

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

FORTIETH DAY

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

ORDER OF BUSINESS

Invocation by The Honorable Fred Hemmings
Hawai'i State Senate

Roll Call

Approval of the Journal

Introductions

- Floor Presentations:

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

HONORING AND COMMENDING THE ENVIRONMENTAL REVIEW WORKING GROUP. (Senator Gabbard)

1. Messages from the Governor: None
2. Departmental Communications: None

3. House Communication Nos. 282-292

Informing the Senate that on March 29, 2010, the House disagreed to the amendments proposed by the Senate to the following House bills:

REFERRAL

282

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

FILE

"RELATING TO THE INTERMEDIATE APPELLATE COURT."(Intermediate Court of Appeals; Subpoenas; Oaths)

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

"RELATING TO COURT REPORTERS."(Judiciary; Shorthand Reporters)

Informing the Senate that on March 29, 2010, the following House Concurrent Resolutions were adopted in the House:

283

[H.C.R. No. 62](#)

"SUPPORTING CAREGIVERS AND RECOGNIZING THEIR ROLE IN MAINTAINING THE HEALTH AND WELL-BEING OF HAWAII'S FRAIL AND VULNERABLE POPULATION."(Caregivers)

284

[H.C.R. No. 64](#)

"RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH.""(Adult Residential Care Home and Adult Foster Home Operators Month)

285

[H.C.R. No. 140](#)

"PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII."(University of Hawaii; Ethnic Studies)

286 [H.C.R. No. 146](#)
"URGING THE CITY AND COUNTY OF HONOLULU TO LEASE THE EWA VILLAGES MANSION AND CEMETERY TO THE EWA HISTORICAL SOCIETY TO PROTECT, PRESERVE, AND RESTORE THESE HISTORICAL PLACES."(Ewa Villages; Preservation)

287 [H.C.R. No. 178](#)
"RECOGNIZING OCTOBER AS ENERGY AWARENESS MONTH IN HAWAII."(Energy Awareness Month)

288 [H.C.R. No. 242](#)
"URGING THE UNITED NATIONS TO GRANT TAIWAN MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION."(Taiwan; International Civil Aviation Organization Participation)

Returning the following Senate Bills which passed Third Reading in the House on March 29, 2010, in an amended form:

289 [S.B. No. 2111, S.D. 2, H.D. 1](#) AGREE/DISAGREE
"RELATING TO AFFORDABLE HOUSING."(Affordable Housing; Infrastructure; County Review)

290 [S.B. No. 2340, S.D. 1, H.D. 1](#) AGREE/DISAGREE
"RELATING TO KANEOHE BAY REGIONAL COUNCIL."(Kaneohe Bay Regional Council; Meeting; Report)

- 291 [S.B. No. 2697, S.D. 1, H.D. 1](#) AGREE/DISAGREE
"RELATING TO INSURANCE."(Insurance Producers; Adjusters; Independent Bill Reviewers; Managing General Agents; Bail Agents; Port-of-Entry Insurance; Captive Insurance; Mutual Benefit Societies; Health Maintenance Organizations; Access to Records; Confidentiality of Documents; Interstate Insurance Product Regulation Compact)
- 292 [S.B. No. 2910, H.D. 1](#) AGREE/DISAGREE
"RELATING TO REAL PROPERTY."(Residential Real Property; Mortgage Foreclosure)

4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 2887-2905

[2887](#) (WTL) [S.C.R. No. 71](#)
"AUTHORIZING THE SALE OF STATE LANDS AT HANAPEPE, WAIMEA, KAUAI, FOR RESIDENTIAL PURPOSES."
(Recommends referral to WAM)

[2888](#) (EDH) [S.C.R. No. 157, S.D. 1](#)
"URGING THE DEPARTMENT OF EDUCATION TO ESTABLISH LONG-RANGE MASTER PLANS FOR EACH SCHOOL THAT DETERMINE A CONSISTENT APPROACH TO ADDRESSING LONG-STANDING FACILITIES MAINTENANCE, MANAGEMENT, AND CAPITAL IMPROVEMENT ISSUES." (AMENDED TITLE)
(Recommends referral to JGO)

- [2889](#) (EDH/CPN) [S.C.R. No. 171, S.D. 1](#)
"REQUESTING A REPORT ON THE FEASIBILITY OF ESTABLISHING A FORECLOSURE MITIGATION COUNSELING PROGRAM TO ASSIST HAWAII'S HOMEOWNERS." (AMENDED TITLE)
(Recommends referral to WAM)
- [2890](#) (HRE/HTH) [S.C.R. No. 167, S.D. 1](#)
"REQUESTING THE HAWAII STATE CENTER FOR NURSING TO EVALUATE THE NEED FOR AND RESOURCES REQUIRED TO ESTABLISH A CONTINUING EDUCATION PROGRAM FOR NURSES."
(Recommends referral to CPN)
- [2891](#) (TIA/WTL) [S.C.R. No. 131, S.D. 1](#)
"REQUESTING A COST-BENEFIT STUDY TO DETERMINE WHETHER LEASING INCOME CAN BE MAXIMIZED FROM AIRPORT AND HARBOR SPACE THROUGH THE USE OF RETAIL LEASING AGENTS."
(Recommends referral to WAM)
- [2892](#) (TIA/WTL) [S.R. No. 59, S.D. 1](#)
"REQUESTING A COST-BENEFIT STUDY TO DETERMINE WHETHER LEASING INCOME CAN BE MAXIMIZED FROM AIRPORT AND HARBOR SPACE THROUGH THE USE OF RETAIL LEASING AGENTS."
(Recommends referral to WAM)

[2893](#)
(One Day Notice)

(HMS)

[H.B. No. 1902, H.D. 1](#)

"RELATING TO LONG TERM CARE."
(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[2894](#)
(One Day Notice)

(WAM)

[H.B. No. 2600](#)

"RELATING TO TAX
ADMINISTRATION."
(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[2895](#)
(One Day Notice)

(WAM)

[H.B. No. 2596](#)

"RELATING TO TAX CREDITS."
(Recommends passage on SECOND
READING and placement on the calendar for
Third Reading)

[2896](#)
(One Day Notice)

(EDH)

[S.C.R. No. 140, S.D. 1](#)

"REQUESTING THE DEPARTMENT OF
EDUCATION TO RESPOND TO KPMG'S
RECOMMENDATIONS REGARDING
IMPROVEMENTS TO THE
DEPARTMENT'S OPERATIONS AND
WORKFLOW."
(Recommends Adoption)

[2897](#)
(One Day Notice)

(EDH)

[S.C.R. No. 195, S.D. 1](#)

"URGING THE DEPARTMENT OF
EDUCATION TO INCORPORATE SIGN
LANGUAGE AND OTHER
COMMUNICATION STRATEGIES
DURING INSTRUCTION TO ENHANCE
THE LEARNING OF CHILDREN WITH
COGNITIVE AND OTHER
DISABILITIES." (AMENDED TITLE)
(Recommends Adoption)

[2898](#) (EDH)
(One Day Notice)

[S.C.R. No. 221, S.D. 1](#)
"REQUESTING THE DEPARTMENT OF
EDUCATION TO ESTABLISH A TASK
FORCE TO MAKE RECOMMENDATIONS
FOR AN EDUCATIONAL PROGRAM FOR
HIGH SCHOOL ATHLETIC COACHES
AND TRAINERS TO AVOID AND
MINIMIZE INJURIES TO HIGH SCHOOL
ATHLETES."
(Recommends Adoption)

[2899](#) (EDT)
(One Day Notice)

[G.M. No. 279](#)
"Submitting for consideration and
confirmation to the Community-Based
Economic Development Advisory Council,
Gubernatorial Nominee, JENNIFER L.
ZELKO, for a term to expire 6-30-2014."

(Recommends Senate Consent to
Nomination)

[2899](#) (EDT)
(One Day Notice)

[G.M. No. 280](#)
"Submitting for consideration and
confirmation to the Community-Based
Economic Development Advisory Council,
Gubernatorial Nominee, MICHAEL J.
MURAKOSHI, for a term to expire 6-30-
2010."

(Recommends Senate Consent to
Nomination)

[2899](#)
(One Day Notice)

(EDT)

[G.M. No. 281](#)

"Submitting for consideration and confirmation to the Community-Based Economic Development Advisory Council, Gubernatorial Nominee, MICHAEL J. MURAKOSHI, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[2900](#)
(One Day Notice)

(EDT)

[G.M. No. 283](#)

"Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, GEORGE S. THRONAS, JR., for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[2900](#)
(One Day Notice)

(EDT)

[G.M. No. 284](#)

"Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, STEPHEN H. REELITZ, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[2900](#)
(One Day Notice)

(EDT)

[G.M. No. 315](#)

"Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, STEPHEN H. REELITZ, for a term to expire 6-30-2010."

(Recommends Senate Consent to Nomination)

[2900](#)
(One Day Notice)

(EDT)

[G.M. No. 317](#)

"Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, GEORGE S. THRONAS, JR., for a term to expire 6-30-2010."

(Recommends Senate Consent to Nomination)

[2901](#)
(One Day Notice)

(EDT)

[G.M. No. 197](#)

"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."

(Recommends Senate Consent to Nomination)

[2901](#)
(One Day Notice)

(EDT)

[G.M. No. 282](#)

"Submitting for consideration and confirmation to the Hawai'i Historic Places Review Board, Gubernatorial Nominee, NAOMI CLARKE LOSCH, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[2902](#)
(One Day Notice)

(EDT)

[G.M. No. 286](#)

"Submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, Gubernatorial Nominee, MARY BEGIER, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[2902](#)
(One Day Notice)

(EDT)

[G.M. No. 287](#)

"Submitting for consideration and confirmation to the State Foundation on Culture and the Arts Commission, Gubernatorial Nominee, PETER LARRY ROSEGG, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[2903](#)
(One Day Notice)

(EDT)

[G.M. No. 285](#)

"Submitting for consideration and confirmation to the Small Business Regulatory Review Board, Gubernatorial Nominee, BRUCE E. BUCKY, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[2904](#)
(One Day Notice)

(HMS)

[G.M. No. 347](#)

"Submitting for consideration and confirmation to the Commission of Fatherhood, Gubernatorial Nominee, CHESTER JAMES ADESSA, JR., for a term to expire 6-30-2011."

(Recommends Senate Consent to Nomination)

[2905](#)
(One Day Notice)

(HMS/EDH)

[S.C.R. No. 206, S.D. 1](#)

"REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS."

(Recommends Adoption)

ORDER OF THE DAY

7. Adopt Resolutions

2855	EDH/TIA	S.C.R. No. 93, S.D. 1 "REQUESTING A REVIEW OF THE FEASIBILITY OF DEVELOPING SINGLE ROOM OCCUPANCY DWELLINGS IN TRANSIT ORIENTED DEVELOPMENT PROJECTS TO ALLEVIATE THE AFFORDABLE HOUSING SHORTAGE." (AMENDED TITLE)
Testimony Prior Versions Status		
2856	EDH/TIA	S.C.R. No. 117, S.D. 1 "SUPPORTING THE BUILDING OF MODULAR AND FACTORY MANUFACTURED HOMES IN HAWAII."
Testimony Prior Versions Status		
2857	EDH	S.C.R. No. 107, S.D. 1 "REQUESTING A REPORT TO THE LEGISLATURE REGARDING INFORMATION ON THE PUBLIC SCHOOL JUNIOR KINDERGARTEN PROGRAM."
Testimony Prior Versions Status		
2858	HRE/EDH	S.C.R. No. 103, S.D. 1 "REQUESTING A REPORT ON THE FEASIBILITY OF CREATING A VOCATIONAL/TECHNICAL EDUCATION LEARNING CENTER AT HONOLULU COMMUNITY COLLEGE."
Testimony Prior Versions Status		

2859 Testimony Prior Versions Status	HTH	S.C.R. No. 156, S.D. 1 "REQUESTING THE DIRECTOR OF HEALTH TO PROMOTE THE USE OF XYLITOL FOR ITS PREVENTIVE AND THERAPEUTIC HEALTH AND ORAL HEALTH BENEFITS AND TO APPROPRIATELY INCORPORATE XYLITOL INTO THE HEALTHY HAWAII INITIATIVE." (AMENDED TITLE)
2860 Testimony Prior Versions Status	WTL	S.C.R. No. 217, S.D. 1 "REQUESTING A FEASIBILITY STUDY ON THE CONTRACTING OF THIRD PARTY AGENTS TO INSPECT AND CERTIFY HAWAII-GROWN GREEN COFFEE BEANS."
2882 Testimony Prior Versions Status	EDT/EDH/WTL/HRE	S.C.R. No. 147, S.D. 1 "CONVENING A WORKING GROUP TO EXAMINE FARM TO SCHOOL MODELS."
2883 Testimony Prior Versions Status	EDT/EDH/WTL/HRE	S.R. No. 67, S.D. 1 "CONVENING A WORKING GROUP TO EXAMINE FARM TO SCHOOL MODELS."
2884 Testimony Prior Versions Status	HTH	S.C.R. No. 178, S.D. 1 "URGING HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS AND CLINICS TO ACCEPT MEDICAL STUDENT ROTATIONS FROM A.T. STILL UNIVERSITY SCHOOL OF OSTEOPATHIC MEDICINE BASED OUT OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER, THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, AND OTHER HAWAII-BASED MEDICAL SCHOOLS."

[2885](#) WTL [S.C.R. No. 208, S.D. 1](#)
[Testimony Prior](#) "REQUESTING THE GOVERNOR TO
[Versions Status](#) AMEND EXECUTIVE ORDER NO. 3665
THAT SET ASIDE LANDS FOR A GOLF
COURSE AND TO RE-DEDICATE THOSE
LANDS FOR A REGIONAL PARK."

[2886](#) WTL [S.R. No. 106, S.D. 1](#)
[Testimony Prior](#) "REQUESTING THE GOVERNOR TO
[Versions Status](#) AMEND EXECUTIVE ORDER NO. 3665
THAT SET ASIDE LANDS FOR A GOLF
COURSE AND TO RE-DEDICATE THOSE
LANDS FOR A REGIONAL PARK."

8. Miscellaneous Communications: None

9. Miscellaneous Business

10. Announcements

- Floor Presentation for Wednesday, March 31, 2010:

COMMENDING AND RECOGNIZING THE UNITED STATES ORGANIZATION (USO) OF HAWAII FOR ITS OUTSTANDING MORALE PROGRAMS TO THE MEMBERS OF THE UNITED STATES ARMED FORCES. (Senator Espero)

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
HRE	3/30/2010 1:15 PM	225
ENE/TSM	3/30/2010 2:45 PM	225
LBR	3/30/2010 2:45 PM	224
ENE	3/30/2010 3:00 PM	225
JGO/WAM	3/31/2010 9:30 AM	211
WAM	3/31/2010 9:30 AM	211
CPN	3/31/2010 10:00 AM	229
WTL/JGO/WAM	3/31/2010 10:00 AM	211
JGO	3/31/2010 11:15 AM	016

EDH/EDT/HRE	3/31/2010 1:15 PM	016
EDT	3/31/2010 1:15 PM	016
TIA	3/31/2010 1:15 PM	224
EDT	3/31/2010 1:45 PM	016
EDH/WTL	3/31/2010 2:45 PM	229
WTL	3/31/2010 3:00 PM	229
WTL	3/31/2010 3:15 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 Wednesday, March 31, 2010.

11. Adjournment