

THE SENATE
OF THE
TWENTY-FIFTH LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2010

THIRTEENTH DAY

FEBRUARY 8, 2010-MONDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Rabbi Peter B. Schaktman
Temple Emanu-El

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 180-235

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 180	Submitting for consideration and confirmation to the Contractors License Board, Gubernatorial Nominee, GERALD YAMADA, for a term to expire 6-30-2014.	CPN
G.M. No. 181	Submitting for consideration and confirmation to the Board of Dental Examiners, Gubernatorial Nominee, MELANIE BILBAENO VALLEJOS DDS, for a term to expire 6-30-2014.	CPN
G.M. No. 182	Submitting for consideration and confirmation to the Board of Electricians and Plumbers, Gubernatorial Nominee, LINDSEY JOHN KIMURA, for a term to expire 6-30-2014.	CPN

<u>G.M. No. 183</u>	Submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, Gubernatorial Nominee, NORMAN G.Y. HONG, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 184</u>	Submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, Gubernatorial Nominee, HOWARD K.C. LAU, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 185</u>	Submitting for consideration and confirmation to the Board of Massage Therapy, Gubernatorial Nominee, RHONDA C. SCOTT, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 186</u>	Submitting for consideration and confirmation to the Hawaii Medical Board, Gubernatorial Nominee, FEREDOUN DON PARSA MD, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 187</u>	Submitting for consideration and confirmation to the Hawaii Medical Board, Gubernatorial Nominee, DANNY MORITO TAKANISHI JR., for a term to expire 6-30-2014.	CPN
<u>G.M. No. 188</u>	Submitting for consideration and confirmation to the State Board of Nursing, Gubernatorial Nominee, MATTHEW J. BISHOP, for a term to expire 6-30-2013.	CPN
<u>G.M. No. 189</u>	Submitting for consideration and confirmation to the State Board of Nursing, Gubernatorial Nominee, STEPHEN A. KULA PHD, for a term to expire 6-30-2013.	CPN
<u>G.M. No. 190</u>	Submitting for consideration and confirmation to the State Board of Nursing, Gubernatorial Nominee, CECILIA P.S. MUKAI PHD, for a term to expire 6-30-2013.	CPN

<u>G.M. No. 191</u>	Submitting for consideration and confirmation to the Board of Psychology, Gubernatorial Nominee, FRANCES PAULETTE HACKBARTH, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 192</u>	Submitting for consideration and confirmation to the Public Utilities Commission, Gubernatorial Nominee, CARLITO P. CALIBOSO, for a term to expire 6-30-2016.	CPN
<u>G.M. No. 193</u>	Submitting for consideration and confirmation to the Real Estate Commission, Gubernatorial Nominee, FRANCES ALLISON TORRE GENDRANO, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 194</u>	Submitting for consideration and confirmation to the Board of Speech Pathology and Audiology, Gubernatorial Nominee, JENNY C. WELL, for a term to expire 6-30-2013.	CPN
<u>G.M. No. 195</u>	Submitting for consideration and confirmation to the Board of Veterinary Examiners, Gubernatorial Nominee, ELWOOD ICHIRO KITA, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 196</u>	Submitting for consideration and confirmation to the Board of Directors of the Hawaii Housing Finance and Development Corporation (HFD), Gubernatorial Nominee, ALLAN LOS BANOS JR., for a term to expire 6-30-2014.	EDH
<u>G.M. No. 197</u>	Submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, JULIE M.E. TAOMIA, for a term to expire 6-30-2014.	EDT
<u>G.M. No. 198</u>	Submitting for consideration and confirmation to the Stadium Authority, Gubernatorial Nominee, ALAN S. TAMAYOSE, for a term to expire 6-30-2014.	EDT

<u>G.M. No. 199</u>	Submitting for consideration and confirmation to the Stadium Authority, Gubernatorial Nominee, KENNETH B. MARCUS ESQ., for a term to expire 6-30-2014.	EDT
<u>G.M. No. 200</u>	Submitting for consideration and confirmation to the Stadium Authority, Gubernatorial Nominee, KATHRYN WHANG INOUYE, for a term to expire 6-30-2014.	EDT
<u>G.M. No. 201</u>	Submitting for consideration and confirmation to the State Rehabilitation Council, Gubernatorial Nominee, NATHAN E. SAY, for a term to expire 6-30-2011.	HMS
<u>G.M. No. 202</u>	Submitting for consideration and confirmation to the Statewide Council on Independent Living, Gubernatorial Nominee, NATHAN E. SAY, for a term to expire 6-30-2014.	HMS
<u>G.M. No. 203</u>	Submitting for consideration and confirmation to the Hawai'i Commission for National and Community Service, Gubernatorial Nominee, FLORELINE B. VILA, for a term to expire 6-30-2013.	HRE
<u>G.M. No. 204</u>	Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, JOAN M. BELLARD, for a term to expire 6-30-2014.	HTH
<u>G.M. No. 205</u>	Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, ANNEMARIE L. KALAMA, for a term to expire 6-30-2010.	HTH
<u>G.M. No. 206</u>	Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, ANNEMARIE L. KALAMA, for a term to expire 6-30-2014.	HTH

<u>G.M. No. 207</u>	Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, JOSEPH CURTIS TYLER III, for a term to expire 6-30-2014.	HTH
<u>G.M. No. 208</u>	Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, JOANN W.L. YUEN, for a term to expire 6-30-2010.	HTH
<u>G.M. No. 209</u>	Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, JOANN W.L. YUEN, for a term to expire 6-30-2014.	HTH
<u>G.M. No. 210</u>	Submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, Gubernatorial Nominee, TAMAH-LANI S.K. NOH, for a term to expire 6-30-2014.	HTH
<u>G.M. No. 211</u>	Submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, Gubernatorial Nominee, MARCIANO D. AQUINO, for a term to expire 6-30-2014.	HTH
<u>G.M. No. 212</u>	Submitting for consideration and confirmation to the Board of Health, Gubernatorial Nominee, KEVIN D. CASSEL, for a term to expire 6-30-2014.	HTH
<u>G.M. No. 213</u>	Submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, Gubernatorial Nominee, KATHLEEN A. CLARK, for a term to expire 6-30-2010.	HTH
<u>G.M. No. 214</u>	Submitting for consideration and confirmation to the Health Planning Council, Kaua'i Subarea, Gubernatorial Nominee, KATHLEEN A. CLARK, for a term to expire 6-30-2014.	HTH

<u>G.M. No. 215</u>	Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Kaua'i Service Area Board, Gubernatorial Nominee, CRYSTAL LEE AGUINALDO, for a term to expire 6-30-2013.	HTH
<u>G.M. No. 216</u>	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 6-30-2014.	HTH
<u>G.M. No. 217</u>	Submitting for consideration and confirmation to the Mental Health and Substance Abuse, Kaua'i Service Area Board, Gubernatorial Nominee, BRENDA K. VIADO CRC, for a term to expire 6-30-2014.	HTH
<u>G.M. No. 218</u>	Submitting for consideration and confirmation to the State Council on Mental Health, Gubernatorial Nominee, GORDON M. DURANT, for a term to expire 6-30-2014.	HTH
<u>G.M. No. 219</u>	Submitting for consideration and confirmation to the Language Access Advisory Council, Gubernatorial Nominee, TIN MYAING THEIN, for a term to expire 6-30-2014.	JGO
<u>G.M. No. 220</u>	Submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, ELIZABETH KENT, for a term to expire 6-30-2014.	JGO
<u>G.M. No. 221</u>	Submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, Gubernatorial Nominee, JAMES LEE WEANDER, for a term to expire 6-30-2010.	LBR
<u>G.M. No. 222</u>	Submitting for consideration and confirmation to the Hoisting Machine Operators Advisory Board, Gubernatorial Nominee, JAMES LEE WEANDER, for a term to expire 6-30-2014.	LBR

G.M. No. 223	Submitting for consideration and confirmation to the Board of Certification of Public Water System Operators, Gubernatorial Nominee, GUY SEICHI MORIGUCHI, for a term to expire 6-30-2014.	LBR
G.M. No. 224	Submitting for consideration and confirmation to the Crime Victim Compensation Commission, Gubernatorial Nominee, THOMAS T. WATTS, for a term to expire 6-30-2014.	PSM
G.M. No. 225	Submitting for consideration and confirmation to the Hawai'i Paroling Authority, Gubernatorial Nominee, DANE K. ODA, for a term to expire 6-30-2014.	PSM
G.M. No. 226	Submitting for consideration and confirmation to the Harbors Modernization Group, Gubernatorial Nominee, EDWARD W. ENOS JR., for a term to expire 6-30-2014.	TIA
G.M. No. 227	Submitting for consideration and confirmation to the Commission on Transportation, Gubernatorial Nominee, PETE G. PASCUA JR., for a term to expire 6-30-2014.	TIA
G.M. No. 228	Submitting for consideration and confirmation to the Commission on Transportation, Gubernatorial Nominee, LESTER H. FUKUDA, for a term to expire 6-30-2013.	TIA
G.M. No. 229	Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, Gubernatorial Nominee, KELVIN M. BLOOM, for a term to expire 6-30-2014.	TSM
G.M. No. 230	Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, Gubernatorial Nominee, PATRICIA ANN EWING, for a term to expire 6-30-2014.	TSM

G.M. No. 231	Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Tourism Authority, Gubernatorial Nominee, CHARLENE "CHA" MAE KU'UPUAALA THOMPSON, for a term to expire 6-30-2014.	TSM
G.M. No. 232	Submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, Gubernatorial Nominee, JOHN S. K. HOAG ESQ., for a term to expire 6-30-2013.	WTL
G.M. No. 233	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 6-30-2014.	WTL
G.M. No. 234	Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, WILLIAM D. BALFOUR JR., for a term to expire 6-30-2010.	WTL
G.M. No. 235	Submitting for consideration and confirmation to the Commission on Water Resource Management, Gubernatorial Nominee, WILLIAM D. BALFOUR JR., for a term to expire 6-30-2014.	WTL

2. Departmental Communications: None

3. House Communication Nos. 10-12

Returning the following Senate Bill which passed Third Reading in the House on February 5, 2010, in an amended form:

REFERRAL

10

[S.B. No. 1311, S.D. 1, H.D. 1](#)
"RELATING TO AQUATIC RESOURCES."(Aquatic Resources; UH; DLNR)

AGREE/DISAGREE

Informing the Senate that on February 5, 2010,
the following House Bills passed Third Reading
in the House:

- 11 [H.B. No. 1853](#)
 "RELATING TO PUBLIC
 SCHOOLS."(Department of Education; Prohibit
 Sale of Ice Cream and Candy)
- 12 [H.B. No. 1900](#)
 "RELATING TO MILITARY
 PERSONNEL."(Prisoner of War and Missing in
 Action Casualty Status)

4. Senate Communications: None
5. Judiciary Communications: None
6. Introduction of Measures Senate Concurrent Resolution Nos. 75-76
 Senate Resolution Nos. 31-32
7. Standing Committee Report Nos. 2041-2066

- | | | |
|-----------------------------|-------|---|
| <u>2041</u> | (ENE) | <u>S.B. No. 2332, S.D. 1</u>
"RELATING TO ENERGY EFFICIENCY
AND RENEWABLE ENERGY."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to CPN) |
| <u>2042</u> | (ENE) | <u>S.B. No. 2147, S.D. 1</u>
"RELATING TO THE USE OF AIR
CONDITIONERS."
(Recommends passage on <u>SECOND</u>
<u>READING</u> and referral to CPN) |

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| 2043 | (ENE/TIA) | S.B. No. 2081, S.D. 1
"RELATING TO LITTER CONTROL."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2044 | (ENE) | S.B. No. 2232, S.D. 1
"RELATING TO RENEWABLE FUELS."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2045 | (LBR) | S.B. No. 2383
"RELATING TO DISLOCATED WORKERS."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| 2046 | (LBR) | S.B. No. 2626
"RELATING TO PUBLIC SERVICE."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2047 | (LBR) | S.B. No. 2107, S.D. 1
"RELATING TO HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2048 | (TIA) | S.B. No. 2755, S.D. 1
"RELATING TO HIGHWAY SAFETY."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| 2049 | (TIA) | S.B. No. 2757, S.D. 1
"RELATING TO COMMERCIAL DRIVER LICENSING."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |

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| 2050 | (TIA) | S.B. No. 2461, S.D. 1
"RELATING TO TRANSPORTATION."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2051 | (TSM) | S.B. No. 2187, S.D. 1
"RELATING TO THE HAWAII TOURISM AUTHORITY."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| 2052 | (EDH) | S.B. No. 2119
"RELATING TO EDUCATION."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2053 | (EDH) | S.B. No. 2096, S.D. 1
"RELATING TO EDUCATION."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2054 | (EDH) | S.B. No. 2109, S.D. 1
"RELATING TO LOW-INCOME HOUSING."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2055 | (EDH) | S.B. No. 2117, S.D. 1
"RELATING TO EDUCATION."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2056 | (EDH) | S.B. No. 2130, S.D. 1
"RELATING TO THE BUDGET."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |

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| 2057 | (EDH) | S.B. No. 2279, S.D. 1
"RELATING TO EDUCATION."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2058 | (EDH/LBR) | S.B. No. 2797, S.D. 1
"RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2059 | (LBR) | S.B. No. 2205, S.D. 1
"RELATING TO EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2060 | (PSM) | S.B. No. 2025, S.D. 1
"RELATING TO PAROLE."
(Recommends passage on <u>SECOND READING</u> and referral to JGO) |
| 2061 | (PSM) | S.B. No. 2139, S.D. 1
"RELATING TO VETERANS."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |
| 2062 | (PSM) | S.B. No. 2054, S.D. 1
"RELATING TO CIVIL DEFENSE."
(Recommends passage on <u>SECOND READING</u> and referral to WAM) |

2063	(PSM)	S.B. No. 2026, S.D. 1 "RELATING TO PAROLE." (Recommends passage on <u>SECOND READING</u> and referral to WAM)
2064	(PSM/TIA)	S.B. No. 2052, S.D. 1 "RELATING TO FIREWORKS." (Recommends passage on <u>SECOND READING</u> and referral to WAM)
2065	(HRE)	S.B. No. 2387 "RELATING TO THE UNIVERSITY OF HAWAII." (Recommends passage on <u>SECOND READING</u> and referral to WAM)
2066	(HRE)	S.B. No. 2389 "RELATING TO THE UNIVERSITY OF HAWAII." (Recommends passage on <u>SECOND READING</u> and referral to WAM)

ORDER OF THE DAY

8. Third Reading

[\(See Stand. Com. Rep. No. 2023\)](#)

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

[S.B. No. 2286, S.D. 1](#)
"RELATING TO LONG TERM CARE." -
(HMS)

(Long Term Care Commission; Sunset)

[\(See Stand. Com. Rep. No. 2040\)](#)

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

[S.B. No. 2449](#)

"RELATING TO DRIVER LICENSING." -
(TIA)

(Driver Licensing; Provisional License)

9. Miscellaneous Communications: None

10. Miscellaneous Business

11. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
EDH/HMS	2/8/2010 1:15 PM	225
EDH/HMS/CPN	2/8/2010 1:15 PM	225
EDH/TIA	2/8/2010 1:15 PM	225
EDT/JGO	2/8/2010 1:15 PM	016
TIA	2/8/2010 1:15 PM	225
WTL/EDT	2/8/2010 1:15 PM	016
EDT	2/8/2010 1:30 PM	016
EDH	2/8/2010 1:45 PM	225
TIA	2/8/2010 2:00 PM	224
HTH	2/8/2010 2:45 PM	016
WTL/TIA	2/8/2010 2:45 PM	229
WTL	2/8/2010 3:15 PM	229
CPN/HTH	2/9/2010 9:00 AM	229
HTH/CPN	2/9/2010 9:00 AM	229
WAM-EDT	2/9/2010 9:00 AM	211
JGO/ENE	2/9/2010 9:30 AM	016
LBR/JGO	2/9/2010 9:45 AM	016
CPN/ENE	2/9/2010 10:00 AM	229
ENE/CPN	2/9/2010 10:00 AM	229
JGO	2/9/2010 10:00 AM	016
HMS	2/9/2010 1:15 PM	016
HRE	2/9/2010 1:15 PM	225
PSM/CPN	2/9/2010 1:15 PM	229
PSM/LBR	2/9/2010 1:20 PM	229
PSM	2/9/2010 1:25 PM	229
HMS/TIA	2/9/2010 1:30 PM	016

WTL/HRE/EDH	2/9/2010 1:30 PM	225
LBR/EDH	2/9/2010 2:15 PM	224
HMS/CPN	2/9/2010 2:30 PM	016
ENE	2/9/2010 2:45 PM	225
ENE/WTL	2/9/2010 2:45 PM	225
HTH/LBR	2/9/2010 2:45 PM	224
LBR/HTH	2/9/2010 2:45 PM	224
TSM	2/9/2010 2:45 PM	229
ENE	2/9/2010 3:00 PM	225
LBR	2/9/2010 3:00 PM	224
LBR/JGO	2/9/2010 3:00 PM	224
HMS/LBR	2/9/2010 3:30 PM	224
LBR/HMS	2/9/2010 3:30 PM	224
HMS	2/9/2010 4:30 PM	016
CPN	2/10/2010 9:00 AM	229
CPN/TSM	2/10/2010 9:00 AM	229
CPN	2/10/2010 9:15 AM	229
JGO	2/10/2010 9:30 AM	016
WAM	2/10/2010 9:30 AM	211
CPN/TIA	2/10/2010 10:45 AM	229
CPN/WTL	2/10/2010 11:00 AM	229
EDH/EDT	2/10/2010 1:15 PM	225
EDH	2/10/2010 1:20 PM	225
EDH/WTL	2/10/2010 1:20 PM	225
EDT	2/10/2010 1:30 PM	016
TIA	2/10/2010 2:00 PM	224
HTH	2/10/2010 2:45 PM	016
HTH/EDT	2/10/2010 2:45 PM	016
WTL	2/10/2010 2:45 PM	229
HUS-HMS	2/11/2010 9:30 AM	329
WAM	2/11/2010 9:30 AM	211
HMS/PSM	2/11/2010 1:15 PM	016
EDN-EDH	2/17/2010 3:00 PM	309
EDN-EDH	2/17/2010 4:00 PM	309
HMS-HTH	2/18/2010 2:45 PM	016
CPN	2/23/2010 9:00 AM	229

- Senate Session will convene at 11:30 a.m. on Tuesday, February 9, 2010.

12. Adjournment