

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

THIRTY-EIGHTH DAY

MARCH 24, 2010-WEDNESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Ms. Feleai "Fele" Tau
Office of Senator Josh Green, M.D.

Roll Call

Approval of the Journal

Introductions

- Floor Presentation:

HONORING AND COMMENDING THE HAWAI'I FARMERS UNION. (Senator Gabbard)

1. Messages from the Governor: Nos. 380-381

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 380	Informing the Senate that on March 23, 2010, the Governor signed the following bill into law: SB2602, HD1 (Act 009). "RELATING TO REAL ESTATE LICENSEES."	FILE

[G.M. No. 381](#)

Letter dated March 18, 2010, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of a \$40,000,000 FY 10 emergency general fund appropriation for the health care payments program (HMS 401) and a corresponding federal match to address a funding shortfall in the Medicaid program, and defer to the Legislature to find a suitable bill to insert draft language.

FILE

2. Departmental Communications: None

3. House Communication Nos. 274-276

Returning the following Senate Bill which passed Third Reading in the House on March 23, 2010:

REFERRAL

274

[S.B. No. 2772, S.D. 2](#)

"RELATING TO VETERINARY MEDICINE."(Veterinary Medicine)

FILE

Informing the Senate that on March 23, 2010, the House agreed to the amendments proposed by the Senate and that said bill passed Final Reading in the House:

275

[H.B. No. 2427, H.D. 1, S.D. 1](#)

"RELATING TO SOLID WASTE MANAGEMENT."(Solid Waste; Management Plans)

FILE

Informing the Senate that on March 23, 2010, the House disagreed to the amendments proposed by the Senate to the following House bills:

276

[H.B. No. 1853, S.D. 1](#)

"RELATING TO PUBLIC SCHOOLS."(Department of Education; Prohibit Sale of Ice Cream and Candy)

FILE

[H.B. No. 2027, H.D. 1, S.D. 1](#)
"RELATING TO DISHONORED
CHECKS."(Service Charges for Dishonored
Checks)

4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 2846-2854

2846	(EDH)	S.C.R. No. 142, S.D. 1 "REQUESTING RESEARCH AND THE ESTABLISHMENT OF A POLICY GROUP TO INFORM THE DEPARTMENT OF EDUCATION'S DETERMINATION OF ITS CORE MISSION AND CORE FUNCTIONS." (Recommends referral to WAM)
2847	(EDH)	S.C.R. No. 110, S.D. 1 "REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO DEVELOP A COMPREHENSIVE PLAN TO IMPROVE AWARENESS OF AND STRENGTHEN SUPPORT FOR PERSONS WITH DYSLEXIA." (Recommends referral to WAM)
2848	(EDH)	S.C.R. No. 109, S.D. 1 "REQUESTING A TRANSITION PLAN FOR THE TRANSFER OF THE HAWAII STATE PUBLIC LIBRARY SYSTEM FROM THE BOARD OF EDUCATION TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES." (AMENDED TITLE) (Recommends referral to WAM)

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| <p><u>2849</u></p> | <p>(EDH)</p> | <p><u>S.C.R. No. 108, S.D. 1</u>
"REQUESTING THE CONVENING OF A TASK FORCE TO ESTABLISH A CONSISTENT FUNDING FORMULA, PROCESS, OR BOTH, BY WHICH EQUITABLE FUNDING TO CHARTER SCHOOLS IS DETERMINED."
(Recommends referral to WAM)</p> |
| <p><u>2850</u></p> | <p>(EDH)</p> | <p><u>S.C.R. No. 95, S.D. 1</u>
"REQUESTING THAT A TASK FORCE BE ESTABLISHED TO IDENTIFY THE LIBRARY SERVICES NEEDED IN UNDERSERVED COMMUNITIES AND SEEK COMMUNITY SOURCES OF FUNDING TO OFFSET THE LOSS OF FUNDING TO LIBRARIES."
(Recommends referral to WAM)</p> |
| <p><u>2851</u>
(One Day Notice)</p> | <p>(TIA)</p> | <p><u>S.C.R. No. 126</u>
"URGING THE UNITED NATIONS TO GRANT TAIWAN MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION."
(Recommends Adoption)</p> |
| <p><u>2852</u>
(One Day Notice)</p> | <p>(LBR)</p> | <p><u>H.B. No. 1868, H.D. 1</u>
"RELATING TO CIVIL SERVICE."
(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)</p> |
| <p><u>2853</u>
(48 Hrs. Notice)</p> | <p>(CPN)</p> | <p><u>H.B. No. 2289, H.D. 2, S.D. 1</u>
"RELATING TO GIFT CERTIFICATES."
(Recommends passage on <u>SECOND READING</u> and placement on the calendar for Third Reading)</p> |

[2854](#) (CPN/TIA)
(48 Hrs. Notice)

[H.B. No. 1927, H.D. 2, S.D. 1](#)
"RELATING TO OWNER-BUILDERS."
(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

ORDER OF THE DAY

7. Advise and Consent

[2830](#) HTH
[Testimony Status](#)

[G.M. No. 218](#)
"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."

[2831](#) HTH
[Testimony Status](#)

[G.M. No. 208](#)
"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."

[2831](#) HTH
[Testimony Status](#)

[G.M. No. 209](#)
"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."

2831 Testimony Status	HTH	G.M. No. 257 "Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, CAROLINE M.T. CADIRAO, for a term to expire 6-30-2010."
2831 Testimony Status	HTH	G.M. No. 258 "Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, CAROLINE M.T. CADIRAO, for a term to expire 6-30-2014."
2831 Testimony Status	HTH	G.M. No. 259 "Submitting for consideration and confirmation to the State Council on Developmental Disabilities, Gubernatorial Nominee, JOSHUA I. SMALLEY-BOWER, for a term to expire 6-30-2012."
2832 Testimony Status	HTH	G.M. No. 215 "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."
2832 Testimony Status	HTH	G.M. No. 216 "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."

2832	HTH	G.M. No. 217 "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."
Testimony Status		
2833	HTH	G.M. No. 289 "Submitting for consideration and confirmation to the Disability and Communication Access Board, Gubernatorial Nominee, LUCY MILLER PHD, for a term to expire 6-30-2014."
Testimony Status		
2833	HTH	G.M. No. 290 "Submitting for consideration and confirmation to the Disability and Communication Access Board, Gubernatorial Nominee, LYNN K. MURAKAMI-AKATSUKA, for a term to expire 6-30-2010."
Testimony Status		
2833	HTH	G.M. No. 291 "Submitting for consideration and confirmation to the Disability and Communication Access Board, Gubernatorial Nominee, LYNN K. MURAKAMI-AKATSUKA, for a term to expire 6-30-2014."
Testimony Status		
2834	HTH	G.M. No. 213 "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."
Testimony Status		

2834	HTH	G.M. No. 214 "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."
Testimony Status		
2835	HTH	G.M. No. 260 "Submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, Gubernatorial Nominee, ANNE TRYGSTAD, for a term to expire 6-30-2010."
Testimony Status		
2835	HTH	G.M. No. 261 "Submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, Gubernatorial Nominee, ANNE TRYGSTAD, for a term to expire 6-30-2014."
Testimony Status		
2835	HTH	G.M. No. 262 "Submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, Gubernatorial Nominee, MARTHA J. TURNER, for a term to expire 6-30-2013."
Testimony Status		
2836	HTH	G.M. No. 211 "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."
Testimony Status		

2837 Testimony Status	HTH	G.M. No. 204 "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."
2837 Testimony Status	HTH	G.M. No. 205 "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."
2837 Testimony Status	HTH	G.M. No. 206 "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."
2837 Testimony Status	HTH	G.M. No. 207 "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."
2838 Testimony Status	HTH	G.M. No. 210 "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."

2839	HTH	G.M. No. 212 "Submitting for consideration and confirmation to the Board of Health, Gubernatorial Nominee, KEVIN D. CASSEL, for a term to expire 6-30-2014."
Testimony Status		
2840	HTH	G.M. No. 263 "Submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, Gubernatorial Nominee, JOHN C. KEENE, for a term to expire 6-30-2010."
Testimony Status		
2840	HTH	G.M. No. 264 "Submitting for consideration and confirmation to the Health Planning Council, Windward Oahu Subarea, Gubernatorial Nominee, JOHN C. KEENE, for a term to expire 6-30-2014."
Testimony Status		
2841	HTH	G.M. No. 292 "Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, RICHARD E. MEIERS, for a term to expire 6-30-2012."
Testimony Status		
2842	JGO	G.M. No. 220 "Submitting for consideration and confirmation to the Commission to Promote Uniform Legislation, Gubernatorial Nominee, ELIZABETH KENT, for a term to expire 6-30-2014."
Testimony Status		

8. Adopt Resolutions

[2843](#)

PSM

[H.C.R. No. 70](#)

"RECOGNIZING AND COMMENDING
THOSE WHO PROVIDE SUPPORT TO
THE FAMILIES OF DEPLOYED
MEMBERS OF THE ARMED FORCES."

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

9. Third Reading

[\(See Stand. Com. Rep. No. 2828\)](#)

[H.B. No. 1992, H.D. 1, S.D. 1](#)

"RELATING TO THE INTERMEDIATE
APPELLATE COURT." - (JGO)

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

(Intermediate Court of Appeals; Subpoenas;
Oaths)

[\(See Stand. Com. Rep. No. 2829\)](#)

[H.B. No. 2721, H.D. 1, S.D. 1](#)

"RELATING TO COURT REPORTERS." -
(JGO)

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

(Judiciary; Shorthand Reporters)

10. Miscellaneous Communications: None

11. Miscellaneous Business

12. Announcements

- Floor Presentations for Monday, March 29, 2010:

RECOGNIZING AND CONGRATULATING THE UNITED STATES SMALL BUSINESS ADMINISTRATION'S STATE OF HAWAII 2010 SMALL BUSINESS AWARD RECIPIENTS. (Senator Fukunaga)

RECOGNIZING AND HONORING UNITED FISHING AGENCY, LTD. (Senator Taniguchi)

COMMENDING AND CONGRATULATING HAWAI'I PERMANENTE MEDICAL GROUP FOR FIFTY YEARS OF COMPREHENSIVE, COORDINATED AND COMPASSIONATE MEDICAL CARE. (Senator Ige)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
EDT	3/24/2010 1:15 PM	016
EDH-EDN	3/24/2010 2:15 PM	309
EDH	3/24/2010 2:45 PM	225
EDH/CPN	3/24/2010 2:45 PM	225
HTH	3/24/2010 2:45 PM	016
WTL	3/24/2010 2:45 PM	229
EDH	3/24/2010 3:00 PM	225
HUS-HMS	3/25/2010 10:00 AM	Farrington High School, Auditorium
HMS	3/25/2010 1:15 PM	016
HRE/EDT	3/25/2010 1:15 PM	225
HRE/HTH	3/25/2010 1:25 PM	225
HRE	3/25/2010 1:35 PM	225
HTH/HMS	3/25/2010 1:45 PM	016
ENE/TIA/WTL	3/25/2010 2:45 PM	225
TSM	3/25/2010 2:45 PM	229
ENE/WTL	3/25/2010 3:00 PM	225
HMS/JGO	3/25/2010 3:00 PM	016
ENE/HTH	3/25/2010 3:15 PM	225
ENE	3/25/2010 3:20 PM	225
ENE/EDT	3/25/2010 3:30 PM	225
HUS-HSG-HMS	3/25/2010 4:30 PM	Aging and Disability Resource Center, Training Room (Hilo)
PSM/JGO	3/29/2010 10:00 AM	016

EDT	3/29/2010 1:15 PM	016
TIA	3/29/2010 1:15 PM	224
TIA/WTL	3/29/2010 2:45 PM	229
HRE	3/30/2010 1:15 PM	225
ENE/TSM	3/30/2010 2:45 PM	225
EDH/EDT/HRE	3/31/2010 1:15 PM	016
EDT	3/31/2010 1:15 PM	016
EDT	3/31/2010 1:45 PM	016
EDH/WTL	3/31/2010 2:45 PM	229
PSM/HRE	4/1/2010 1:15 PM	229
PSM	4/1/2010 1:20 PM	229
PSM/EDT	4/8/2010 1:30 PM	229
HMS	4/13/2010 1:15 PM	016

- Senate Session will convene at 11:30 a.m. on Monday, March 29, 2010.

13. Adjournment