

THE SENATE  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009

COMMITTEE ON WAYS AND MEANS

Senator Donna Mercado Kim, Chair  
Senator Shan S. Tsutsui, Vice Chair

NOTICE OF DECISION MAKING

DATE: Monday March 2, 2009  
TIME: 9:30 a.m.  
PLACE: Conference Room 211  
State Capitol  
415 South Beretania Street

A G E N D A

EDT

**SB 91, SD1**

[\(SSCR350\)](#)

[Testimony](#)

[Status](#)

RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT.

Authorizes the Hawaii community-based economic development revolving fund to receive funding from any source; repeals prohibition on reallocation of funds from loan program to grant program and reduces the maximum interest rate on the loans from 10% to 6%; reduces limit on applicant's total loan balance from \$500,000 to \$250,000; deletes requirement that advisory council members be reimbursed for expenses from the revolving fund; clarifies nonprofit determination. (SD1)

EDT, WAM

**SB 256, SD1**

[\(SSCR351\)](#)

[Testimony](#)

[Status](#)

RELATING TO TELEWORK.

Establishes the telework task force to develop incentives and recommendations that will encourage and expand telework opportunities in Hawaii while reducing harmful environmental impacts, traffic congestion, the dependence on fossil fuels, and encourage a better quality of life for people who commute to work in Hawaii. (SD1)

EDT, WAM

**SB 523, SD1**

[\(SSCR91\)](#)

[Testimony](#)

[Status](#)

RELATING TO HIGH TECHNOLOGY.

Clarifies the operation of the high technology research and development loan and grant program to allow the State to catch up to increased federal award amounts. Provides that the High Technology Development Corporation shall provide a grant to any small business in Hawaii that receives federal small business innovative research or technology transfer awards. (SD1)

EDT, WAM

<p><b><u>SB 972, SD1</u></b>  <a href="#">(SSCR413)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO TAX ADMINISTRATION.  Ensures Hawaii businesses and residents are paying their fair share of taxes by directing DOTAX to identify tax gap taxpayers and coordinate with federal agencies, unions, and other state agencies, as applicable, on enforcement and auditing, and database and intelligence sharing. Requires report to legislature. (SD1)</p>	<p>EDT, WAM</p>
<p><b><u>SB 1096, SD1</u></b>  <a href="#">(SSCR377)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO TECHNOLOGY WORKFORCE AND DEVELOPMENT.  Appropriates funds for science-, technology-, engineering-, and math-related programs and K-12 creative media education programs. (SD1)</p>	<p>EDT/HRE/EDH, WAM</p>
<p><b><u>SB 1247, SD1</u></b>  <a href="#">(SSCR395)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO THE ECONOMY.  Requires the department of taxation, with the assistance of the department of business, economic development, and tourism, to evaluate certain tax credits and tax exemptions and report to the legislature. Requires the department of taxation to give recommendations and for the legislature to implement those recommendations prior to the mandate for those tax credits and tax exemptions to sunset. (SD1)</p>	<p>EDT, WAM</p>
<p><b><u>SB 1248</u></b>  <a href="#">(SSCR383)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO STATE ENTERPRISE ZONES.  Authorizes agricultural producers and manufacturers to renew their eligibility in the enterprise zone program and allows receipts, sales, and employees of a business establishment that are located within the same county to count toward qualification. Amends definitions in section 209E-2, HRS.</p>	<p>EDT/WTL, WAM</p>
<p><b><u>SB 1680, SD1</u></b>  <a href="#">(SSCR353)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO TECHNOLOGY.  Implements key recommendations of the Hawaii broadband task force by establishing the Hawaii broadband commissioner (HBC) in the department of commerce and consumer affairs (DCCA). Transfers functions relating to telecommunications from the public utilities commission to the HBC and functions relating to cable services from DCCA to the HBC. Establishes a work group to develop procedures to streamline state and county broadband regulation, franchising, and permitting and report to the legislature. (SD1)</p>	<p>EDT/CPN, WAM</p>
<b><u>ENE</u></b>		
<p><b><u>SB 178</u></b>  <a href="#">(SSCR71)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO FOOD WASTE RECYCLING.  Requires the department of education, in a partnership with the department of health, to establish a three-year food waste recycling pilot project in one or more public schools. Allows departments to enter into public/private partnerships to establish and operate the pilot program. Appropriates funds for the pilot program.</p>	<p>ENE/EDH, WAM</p>
<p><b><u>SB 242, SD1</u></b>  <a href="#">(SSCR311)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO SEAWATER AIR CONDITIONING.  Allows the sale of cooling from seawater air conditioning district cooling systems to qualify for state enterprise zone benefits. (SD1)</p>	<p>ENE, WAM</p>

<p><b><u>SB 287, SD1</u></b>  <u>(SSCR252)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO ENERGY.  Requires maximum use of geothermal energy on the island of Hawaii to achieve energy self-sufficiency and reduced reliance on imported fossil fuels. Establishes a pilot program and a tax credit to facilitate the development of infrastructure for the deployment of renewable energy resources, including geothermal resources. (SD1)</p>	<p>ENE, WAM</p>
<p><b><u>SB 390, SD1</u></b>  <u>(SSCR401)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO ENERGY RESOURCES.  Amends the law mandating solar water heater systems for single-family dwellings by clarifying its application to new dwellings and clarifying variance request procedures and authority. (SD1)</p>	<p>ENE, WAM</p>
<p><b><u>SB 391</u></b>  <u>(SSCR262)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON OAHU.  Authorizes the issuance of special purpose revenue bonds to Honolulu Seawater Air Conditioning, LLC, for the purpose of design and construction of a seawater air conditioning district cooling system in downtown Honolulu.</p>	<p>ENE, WAM</p>
<p><b><u>SB 392</u></b>  <u>(SSCR365)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING, LLC PROJECTS ON OAHU.  Extends the authorization to issue special purpose revenue bonds for Honolulu Seawater Air Conditioning, LLC for the design and construction of a seawater air conditioning/thermal energy storage district cooling system on Oahu.</p>	<p>ENE, WAM</p>
<p><b><u>SB 393, SD1</u></b>  <u>(SSCR256)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST ONE PLANET PACIFIC ENERGY, LLC, A PROCESSING ENTERPRISE.  Provides the issuance of \$40,000,000 in special purpose revenue bonds to One Planet Pacific Energy, LLC. (SD1)</p>	<p>ENE, WAM</p>
<p><b><u>SB 485, SD1</u></b>  <u>(SSCR399)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST CARBON DIVERSION INC.  Authorizes the issuance of special purpose revenue bonds to assist Carbon Diversion Inc. (SD1)</p>	<p>ENE, WAM</p>
<p><b><u>SB 486, SD1</u></b>  <u>(SSCR258)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES.  Authorizes issuance of SPRBs for BioEnergy Hawaii, LLC. (SD1)</p>	<p>ENE, WAM</p>
<p><b><u>SB 559, SD1</u></b>  <u>(SSCR150)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO RECYCLING.  Directs the department of accounting and general services to establish by 01/01/11 a mandatory recycling program for all state buildings and facilities over which the department has authority. (SD1)</p>	<p>ENE/JGO, WAM</p>

<p><b><u>SB 1053, SD1</u></b>  <a href="#">(SSCR260)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO ENVIRONMENTAL REVIEW.  Allows an agency to transfer the responsibility for preparing and funding environmental assessments and environmental impact statements to the user of the state or county land or new improvements to be constructed with state or county funds necessary to accommodate the user's operations. (SD1)</p>	<p>ENE/TIA, WAM</p>
<p><b><u>SB 1057, SD1</u></b>  <a href="#">(SSCR354)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO DETENTION AND RETENTION PONDS.  Establishes a temporary water safety task force. (SD1)</p>	<p>ENE/WTL, WAM</p>
<p><b><u>SB 1066, SD1</u></b>  <a href="#">(SSCR207)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY.  Increases the number of directors for NELHA to thirteen, adding two tenant representative directors. (SD1)</p>	<p>ENE/EDT, WAM</p>
<p><b><u>SB 1260</u></b>  <a href="#">(SSCR205)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO AIR POLLUTION FEES.  Removes the exemption from fees for air pollution emissions in excess of 4,000 tons annually from covered sources.</p>	<p>ENE, WAM</p>
<p><b><u>SB 1381, SD1</u></b>  <a href="#">(SSCR251)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO THE ENVIRONMENT.  Enables the receipt and use of moneys from the American Recovery and Reinvestment Act of 2009 for drinking water and wastewater infrastructure. (SD1)</p>	<p>ENE, WAM</p>
<p><b><u>SB 512, SD1</u></b>  <a href="#">(SSCR259)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO TAXATION.  Amends the definition of nameplate capacity for biofuels facilities and revises the allowable tax credit to be equal to 40 cents per gallon of biofuel produced. (SD1)</p>	<p>ENE, WAM</p>
<p><b><u>SB 1633, SD1</u></b>  <a href="#">(SSCR402)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST EPOD, INC., IN THE DEVELOPMENT OF RENEWABLE ENERGY ON THE ISLAND OF OAHU.  Authorizes the issuance of special purpose revenue bonds to EPOD, Inc. for renewable energy projects. (SD1)</p>	<p>ENE, WAM</p>
<p><b><u>CPN</u></b>  <b><u>SB 1165</u></b>  <a href="#">(SSCR263)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO GENERAL EXCISE TAX.  Makes the GET exemption amendments for timeshare operators and condominium submanagers permanent.</p>	<p>CPN, WAM</p>
<b><u>LBR</u></b>		

<p><b><u>SB 63, SD1</u></b>  <a href="#">(SSCR428)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO WORKERS' COMPENSATION.  Requires an employer to pay temporary total disability benefits regardless of whether the employer controverts the right to benefits. Specifies that the employee's ability to return to work is to be decided by the employee's treating physician. Convenes a working group. Effective upon approval for the convening of the working group; 7/1/10 if there is no consensus among the working group. (SD1)</p>	<p>LBR, WAM</p>
<p><b><u>SB 1122, SD1</u></b>  <a href="#">(SSCR430)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO PUBLIC EMPLOYMENT.  Amends various sections of HRS to comply with Act 253, Session Laws of Hawaii 2000, which places restrictions on the creation of civil service exempt positions and requires an annual review of exempt positions to determine whether they should be converted to civil service positions. (SD1)</p>	<p>LBR, WAM</p>
<b><u>EDH</u></b>		
<p><b><u>SB 145, SD1</u></b>  <a href="#">(SSCR158)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO EDUCATION.  Clarifies the transfer of responsibility for repair and maintenance of equipment and fixtures in school facilities from the department of accounting and general services to the department of education (part I); provides a temporary procurement code exemption (chapter 103 and 103D, Hawaii Revised Statutes), to the department of education in order to expedite construction projects (part II). (SD1)</p>	<p>EDH, WAM</p>
<p><b><u>SB 773, SD1</u></b>  <a href="#">(SSCR378)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO HOUSING.  Appropriates funds for various homeless and housing programs and projects. (SD1)</p>	<p>EDH, WAM</p>
<p><b><u>SB 1278, SD1</u></b>  <a href="#">(SSCR108)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO EDUCATION.  Prohibits movement of junior kindergarten and kindergarten students between tiers, except under certain circumstances; prohibits a junior kindergartener from directly graduating to the first grade, except under certain circumstances; establishes a separate curriculum for the junior kindergarten program; requires the department of education to staff junior kindergartens with qualified teachers and teacher aides; appropriates funds. (SD1)</p>	<p>EDH, WAM</p>
<b><u>HTH</u></b>		
<p><b><u>SB 38, SD1</u></b>  <a href="#">(SSCR328)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO TAX ON TOBACCO PRODUCTS OTHER THAN CIGARETTES.  Increases the tobacco tax on tobacco products other than cigarettes from 40 per cent to 60 per cent of the wholesale price and deposits 33.3 per cent of the proceeds collected into the community health centers special fund. (SD1)</p>	<p>HTH, WAM</p>
<p><b><u>SB 1679, SD1</u></b>  <a href="#">(SSCR416)</a>  <a href="#">Testimony</a>  <a href="#">Status</a></p>	<p>RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND.  Appropriates moneys from the emergency budget and reserve fund to maintain levels of programs for education, human services, and health. (SD1)</p>	<p>HTH/HMS, WAM</p>

**JGO**

<p><b><u>SB 109, SD1</u></b>  <u>(SSCR62)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO THE INTERSTATE COMPACT FOR JUVENILES.  Adopts the new Interstate Compact for Juveniles and establishes the family court's jurisdiction under the compact. Appropriates funds. (SD1)</p>	<p>JGO, WAM</p>
<p><b><u>SB 194, SD1</u></b>  <u>(SSCR38)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO TAXATION.  Requires a tax refund to be deposited in the taxpayer's accounts; prohibits deposit into a paid preparer's accounts; requires a paid preparer to sign a return; establishes penalties. Eff 7/1/2050. (SD1)</p>	<p>JGO, WAM</p>
<p><b><u>SB 1105, SD1</u></b>  <u>(SSCR196)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES.  Requires any report of a study or an audit made by an executive department or agency, and by the legislative reference bureau, auditor, judiciary, or office of Hawaiian affairs, to be submitted to the clerk of each house, senate president, speaker of the house, chairs of the appropriate subject matter committee of each house, and the legislative reference bureau library. Requires a public hearing or informational briefing, except if waived by the senate president or speaker of the house of representatives. Excludes certain routine reports.</p>	<p>JGO, WAM</p>
<b><u>LBR</u></b>		
<p><b><u>SB 201, SD1</u></b>  <u>(SSCR78)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>MAKING AN APPROPRIATION FOR THE HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL.  Appropriates funds for the Hawaii County Economic Opportunity Council to purchase 10 buses. (SD1)</p>	<p>LBR, WAM</p>
<p><b><u>SB 642, SD1</u></b>  <u>(SSCR391)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO PUBLIC EMPLOYEES.  Requires that across-the-board wage increases or reductions and changes in health and retirement benefits for excluded employees in the excluded managerial compensation plan are at least equal to adjustments provided under collective bargaining to employees in the bargaining unit from which the employees in the managerial compensation plan are excluded. (SD1)</p>	<p>LBR, WAM</p>
<p><b><u>SB 713, SD1</u></b>  <u>(SSCR392)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE.  Appropriates funds to continue the emergency environmental workforce program in light of recent national and local economic downturns and wars, and provides for the continuation of emergency environmental workforce services during periods of warfare or significant economic hardship. (SD1)</p>	<p>LBR, WAM</p>
<p><b><u>SB 1126, SD1</u></b>  <u>(SSCR122)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO JOB-SHARING FOR PUBLIC EMPLOYEES.  Authorizes the agencies of the executive, judiciary, and legislative branches to establish a voluntary job-sharing program. (SD1)</p>	<p>LBR, WAM</p>

**TSM**

<p><b><u>SB 1167, SD1</u></b>  <u>(SSCR68)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO THE HAWAII TOURISM AUTHORITY.  Renames and clarifies the duties of the executive director. Removes the sunset date for certain provisions of Act 58, Session Laws of Hawaii 2004. (SD1)</p>	<p>TSM, WAM</p>
<p><b><u>SB 1227, SD1</u></b>  <u>(SSCR344)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO THE HAWAII TOURISM AUTHORITY.  Repeals the Hawaii tourism authority; establishes the department of tourism; establishes an interagency working group to facilitate the transitioning of the department of tourism; transfers the convention center enterprise special fund, the tourism special fund, and the tourism emergency trust fund to the department of tourism; renames the department of business, economic development, and tourism to the department of business and economic development. (SD1)</p>	<p>TSM, WAM</p>
<p><b><u>WTL</u></b></p>		
<p><b><u>SB 1315, SD1</u></b>  <u>(SSCR201)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM.  Transfers conservation and resources enforcement program from the department of land and natural resources to the department of public safety. Effective 7/1/50. (SD1)</p>	<p>WTL/PSM, WAM</p>
<p><b><u>SB 1318, SD1</u></b>  <u>(SSCR245)</u>  <u>Testimony</u>  <u>Status</u></p>	<p>RELATING TO PLANNING AND ECONOMIC DEVELOPMENT.  Repeals the chapters relating to coastal zone management and state planning, and transfers the authority and functions of the office of planning to DBEDT. (SD1)</p>	<p>WTL, WAM</p>

**Decision making meeting only, no public testimony will be accepted.**

**Persons wishing to comment should submit their comments in one of the following ways:**

- By Email: Comments may be emailed if less than 5 pages in length, to the Committee at [WAMTestimony@Capitol.hawaii.gov](mailto:WAMTestimony@Capitol.hawaii.gov) . Please indicate the measure, date and time of the hearing. Email sent to individual offices or any other Senate office will not be accepted.
- By Web: Comments may be submitted online if less than 4MB in size, at <http://www.capitol.hawaii.gov/emailtestimony>.
- In person: 1 copy of their Comments to the committee clerk, Room 210, State Capitol.
- By fax: Comments may be faxed if less than 5 pages in length, to the Senate Sergeant-At-Arms Office at 586-6659 or 1-800-586-6659 (toll free for neighbor islands), at least 24 hours prior to the hearing. When faxing, please indicate to which committee the comments is being submitted and the date and time of the hearing.

**FOR AMENDED HEARING NOTICES:** If the notice is an amended notice, measures that have been deleted are stricken through and measures that have been added are underscored. If there is a measure that is both underscored and stricken through, that measure has been deleted from the agenda.

If you require special assistance or auxiliary aids or services to participate in the public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the committee clerk 24 hours prior to the hearing so arrangements can be made.

FOR FURTHER INFORMATION, PLEASE CALL THE COMMITTEE CLERK AT 586-6800

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Senator Donna Mercado Kim  
Chair

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