

THE SENATE
OF THE
TWENTY-FIFTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2009

TWENTY-NINTH DAY

MARCH 16, 2009-MONDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Nathaniel Kinney
Director of Business Development, Council 50

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 478-488

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 478	Dated March 12, 2009, transmitting a Report on Implementation of the State Plan for Substance Abuse, pursuant to Section 321-195, HRS; a Report by the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, pursuant to Section 329-3, HRS; a Report on the Coordination of Offender Substance Abuse Treatment Programs, pursuant to Act 161, SLH 2002; and a Progress Report on the Substance Abuse Treatment Monitoring Program, pursuant to Act 40, SLH 2004, prepared by the Department of Health, Alcohol and Drug Abuse Division.	FILE

- | | | |
|-------------------------------------|---|------|
| <u>G.M. No. 479</u> | Dated March 12, 2009, transmitting the Biennial Review of Progress Made in 2007-2008 on the Child and Adolescent Mental Health Division's Four-year Strategic Plan, prepared by the Department of Health, Child and Adolescent Mental Health Division, pursuant to Section 321-176, HRS. | FILE |
| <u>G.M. No. 480</u> | Dated March 12, 2009, transmitting a Report Regarding Services for Persons With Developmental Disabilities or Mental Retardation, Directing the Department of Health to Keep Waiting Lists of All Individuals who are Eligible for Services and Supports, but for Whom Services and Supports Have Not Been Provided, and the Reasons for the Lack of Services and Supports, prepared by the Department of Health pursuant to Section 333F-6, HRS. | FILE |
| <u>G.M. No. 481</u> | Dated March 12, 2009, transmitting a Report on the Subsidizing of Residents Living in Apartments and Developmental Disabilities Domiciliary Homes for Individuals, prepared by the Department of Health pursuant to Act 213, Section 39, SLH 2007. | FILE |
| <u>G.M. No. 482</u> | Dated March 12, 2009, transmitting a Report on the Expenditure of all Funds for the Comprehensive Breast and Cervical Cancer Control Program, prepared by the Department of Human Services pursuant to Act 52, SLH 2008. | FILE |
| <u>G.M. No. 483</u> | Dated March 12, 2009, transmitting a Report of the Expenditures Used to Support the Expansion and Integration of the Security Enhancements at Hawaii State Hospital, prepared by the Department of Health pursuant to Act 213, Section 49, SLH 2007. | FILE |
| <u>G.M. No. 484</u> | Date March 12, 2009, transmitting a Report on the Adult Mental Health Division's Purchase of Service Contracts, prepared by the Department of Health pursuant to Act 213, Section 48, SLH 2007. | FILE |

G.M. No. 485	Dated March 12, 2009, transmitting the Annual Report on the Mental Health and Substance Abuse Special Fund, prepared by the Department of Health pursuant to Section 334-15, HRS.	FILE
G.M. No. 486	Dated March 12, 2009, transmitting the Annual Financial Report for the Newborn Metabolic Screening Special Fund, prepared by the Department of Health pursuant to Section 321-291, HRS.	FILE
G.M. No. 487	Dated March 12, 2009, transmitting the State Council on Mental Health's Annual Report on the Implementation of the State Plan, prepared by the Department of Health pursuant to Section 334-10, HRS.	FILE
G.M. No. 488	Dated March 12, 2009, transmitting the Annual Report on Forensic Patient Data, Specific to the Hawaii State Hospital, prepared by the Department of Health pursuant to Act 100, Section 334, SLH 2008.	FILE

2. Departmental Communication No. 67

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
D.C. No. 67	From the County of Maui, Office of the County Clerk, dated March 9, 2009, transmitting Resolution No. 09-23 which was adopted by the Council of the County of Maui on March 6, 2009.	FILE

3. House Communications: None

4. Senate Communications: None

5. Judiciary Communications: None

6. Introduction of Measures Senate Concurrent Resolution Nos. 67-73

Senate Resolution Nos. 41-44

7. Standing Committee Report Nos. 870-898

[870](#) (EDT/PSM)
(One Day Notice)

[S.C.R. No. 24, S.D. 1](#)
"URGING FULL PRESERVATION OF
UNITED STATES MARINE CORPS AIR
STATION EWA AS A NATIONAL
MONUMENT, MUSEUM, AND
RESTORED PARK FOR THE STATE OF
HAWAII."
(Recommends Adoption)

[871](#) (PSM)
(One Day Notice)

[S.R. No. 28, S.D. 1](#)
"PROCLAIMING 2009 AS THE YEAR OF
THE NONCOMMISSIONED OFFICER
CORPS OF THE UNITED STATES
ARMY."
(Recommends Adoption)

[872](#) (PSM)
(One Day Notice)

[S.C.R. No. 47, S.D. 1](#)
"PROCLAIMING 2009 AS THE YEAR OF
THE NONCOMMISSIONED OFFICER
CORPS OF THE UNITED STATES
ARMY."
(Recommends Adoption)

[873](#) (CPN)
(One Day Notice)

[G.M. No. 416](#)
"Submitting for consideration and
confirmation to the Motor Vehicle Repair
Industry Board, Gubernatorial Nominee,
ROY M. SASUGA, for a term to expire 6-30-
2010."

(Recommends Senate Consent to
Nomination)

[874](#)
(One Day Notice)

(CPN)

[G.M. No. 277](#)

"Submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, Gubernatorial Nominee, WERNER UMBHAU, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[875](#)
(One Day Notice)

(CPN)

[G.M. No. 251](#)

"Submitting for consideration and confirmation to the Cable Advisory Committee, Gubernatorial Nominee, JOHN K. GIBO, for a term to expire 6-30-2010."

(Recommends Senate Consent to Nomination)

[876](#)
(One Day Notice)

(CPN)

[G.M. No. 248](#)

"Submitting for consideration and confirmation to the Board of Private Detectives and Guards, Gubernatorial Nominee, WARREN J. FERREIRA, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[877](#)
(One Day Notice)

(CPN)

[G.M. No. 253](#)

"Submitting for consideration and confirmation to the Board of Acupuncture, Gubernatorial Nominee, RANDALL M. HASHIMOTO, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[877](#) (CPN)
(One Day Notice)

[G.M. No. 279](#)
"Submitting for consideration and confirmation to the Board of Acupuncture, Gubernatorial Nominee, ULRIKE WEISS, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[878](#) (CPN)
(One Day Notice)

[G.M. No. 273](#)
"Submitting for consideration and confirmation to the Board of Examiners in Optometry, Gubernatorial Nominee, JOY BERNADETTE YUKIKO SHIMABUKU, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[879](#) (CPN)
(One Day Notice)

[G.M. No. 276](#)
"Submitting for consideration and confirmation to the Board of Physical Therapy, Gubernatorial Nominee, MICHAEL D. TURNER, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[880](#) (CPN)
(One Day Notice)

[G.M. No. 271](#)
"Submitting for consideration and confirmation to the Board of Veterinary Examiners, Gubernatorial Nominee, REBECCA H. RHOADES DVM, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[881](#)
(One Day Notice)

(CPN)

[G.M. No. 275](#)

"Submitting for consideration and confirmation to the Board of Electricians and Plumbers, Gubernatorial Nominee, MAURICE F. TORIGOE, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[882](#)
(One Day Notice)

(CPN)

[G.M. No. 252](#)

"Submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, MARIAN J. GREY, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[882](#)
(One Day Notice)

(CPN)

[G.M. No. 264](#)

"Submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, CHERYL M. NAKAGAWA RDH, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[883](#)
(One Day Notice)

(CPN)

[G.M. No. 265](#)

"Submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, Gubernatorial Nominee, RONALD H. NAKAMINE, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[884](#)
(One Day Notice)

(CPN)

[G.M. No. 267](#)

"Submitting for consideration and confirmation to the Board of Psychology, Gubernatorial Nominee, CAROL L. NOWAK, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[884](#)
(One Day Notice)

(CPN)

[G.M. No. 270](#)

"Submitting for consideration and confirmation to the Board of Psychology, Gubernatorial Nominee, MARGO I. PETER, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[885](#)
(One Day Notice)

(CPN)

[G.M. No. 263](#)

"Submitting for consideration and confirmation to the Board of Massage Therapy, Gubernatorial Nominee, OLIVIA B. NAGASHIMA, for a term to expire 6-30-2010."

(Recommends Senate Consent to Nomination)

[885](#)
(One Day Notice)

(CPN)

[G.M. No. 415](#)

"Submitting for consideration and confirmation to the Board of Massage Therapy, Gubernatorial Nominee, WENDEE J. WILSON, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[886](#) (CPN)
(One Day Notice)

[G.M. No. 258](#)
"Submitting for consideration and confirmation to the Board of Acupuncture, Gubernatorial Nominee, LAN K. KAO, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[887](#) (CPN)
(One Day Notice)

[G.M. No. 256](#)
"Submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, Gubernatorial Nominee, JUDITH A. JORDAN, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[888](#) (CPN)
(One Day Notice)

[G.M. No. 255](#)
"Submitting for consideration and confirmation to the State Board of Nursing, Gubernatorial Nominee, JAMES S. HOBAN JR., for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[889](#) (CPN)
(One Day Notice)

[G.M. No. 250](#)
"Submitting for consideration and confirmation to the Pest Control Board, Gubernatorial Nominee, ALVIN F. FUKUYAMA, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[889](#)
(One Day Notice)

(CPN)

[G.M. No. 261](#)

"Submitting for consideration and confirmation to the Pest Control Board, Gubernatorial Nominee, ROBERT H. KOIDE, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[890](#)
(One Day Notice)

(CPN)

[G.M. No. 249](#)

"Submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, DAN F. FUJII DDS, MPH, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[891](#)
(One Day Notice)

(CPN)

[G.M. No. 247](#)

"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Hurricane Relief Fund, Gubernatorial Nominee, HAROLD R. DECOSTA, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[892](#)
(One Day Notice)

(CPN)

[G.M. No. 246](#)

"Submitting for consideration and confirmation to the Hawaii Medical Board, Gubernatorial Nominee, BRIAN E. CODY, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[893](#)
(One Day Notice)

(CPN)

[G.M. No. 245](#)

"Submitting for consideration and confirmation to the Board of Pharmacy, Gubernatorial Nominee, MARK E. BROWN, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[894](#)
(One Day Notice)

(CPN)

[G.M. No. 244](#)

"Submitting for consideration and confirmation to the State Board of Barbering and Cosmetology, Gubernatorial Nominee, LEE ANN M. APAO, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[895](#)
(One Day Notice)

(CPN)

[G.M. No. 243](#)

"Submitting for consideration and confirmation to the Board of Physical Therapy, Gubernatorial Nominee, CHARLES A. AKI, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[896](#)
(One Day Notice)

(PSM/JGO)

[S.R. No. 20, S.D. 1](#)

"URGING THE UNITED STATES POSTAL SERVICE TO ISSUE POSTAL STAMPS HONORING THE WORLD WAR II NISEI SOLDIERS, OTHER DISTINGUISHED MILITARY UNITS IN UNITED STATES HISTORY, AND AMERICANS WHO WORKED TOWARD ENDING DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN."

(Recommends Adoption)

[897](#)
(One Day Notice)

(PSM/JGO)

[S.C.R. No. 33, S.D. 1](#)

"URGING THE UNITED STATES POSTAL SERVICE TO ISSUE POSTAL STAMPS HONORING THE WORLD WAR II NISEI SOLDIERS, OTHER DISTINGUISHED MILITARY UNITS IN UNITED STATES HISTORY, AND AMERICANS WHO WORKED TOWARD ENDING DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN."
(Recommends Adoption)

[898](#)
(One Day Notice)

(EDT)

[S.C.R. No. 42](#)

"REQUESTING CONGRESS TO DESIGNATE THE AREA IN HONOLULU BETWEEN KALIHI AND PUNAHOU STREETS, AND THE PALI LOOKOUT AND THE PACIFIC OCEAN AS A NATIONAL HERITAGE AREA."
(Recommends Adoption)

ORDER OF THE DAY

8. Advise and Consent

[859](#)
[Testimony Status](#)

ENE

[G.M. No. 293](#)

"Submitting for consideration and confirmation to the Endangered Species Recovery Committee, Gubernatorial Nominee, JOHN T. HARRISON III, for a term to expire 6-30-2009."

859	ENE	G.M. No. 294
Testimony Status		"Submitting for consideration and confirmation to the Endangered Species Recovery Committee, Gubernatorial Nominee, JOHN T. HARRISON III, for a term to expire 6-30-2013."

9. Adopt Resolutions

860	HMS	S.R. No. 10, S.D. 1
Testimony Prior Versions Status		"REQUESTING THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR TO CREATE A HOME FOR LIFE TASK FORCE TO REDUCE BARRIERS TO AGING IN PLACE AND TO FACILITATE MULTIGENERATIONAL LIVING."

861	HMS	S.C.R. No. 7, S.D. 1
Testimony Prior Versions Status		"REQUESTING THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE GOVERNOR TO CREATE A HOME FOR LIFE TASK FORCE TO REDUCE BARRIERS TO AGING IN PLACE AND TO FACILITATE MULTIGENERATIONAL LIVING."

862	HMS	S.R. No. 12, S.D. 1
Testimony Prior Versions Status		"DESIGNATING THE FIRST WEEK IN FEBRUARY 2010 AS HAWAII TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK."

863 Testimony Prior Versions Status	HMS	S.C.R. No. 15, S.D. 1 "DESIGNATING THE FIRST WEEK IN FEBRUARY 2010 AS HAWAII TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK."
864 Testimony Prior Versions Status	HMS	S.R. No. 11, S.D. 1 "ENCOURAGING PARTICIPATION IN THE WHITE RIBBON CAMPAIGN TO END VIOLENCE AGAINST WOMEN."
865 Testimony Prior Versions Status	HMS	S.C.R. No. 14, S.D. 1 "ENCOURAGING PARTICIPATION IN THE WHITE RIBBON CAMPAIGN TO END VIOLENCE AGAINST WOMEN."
866 Testimony Prior Versions Status	HMS	S.R. No. 8, S.D. 1 "REQUESTING A STUDY OF VARIOUS UNRESOLVED ISSUES RELATING TO AGING."
867 Testimony Prior Versions Status	HMS	S.C.R. No. 5, S.D. 1 "REQUESTING A STUDY OF VARIOUS UNRESOLVED ISSUES RELATING TO AGING."
868 Testimony Prior Versions Status	HMS	S.R. No. 15, S.D. 1 "URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII."
869 Testimony Prior Versions Status	HMS	S.C.R. No. 19, S.D. 1 "URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII."

10. Referrals and Re-Referrals

RE-REFERRALS FOR MONDAY, MARCH 16, 2009

<u>MEASURE</u>	<u>TITLE</u>	<u>RE-REFERRAL</u>
H.B. 1272, H.D. 1	RELATING TO ELECTRONIC WASTE RECYCLING. (Electronic Waste Recycling) (ENE)	ENE/EDT
H.B. 1405, H.D. 2	RELATING TO THE GENERAL EXCISE TAX. (General Excise Tax; Definition of Engaging in Business) (CPN, WAM)	EDT, WAM
H.B. 1503, H.D. 1	RELATING TO LIMITED LIABILITY COMPANIES. (Limited Liability Company; Patents) (CPN)	EDT, CPN
H.B. 1809, H.D. 2	RELATING TO RECYCLING. (Recycling; Televisions) (ENE, WAM)	ENE/CPN, JGO

11. Miscellaneous Communications: None

12. Miscellaneous Business

13. Announcements

- Floor Presentations for Tuesday, March 17, 2009:

COMMENDING THE HEALTHY START PROGRAM ON ITS 25TH ANNIVERSARY. (Senator Espero)

CONGRATULATING KAHU MOHALA ON ITS 25TH ANNIVERSARY. (Senator Espero)

CONGRATULATING THE JUNIOR LEAGUE OF HAWAII ON ITS 85TH ANNIVERSARY. (Senator Espero)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
EDH	3/16/2009 1:15 PM	225
EDT	3/16/2009 1:15 PM	016
EDH/HMS	3/16/2009 2:00 PM	225
HMS/EDH	3/16/2009 2:00 PM	225
EDT/HTH	3/16/2009 2:30 PM	016
HTH	3/16/2009 3:00 PM	016
JGO	3/17/2009 9:30 AM	016
HMS	3/17/2009 1:15 PM	016
HMS/CPN	3/17/2009 1:15 PM	016
HRE	3/17/2009 1:15 PM	225
PSM	3/17/2009 1:15 PM	229
HMS/HTH	3/17/2009 1:30 PM	016
ENE/EDT	3/17/2009 2:45 PM	225
ENE	3/17/2009 3:00 PM	225
CPN	3/18/2009 9:00 AM	229
EDT	3/18/2009 1:15 PM	016
EDT/CPN	3/18/2009 1:15 PM	016
TIA	3/18/2009 1:45 PM	224
EDH	3/18/2009 2:00 PM	225
HTH/HRE	3/18/2009 2:45 PM	016
WTL/ENE	3/18/2009 2:45 PM	229
WTL	3/18/2009 3:00 PM	229
HTH/ENE	3/18/2009 3:30 PM	016
WTL/EDT	3/18/2009 4:00 PM	229
WAM	3/19/2009 10:00 AM	211
ENE/TIA	3/19/2009 2:45 PM	225
EDT	3/20/2009 1:15 PM	016

- Senate Session will convene at 11:30 a.m. on Tuesday, March 17, 2009.

14. Adjournment