from the Requirements of the Hawai'i Environmental Impact Statements law: Phase I," (Report No.08-09).	FILE
<a href="#">D.C. No. 42</a>	From the State Auditor dated April 16, 2008, transmitting a report, "Financial Review of the Hawaii Health Systems Corporation," (Report No. 08-08).	FILE
<a href="#">D.C. No. 43</a>	From the Department of Health dated March 27, 2008, transmitting the "Hawaii Physical Activity and Nutrition Surveillance Report 2008."	FILE

3. House Communication Nos. 747-751

Returning the following Senate Concurrent Resolution which was adopted by the House on April 17, 2008:

REFERRAL

747

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

FILE

"REQUESTING THAT THE OFFICE OF YOUTH SERVICES AND THE DEPARTMENT OF HUMAN SERVICES CONVENE A WORKING STUDY GROUP TO CONDUCT A STUDY INTO SAFE SHELTER OPTIONS FOR YOUTH." (Shelter Admission; Youth Services; DHS; Study)

Informing the Senate that on April 17, 2008, the House reconsidered its action in disagreeing to the amendments proposed by the Senate to the following House Bill:

748

[H.B. No. 3109, S.D. 1](#)

FILE

"RELATING TO DISPENSING OPTICIANS." (Dispensing Opticians; Licensure; Non-corrective Contact Lenses)

Informing the Senate that on April 16, 2008, the House made changes to conferee assignments to the following bill:

749

[H.B. No. 2040, S.D. 2](#)

FILE

"RELATING TO HAWAII'S ECONOMY."

Representative Yamashita moved to lead Co-Chair.

Informing the Senate that on April 17, 2008, the House made changes to conferee assignments to the following bills:

750

[H.B. No. 2245, H.D. 1, S.D. 2](#)

FILE

"RELATING TO THE UNIVERSITY OF HAWAII."

Discharged Representative Takai

[H.B. No. 2306, H.D. 2, S.D. 2](#)  
"RELATING TO GENERAL EXCISE  
TAXATION."

Discharged Representative Takai

[H.B. No. 2408, H.D. 1, S.D. 2](#)  
"RELATING TO MORTGAGE BROKERS."

Discharged all House Conferees

Informing the Senate that on April 17, 2008, the  
House appointed Conferees to the following bills:

751

[S.B. No. 2293, S.D. 1, H.D. 1](#)  
"RELATING TO AFFORDABLE HOUSING."

FILE

Shimabukuro/Ito/Rhoads, Co-Chairs; Thielen

[S.B. No. 2294, S.D. 2, H.D. 1](#)  
"RELATING TO KAKAAKO."

Ito/Shimabukuro/Karamatsu, Co-Chairs; Brower,  
Rhoads, Thielen

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

6. Standing Committee Report Nos. 3596-3606

[3596](#) (CPH)  
(One Day Notice)

[G.M. No. 527](#)

"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Housing Finance and Development Corporation (HHFDC), Gubernatorial Nominee, DAVID A. LAWRENCE, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3597](#) (CPH)  
(One Day Notice)

[G.M. No. 534](#)

"Submitting for consideration and confirmation to the State Board of Nursing, Gubernatorial Nominee, AMY STONE MURAI, for a term to expire 6-30-2011."

(Recommends Senate Consent to Nomination)

[3598](#) (CPH)  
(One Day Notice)

[G.M. No. 536](#)

"Submitting for consideration and confirmation to the Board of Private Detectives and Guards, Gubernatorial Nominee, LAWRENCE K. MAHUNA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3599](#)  
(One Day Notice)

(HTH)

[G.M. No. 584](#)

"Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, APRIL M. MIRA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3599](#)  
(One Day Notice)

(HTH)

[G.M. No. 585](#)

"Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, THERESA M. OCTAVIO, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3599](#)  
(One Day Notice)

(HTH)

[G.M. No. 586](#)

"Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, PAMELA LOUISE RICE, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3600](#)  
(One Day Notice)

(HTH)

[G.M. No. 587](#)

"Submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, Gubernatorial Nominee, DALLEN K. PALEKA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3601](#)  
(One Day Notice)

(HTH)

[G.M. No. 588](#)

"Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, HYUNG K. CHA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3601](#)  
(One Day Notice)

(HTH)

[G.M. No. 589](#)

"Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, PETER T. DYER, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3601](#)  
(One Day Notice)

(HTH)

[G.M. No. 590](#)

"Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, PAUL KIM, for a term to expire 6-30-2009."

(Recommends Senate Consent to Nomination)

[3601](#)  
(One Day Notice)

(HTH)

[G.M. No. 591](#)

"Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, Gubernatorial Nominee, SARA A. TOMPKISON, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3602](#)  
(One Day Notice)

(HTH)

[G.M. No. 592](#)

"Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, FREDERICK WILLIAM ROHLFING, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3603](#)  
(One Day Notice)

(HTH)

[G.M. No. 596](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, MAILE M. DAGUIO, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3603](#)  
(One Day Notice)

(HTH)

[G.M. No. 597](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, GORDON M. DURANT, for a term to expire 6-30-2010."

(Recommends Senate Consent to Nomination)

[3603](#)  
(One Day Notice)

(HTH)

[G.M. No. 598](#)

"Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, CAROL ANN YOUNG, for a term to expire 6-30-2011."

(Recommends Senate Consent to Nomination)



[3604](#) (PBS)  
(One Day Notice)

[G.M. No. 416](#)  
"Submitting for consideration and confirmation to the Wireless Enhanced 911 Board, Gubernatorial Nominee, JOEL K. MATSUNAGA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3604](#) (PBS)  
(One Day Notice)

[G.M. No. 417](#)  
"Submitting for consideration and confirmation to the Wireless Enhanced 911 Board, Gubernatorial Nominee, DEXTER J. TAKASHIMA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3604](#) (PBS)  
(One Day Notice)

[G.M. No. 418](#)  
"Submitting for consideration and confirmation to the Wireless Enhanced 911 Board, Gubernatorial Nominee, CLAYTON N.Y.W. TOM, for a term to expire 6-30-2008."

(Recommends Senate Consent to Nomination)

[3604](#) (PBS)  
(One Day Notice)

[G.M. No. 419](#)  
"Submitting for consideration and confirmation to the Wireless Enhanced 911 Board, Gubernatorial Nominee, CLAYTON N.Y.W. TOM, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3605](#) (PBS)  
(One Day Notice)

[G.M. No. 512](#)  
"Submitting for consideration and confirmation to the Correctional Industries Advisory Committee, Gubernatorial Nominee, THEODORE G. M. JUNG, for a term to expire 6-30-2011."

(Recommends Senate Consent to Nomination)

[3605](#) (PBS)  
(One Day Notice)

[G.M. No. 599](#)  
"Submitting for consideration and confirmation to the Correctional Industries Advisory Committee, Gubernatorial Nominee, DAVID MAKIJI MATSUURA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[3606](#) (TSG)  
(One Day Notice)

[H.C.R. No. 245, H.D. 1, S.D. 1](#)  
"REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE ALOHA TOWER DEVELOPMENT CORPORATION, PARTICULARLY WITH REGARD TO ITS LAWSUITS RELATING TO ITS DEVELOPMENT CONTRACTS, PROJECTS, AND PROCUREMENT PRACTICES, AND THE JUSTIFICATION FOR ITS EXISTENCE." (AMENDED TITLE)  
(Recommends Adoption)

ORDER OF THE DAY

7. Deferred Matters – House Communications for Agree/Disagree

HSE. COM. NO.

745

[S.C.R. No. 52, H.D. 1](#)

AGREE/DISAGREE

"REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO WORK WITH THE SECRETARY OF HOMELAND SECURITY TO EXPAND THE VISA WAIVER PROGRAM TO INCLUDE TAIWAN."

(Taiwan Free Trade Agreement)

8. Advise and Consent

[3589](#)

CPH

[G.M. No. 317](#)

[Testimony Status](#)

"Submitting for consideration and confirmation to the Pest Control Board, Gubernatorial Nominee, MICHAEL H. MCINERNY, for a term to expire 6-30-2012."

[3590](#)

CPH

[G.M. No. 298](#)

[Testimony Status](#)

"Submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, Gubernatorial Nominee, HENRY SASAKI, for a term to expire 6-30-2012."

9. Adopt Resolutions

<a href="#">3591</a> <a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>	EDU/EDT	<a href="#">H.C.R. No. 312, S.D. 1</a> "URGING THE UNIVERSITY OF HAWAII TO EXTEND ITS LAND LEASE WITH THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO CONTINUE TO OPERATE THE MANOA INNOVATION CENTER."
<a href="#">3592</a> <a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>	WTL	<a href="#">H.C.R. No. 347, S.D. 1</a> "URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROCEED EXPEDITIOUSLY WITH THE ADOPTION OF RULES TO REGULATE THE ORNAMENTAL REEF FISHERY INDUSTRY IN SOUTH MAUI AND KANEOHE BAY."
<a href="#">3593</a> <a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>	IGM	<a href="#">H.C.R. No. 147, H.D. 1, S.D. 1</a> "SUPPORTING THE INSTALLATION AND USE OF SMOKE DETECTORS IN EVERY HAWAII HOME BY 2010."
<a href="#">3594</a> <a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>	EDU/AHW	<a href="#">H.C.R. No. 116, S.D. 1</a> "REQUESTING THE UNIVERSITY OF HAWAII AGRICULTURAL DIAGNOSTIC SERVICE CENTER, IN CONSULTATION WITH OTHER PUBLIC AND PRIVATE ENTITIES, TO CONDUCT A SURVEY OF THE INFORMATION NEEDS OF HAWAII'S AGRICULTURAL INDUSTRY, AND ASSESS WHETHER THE HAWAII AGRICULTURE INFORMATION CENTER CAN MEET THOSE NEEDS." (AMENDED TITLE)

[3595](#)

EDU/HSP

[H.C.R. No. 276, H.D. 1](#)

"REQUESTING THAT THE UNIVERSITY OF HAWAII SCHOOL OF SOCIAL WORK DEDICATE ITS SCHOOL IN HONOR OF MYRON "PINKY" THOMPSON, BY CHANGING ITS NAME TO THE "MYRON THOMPSON SCHOOL OF SOCIAL WORK"."

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

[H.C.R. No. 265](#)

EDU

"REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF AND TO DEVELOP A PLAN THEREFOR RELOCATING THE KAPAA PUBLIC LIBRARY."

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

10. Final Reading

[S.B. No. 2159, H.D. 1](#)

"RELATING TO PROFESSIONS." - (CPH)

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

(Regulation of Licensed Mental Health Counselors; Sunset; Repealed; Reimbursable Practitioners)

11. Referrals and Re-Referrals

RE-REFERRALS FOR FRIDAY, APRIL 18, 2008

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">H.C.R. 125, H.D. 1</a>	REQUESTING THE AUDITOR TO EXAMINE UPCOMING CONDOMINIUM LEASEHOLD EXPIRATIONS AND THEIR IMPACT ON THE AVAILABILITY OF REPLACEMENT AND AFFORDABLE HOUSING FOR HAWAII RESIDENTS. (Condominium Leasehold Expirations; Affordable Housing; Auditor) (CPH, WAM)	CPH
<a href="#">H.C.R. 244, H.D. 1</a>	"URGING THE DEPARTMENT OF AGRICULTURE TO ADOPT RULES CONSISTENT WITH FEDERAL LAW TO PROHIBIT THE MEAT PACKING INDUSTRY AND MEAT OR MEAT PRODUCT RETAILERS FROM USING GAS OR OTHER TECHNOLOGY TO EXTEND THE EXPIRATION DATE OF MEAT SOLD IN THE STATE." (Meat Industry; Use of Gas)	AHW

12. Miscellaneous Communications: None

13. Miscellaneous Business

Waiver of Referral; One Day Notice for Adoption of Resolutions

<a href="#">H.C.R. No. 81, H.D. 1</a>	EDT	"SUPPORTING THE DESIGNATION OF APRIL 6TH OF EVERY YEAR AS TARTAN DAY IN HAWAII."
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14. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE &amp; TIME</u>	<u>ROOM</u>
HTH	4/18/2008 1:15 PM	016
HTH/CPH	4/18/2008 1:15 PM	016
HTH/EDU	4/18/2008 1:15 PM	016
HTH/HSP	4/18/2008 1:15 PM	016
WTL	4/18/2008 1:30 PM	414
TIA/CPH	4/18/2008 2:00 PM	224
EDU	4/18/2008 2:45 PM	329
EDU/AHW	4/18/2008 2:45 PM	329
EDU/AHW/PBS	4/18/2008 2:45 PM	329
EDU/HSP	4/18/2008 2:45 PM	329
CPH	4/21/2008 9:00 AM	016
WTL	4/21/2008 9:30 AM	016
CPH	4/21/2008 9:45 AM	016
PBS	4/22/2008 9:00 AM	312
EDT	4/22/2008 2:00 PM	423
EDU	4/23/2008 1:15 PM	329

- Senate Session will convene at 11:30 a.m. on Monday April 21, 2008.

15. Adjournment