

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

FIFTY-FIRST DAY

APRIL 22, 2009-WEDNESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Dr. David Hockney
Olivet Baptist Church

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 621-623

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 621	Informing the Senate that on April 21, 2009, the Governor signed the following bill into law: SB92 (Act 011). "RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS."	FILE

[G.M. No. 622](#) Informing the Senate that on April 21, 2009, the Governor signed the following bill into law: FILE
[SB1113 SD1](#) (Act 012).

"RELATING TO GEOGRAPHIC
LIMITATIONS ON TIME SHARES."

[G.M. No. 623](#) Letter dated April 17, 2009, as provided in FILE
Section 9, Article VII of the Constitution of the
State of Hawaii, requesting the immediate
consideration and passage of H.B. No. 1364 to
amend the Supplemental Appropriations Act of
2008 (Act 158, SLH 2008).

2. Departmental Communications No. 69

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
D.C. No. 69	From the State Auditor, dated April 21, 2009, transmitting a report, "Investigation of the Procurement and Expenditure Practices of the Department of Business, Economic Development and Tourism and Selected Attached Agencies," (Report No. 09-07)	FILE

3. House Communication Nos. 663-666

	Informing the Senate that on April 21, 2009, the House appointed Conferees to the following bill:	<u>REFERRAL</u>
663	S.B. No. 1611, S.D. 2, H.D. 2 "RELATING TO HIGHWAYS." Souki/M. Oshiro, Co-Chrs.; Awana, Nakashima, Tokioka, Yamashita	FILE

Informing the Senate that on April 21, 2009, the House agreed to the amendments proposed by the Senate and that said bills passed Final Reading in the House:

664

[H.B. No. 267, H.D. 2, S.D. 1](#)

FILE

"RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY."(Motor Vehicle Rental Industry; Interisland Transport)

[H.B. No. 319, H.D. 1, S.D. 1](#)

"RELATING TO FAMILY LEAVE."(Family Leave; Notification of Benefits)

[H.B. No. 1075, S.D. 1](#)

"RELATING TO INSURANCE."(Insurance; Long-Term Care Insurance)

[H.B. No. 1270, H.D. 1, S.D. 2](#)

"RELATING TO RENEWABLE ENERGY."(Public Utilities Commission; Renewable Energy)

[H.B. No. 1436, H.D. 1, S.D. 1](#)

"RELATING TO AGRICULTURE."(Agricultural District; Permitted Uses)

Informing the Senate that on April 21, 2009, the House agreed to the amendments proposed by the Senate and that said resolutions have been adopted in final form in the House:

665

[H.C.R. No. 5, S.D. 1](#)

FILE

"URGING FAITH-BASED ORGANIZATIONS TO NETWORK AND COOPERATE TO SUPPORT FOSTER FAMILIES IN HAWAII."(Foster Families; Faith-Based Organizations)

[H.C.R. No. 32, S.D. 1](#)

"SUPPORTING INTERNATIONAL WHITE RIBBON CAMPAIGNS TO END MEN'S VIOLENCE AGAINST WOMEN AND ENCOURAGING THE ESTABLISHMENT OF A WHITE RIBBON CAMPAIGN ORGANIZATION IN HAWAII."(White Ribbon Campaign; Violence)

[H.C.R. No. 38, H.D. 1, S.D. 1](#)

"RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH."(October; Domestic Violence Awareness Month.6)

[H.C.R. No. 39, S.D. 1](#)

"RECOGNIZING THE MONTH OF MAY AS "FOSTER CARE AWARENESS MONTH", A TIME TO EDUCATE THE PUBLIC ABOUT THE VARIOUS COMPONENTS OF FOSTER CARE, INCLUDING FOSTER PARENTS, CHILDREN, AND FAMILIES."(Foster Care Awareness Month; May)

[H.C.R. No. 44, S.D. 1](#)

"DECLARING APRIL AS CHILD ABUSE PREVENTION MONTH."(Child Abuse Prevention Month)

[H.C.R. No. 46, S.D. 1](#)

"URGING CONGRESS TO PRESERVE FUNDING AND MAINTAIN PROGRAMS, LAWS, REGULATIONS, AND POLICIES THAT ASSIST VICTIMS OF DOMESTIC VIOLENCE."(Domestic Violence; Congressional Funding, Programs, and Policies)

Informing the Senate that on April 21, 2009, the House made changes to conferee assignments to the following bills:

666

[H.B. No. 31, S.D. 1](#)

FILE

"RELATING TO EMPLOYMENT PRACTICES."

Representative Wakai replaced Representative Herkes as Co-Chair.

[H.B. No. 271, S.D. 2](#)

"RELATING TO REAL PROPERTY."

Representative Wakai replaced Representative Herkes as Co-Chair.

[H.B. No. 814, H.D. 2, S.D. 2](#)

"RELATING TO NURSE AIDES."

Representative Wakai replaced Representative Herkes as Co-Chair.

[H.B. No. 834, H.D. 2, S.D. 1](#)

"RELATING TO WATER QUALITY STANDARDS."

Representative Ward replaced Representative Ching as conferee.

[H.B. No. 876, H.D. 1, S.D. 2](#)

"RELATING TO CONDOMINIUMS."

Representative Wakai replaced Representative Herkes as Co-Chair.

[H.B. No. 1362, H.D. 1, S.D. 2](#)

"RELATING TO GENETIC COUNSELORS."

Representative Wakai replaced Representative Herkes as Co-Chair.

[H.B. No. 1415, H.D. 1, S.D. 2](#)

"RELATING TO SERVICE OF PROCESS."

Representative Wakai replaced Representative Herkes as Co-Chair.

[S.B. No. 113, H.D. 1](#)

"RELATING TO DENTISTS."

Representative Wakai replaced Representative Herkes as Co-Chair.

[S.B. No. 415, S.D. 2, H.D. 1](#)

"RELATING TO HOME CARE AGENCIES."

Representative Wakai replaced Representative Herkes as Co-Chair.

[S.B. No. 967, S.D. 2, H.D. 3](#)

"RELATING TO CONTROLLED
SUBSTANCES."

Representative Wakai replaced Representative Herkes as Co-Chair.

[S.B. No. 1107, S.D. 2, H.D. 2](#)

"RELATING TO CONDOMINIUMS."

Discharged Representative Wakai
Representative Wakai replaced Representative Herkes as Co-Chair.

[S.B. No. 1263, S.D. 2, H.D. 3](#)

"RELATING TO TATTOO ARTISTS."

Representative Wakai replaced Representative Herkes as Co-Chair.

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

6. Standing Committee Report Nos. 1468-1480

[1468](#)
(One Day Notice)

(CPN)

[G.M. No. 568](#)

"Submitting for consideration and confirmation to the Hawaii Medical Board, Gubernatorial Nominee, NIRAJ S. DESAI, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1469](#)
(One Day Notice)

(CPN)

[G.M. No. 570](#)

"Submitting for consideration and confirmation to the State Board of Public Accountancy, Gubernatorial Nominee, MICHAEL CHING, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1469](#)
(One Day Notice)

(CPN)

[G.M. No. 571](#)

"Submitting for consideration and confirmation to the State Board of Public Accountancy, Gubernatorial Nominee, KENT K. TSUKAMOTO, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1470](#)
(One Day Notice)

(CPN)

[G.M. No. 572](#)

"Submitting for consideration and confirmation to the Board of Veterinary Examiners, Gubernatorial Nominee, WENDY L. MAH, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1471](#)
(One Day Notice)

(CPN)

[G.M. No. 566](#)

"Submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, Gubernatorial Nominee, RAYMOND B. SKELTON, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1472](#)
(One Day Notice)

(CPN)

[G.M. No. 550](#)

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

(Recommends Senate Consent to Nomination)

[1473](#)
(One Day Notice)

(CPN)

[G.M. No. 548](#)

"Submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, WAYNE S. ATEBARA, for a term to expire 6-30-2012."

(Recommends Senate Consent to Nomination)

[1473](#)
(One Day Notice)

(CPN)

[G.M. No. 549](#)

"Submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, ROBERT G. SHERMAN, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1474](#)
(One Day Notice)

(CPN)

[G.M. No. 547](#)

"Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, HAROLD MARTIN, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1474](#)
(One Day Notice)

(CPN)

[G.M. No. 563](#)

"Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, JOHN E.K. DILL, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1474](#)
(One Day Notice)

(CPN)

[G.M. No. 564](#)

"Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, WILLIAM A. KAMAI, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1474](#)
(One Day Notice)

(CPN)

[G.M. No. 565](#)

"Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, ALDON K. MOCHIDA, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1475](#)
(One Day Notice)

(CPN)

[G.M. No. 546](#)

"Submitting for consideration and confirmation to the State Board of Chiropractic Examiners, Gubernatorial Nominee, RICHARD L. WILCOX, for a term to expire 6-30-2010."

(Recommends Senate Consent to Nomination)

[1476](#)
(One Day Notice)

(HRE)

[G.M. No. 465](#)

"Submitting for consideration and confirmation to the Hawai'i Medical Education Council, Gubernatorial Nominee, CHRISTI L. KELIPIO, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1476](#)
(One Day Notice)

(HRE)

[G.M. No. 466](#)

"Submitting for consideration and confirmation to the Hawai'i Medical Education Council, Gubernatorial Nominee, SUSAN R. MURRAY, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1476](#) (HRE)
(One Day Notice)

[G.M. No. 467](#)
"Submitting for consideration and confirmation to the Hawai'i Medical Education Council, Gubernatorial Nominee, MARY E. WORRALL, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1476](#) (HRE)
(One Day Notice)

[G.M. No. 581](#)
"Submitting for consideration and confirmation to the Hawai'i Medical Education Council, Gubernatorial Nominee, DARRYL S. SALVADOR PSY.D., for a term to expire 6-30-2011."

(Recommends Senate Consent to Nomination)

[1477](#) (HRE)
(One Day Notice)

[G.M. No. 580](#)
"Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, JAMES H.Q. LEE, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[1478](#) (HRE)
(One Day Notice)

[G.M. No. 579](#)
"Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, JOHN C. HOLZMAN, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[1479](#) (HRE)
(One Day Notice)

[G.M. No. 306](#)
"Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, MICHAEL A. DAHILIG, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[1480](#) (HRE)
(One Day Notice)

[G.M. No. 313](#)
"Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, GRANT TUCK SUN TEICHMAN, for a term to expire 6-30-2010."

(Recommends Senate Consent to Nomination)

ORDER OF THE DAY

7. Advise and Consent

[1450](#) HRE
[Testimony Status](#)

[G.M. No. 310](#)
"Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, ERIC K. MARTINSON, for a term to expire 6-30-2009."

1450 Testimony Status	HRE	G.M. No. 468 "Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, ERIC K. MARTINSON, for a term to expire 6-30-2014."
1451 Testimony Status	HRE	G.M. No. 309 "Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, CHUCK YIM GEE, for a term to expire 6-30-2010."
1452 Testimony Status	HRE	G.M. No. 308 "Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, MARK H. FUKUNAGA, for a term to expire 6-30-2011."
1453 Testimony Status	HRE	G.M. No. 307 "Submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, Gubernatorial Nominee, RAMON S. DE LA PENA PHD, for a term to expire 6-30-2012."
1454 Testimony Status	TIA	G.M. No. 567 "Submitting for consideration and confirmation to the Medical Advisory Board, Gubernatorial Nominee, DAVID M. SAITO MD, for a term to expire 6-30-2011."

1455 Testimony Status	WTL	G.M. No. 593 "Submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, Gubernatorial Nominee, CAROLYN KEHAUNANI ABAD, for a term to expire 6-30-2013."
1456 Testimony Status	WTL	G.M. No. 594 "Submitting for consideration and confirmation to the Board of Land and Natural Resources, Gubernatorial Nominee, DAVID C. GOODE, for a term to expire 6-30-2010."
1456 Testimony Status	WTL	G.M. No. 595 "Submitting for consideration and confirmation to the Board of Land and Natural Resources, Gubernatorial Nominee, JOHN MORGAN, for a term to expire 6-30-2013."
1457 Testimony Status	WTL	G.M. No. 560 "Submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, Gubernatorial Nominee, COLETTE Y. P. MACHADO, for a term to expire 6-30-2013."
1458 Testimony Status	WTL	G.M. No. 596 "Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, THOMAS P. CONTRADES, for a term to expire 6-30-2013."

1458	WTL	G.M. No. 597 "Submitting for consideration and confirmation to the Land Use Commission, Gubernatorial Nominee, NICHOLAS W. TEVES JR., for a term to expire 6-30-2013."
Testimony Status		
1459	LBR	G.M. No. 586 "Submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, Gubernatorial Nominee, EDWARD G. SANCHEZ, for a term to expire 6-30-2012."
Testimony Status		
1460	LBR	G.M. No. 513 "Submitting for consideration and confirmation to the Board of Trustees of the Deferred Compensation Plan, Gubernatorial Nominee, SCOTT A. KAMI, for a term to expire 6-30-2013."
Testimony Status		
1460	LBR	G.M. No. 514 "Submitting for consideration and confirmation to the Board of Trustees of the Deferred Compensation Plan, Gubernatorial Nominee, WESLEY MACHIDA, for a term to expire 6-30-2013."
Testimony Status		
1461	LBR	G.M. No. 587 "Submitting for consideration and confirmation to the Hawai'i Workforce Development Council, Gubernatorial Nominee, CHRISTOPHER D. TATUM, for a term to expire 6-30-2011."
Testimony Status		

8. Adopt Resolutions

1462	ENE/CPN	S.R. No. 18, S.D. 1 "REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT A STATEWIDE RAINWATER DETENTION AND RETENTION POND SAFETY PROGRAM."
Testimony Prior Versions Status		
1463	ENE	H.C.R. No. 56, S.D. 1 "REQUESTING THE UNITED STATES CONGRESS TO PROTECT WILDLIFE AND WILDERNESS BY OPPOSING OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE ARCTIC NATIONAL WILDLIFE REFUGE AND ON THE OUTER CONTINENTAL SHELF AND SUPPORTING CLEAN, RENEWABLE ENERGY ALTERNATIVES." (AMENDED TITLE)
Testimony Prior Versions Status		
1464	ENE	H.C.R. No. 65, H.D. 1, S.D. 1 "REQUESTING HAWAII-AMERICAN WATER COMPANY TO IMPLEMENT AN ODOR MITIGATION PLAN FOR ITS FACILITY IN HAWAII KAI."
Testimony Prior Versions Status		
1465	PSM/HTH	H.C.R. No. 42, S.D. 1 "REQUESTING THE DEPARTMENT OF DEFENSE TO ALLOW AVAILABLE HELICOPTERS TO BE USED FOR MEDICAL EVACUATION SERVICES."
Testimony Prior Versions Status		
1466	PSM	H.C.R. No. 19, H.D. 1, S.D. 1 "STRONGLY URGING THE SECRETARY OF DEFENSE AND THE PRESIDENT OF THE UNITED STATES TO AWARD SERGEANT RAFAEL PERALTA THE MEDAL OF HONOR."
Testimony Prior Versions Status		

[1467](#)

PSM

[H.C.R. No. 24, 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 FOUGHT AGAINST DISCRIMINATION BASED ON RACE OR NATIONAL ORIGIN."

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

9. Final Reading

[Conf. Com. Rep. No. 1](#)

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

[H.B. No. 1741, H.D. 1, S.D. 1, C.D. 1](#)

"RELATING TO THE CONVEYANCE TAX."

(Conveyance Tax; Distribution)

[Conf. Com. Rep. No. 2](#)

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

[H.B. No. 1747, H.D. 1, S.D. 1, C.D. 1](#)

"RELATING TO TAXATION."

(Income Tax Rates)

[Conf. Com. Rep. No. 3](#)

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

[H.B. No. 1175, H.D. 3, S.D. 2, C.D. 1](#)

"RELATING TO TAXATION."

(Cigarette Tax Increase)

[Conf. Com. Rep. No. 4](#)

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

[H.B. No. 895, H.D. 2, S.D. 2, C.D. 1](#)

"RELATING TO TAX ON TOBACCO PRODUCTS OTHER THAN CIGARETTES."

(Tobacco Products Tax Increase)

[Conf. Com. Rep. No. 51](#)

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

[S.B. No. 199, S.D. 1, H.D. 1, C.D. 1](#)

"RELATING TO TAXATION."

(Tax Credits; Partner's Distributive Share)

[Conf. Com. Rep. No. 52](#)

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

[S.B. No. 1111, S.D. 1, H.D. 1, C.D. 1](#)

"RELATING TO TAXATION."

(Transient Accommodations Tax Rate;
Excess Revenue)

[S.B. No. 301, S.D. 2, H.D. 1](#)

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

"RELATING TO THE HAWAII
REGISTERED AGENTS ACT."

(Hawaii Registered Agents Act)

[S.B. No. 521, S.D. 2, H.D. 1](#)

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

"RELATING TO REAL PROPERTY."

(Bureau of Conveyances; Counties; Recorded
Instruments)

10. Miscellaneous Communications: None

11. Miscellaneous Business

12. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
CONF	4/22/2009 9:30 AM	312
CONF	4/22/2009 9:30 AM	423
CONF	4/22/2009 10:00 AM	225
CONF	4/22/2009 10:45 AM	229
CONF	4/22/2009 1:00 PM	225
CONF	4/22/2009 1:15 PM	225

CONF	4/22/2009 1:30 PM	229
CONF	4/22/2009 2:00 PM	329
CONF	4/22/2009 2:00 PM	016
CONF	4/22/2009 2:30 PM	016
CONF	4/22/2009 2:45 PM	309
CONF	4/22/2009 2:45 PM	224
CONF	4/22/2009 3:00 PM	312
CONF	4/22/2009 3:00 PM	229
CONF	4/22/2009 3:00 PM	423
CONF	4/22/2009 3:15 PM	312
CONF	4/22/2009 3:30 PM	225
CONF	4/22/2009 4:05 PM	423
CONF	4/22/2009 7:00 PM	309
CONF	4/23/2009 9:00 AM	229
CPN	4/23/2009 9:30 AM	016
CONF	4/23/2009 9:45 AM	423
CONF	4/23/2009 9:50 AM	225
CONF	4/23/2009 10:00 AM	329
HTH	4/23/2009 10:00 AM	229
HTH/CPN	4/23/2009 10:00 AM	229
CONF	4/23/2009 11:00 AM	229
CONF	4/23/2009 1:00 PM	225
HRE/WTL	4/23/2009 1:00 PM	329
CONF	4/23/2009 2:00 PM	225
CONF	4/23/2009 2:30 PM	225
ENE	4/23/2009 2:45 PM	225
CONF	4/24/2009 9:00 AM	229
PSM	4/24/2009 9:00 AM	312
HMS	4/24/2009 9:30 AM	229
CONF	4/24/2009 1:30 PM	225
CONF	4/27/2009 10:00 AM	329
CONF	4/27/2009 10:30 AM	329

- Senate Session will convene at 11:30 a.m. on Thursday, April 23, 2009.

13. Adjournment