

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

FORTY-FIRST DAY

MARCH 31, 2010-WEDNESDAY-11:30 O'CLOCK A.M.

ORDER OF BUSINESS

Invocation by Ms. Joanne Nakashima
Office of Senator Gary L. Hooser

Roll Call

Approval of the Journal

Introductions

- Floor Presentation:

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)

1. Messages from the Governor: Nos. 383-398

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
G.M. No. 383	Submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, Gubernatorial Nominee, KARL P. ESPALDON, for a term to expire 6-30-2014.	HTH
G.M. No. 384	Submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, Gubernatorial Nominee, BRUCE T. KAWANO, for a term to expire 6-30-2014.	CPN

<u>G.M. No. 385</u>	Submitting for consideration and confirmation to the Board of Electricians and Plumbers, Gubernatorial Nominee, MORRIS H. KANESHIRO, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 386</u>	Submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, Gubernatorial Nominee, CAROL H. IGARASHI, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 387</u>	Submitting for consideration and confirmation to the Board of Massage Therapy, Gubernatorial Nominee, LAURA Y. CHOCK, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 388</u>	Submitting for consideration and confirmation to the Board of Massage Therapy, Gubernatorial Nominee, OLIVIA B. NAGASHIMA, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 389</u>	Submitting for consideration and confirmation to the Medical Advisory Board, Gubernatorial Nominee, EUGENE A.H. MAGNIER MD, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 390</u>	Submitting for consideration and confirmation to the Medical Advisory Board, Gubernatorial Nominee, LEO MAHER MD, MHA, FAAN, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 391</u>	Submitting for consideration and confirmation to the Medical Advisory Board, Gubernatorial Nominee, ALAN SERIKAWA, for a term to expire 6-30-2014.	CPN
<u>G.M. No. 392</u>	Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Public Housing Authority, Gubernatorial Nominee, R. ERIC HO'OLULUKAMAKANI BEAVER, ESQ., for a term to expire 6-30-2014.	EDH

<u>G.M. No. 393</u>	Submitting for consideration and confirmation to the King Kamehameha Celebration Commission, Gubernatorial Nominee, TREVOR H. KAINOA DAINES, for a term to expire 6-30-2014.	EDT
<u>G.M. No. 394</u>	Submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, PETER H. COOPER, for a term to expire 6-30-2014.	ENE
<u>G.M. No. 395</u>	Submitting for consideration and confirmation to the Board of Directors of the Natural Energy Laboratory of Hawai'i Authority, Gubernatorial Nominee, MICHAEL BUCHAL, for a term to expire 6-30-2014.	ENE
<u>G.M. No. 396</u>	Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs (PABEA), Gubernatorial Nominee, HERBERT C. SHARP, for a term to expire 6-30-2014.	HMS
<u>G.M. No. 397</u>	Submitting for consideration and confirmation to the Hawai'i Medical Education Council, Gubernatorial Nominee, FEREDOUN DON PARSA, MD, for a term to expire 6-30-2013.	HRE
<u>G.M. No. 398</u>	Submitting for consideration and confirmation to the Board of Directors of the Research Corporation of the University of Hawai'i, Gubernatorial Nominee, MARK ITARU YAMADA, for a term to expire 6-30-2014.	HRE

2. Departmental Communications: None

3. House Communication Nos. 293-297

Informing the Senate that on March 30, 2010, the House disagreed to the amendments proposed by the Senate to the following House bills:

REFERRAL

293

[H.B. No. 1927, H.D. 2, S.D. 1](#)

FILE

"RELATING TO OWNER-BUILDERS."(Contractors; Owner-Builders)

[H.B. No. 2289, H.D. 2, S.D. 1](#)

"RELATING TO GIFT CERTIFICATES."(Gift Certificates)

[H.B. No. 2351, S.D. 1](#)

"RELATING TO VETERANS."(Veterans' License Plates)

Informing the Senate that on March 30, 2010, the following House Concurrent Resolutions were adopted in the House:

294

[H.C.R. No. 102, H.D. 1](#)

"EXPRESSING SUPPORT FOR THE VIGOROUS ENFORCEMENT OF EXISTING OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGULATIONS ON THE USE OF HEXAVALENT CHROMIUM AND URGING THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION TO PROMOTE THE USE OF SAFER ALTERNATIVES WITH THE GOAL OF EVENTUALLY BANNING HEXAVALENT CHROMIUM."(Hexavalent Chromium; Workplace Safety; OSHA Regulations)

- 295 [H.C.R. No. 141](#)
"SUPPORTING THE APPLICATION OF HAWAIIAN AIRLINES TO PROVIDE AIRLINE SERVICE TO HANEDA AIRPORT IN TOKYO, JAPAN."(Supporting the application of Hawaiian Airlines to the United States Department of Transportation to provide air transportation service to Haneda Airport, Tokyo, Japan.)
- 296 [H.C.R. No. 142](#)
"URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS."(Filipino Veterans; War Benefits)
- 297 [H.C.R. No. 175](#)
"URGING THE UNITED STATES CONGRESS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS A NATIONAL SYMBOL OF OUR NATION'S CONCERN AND COMMITMENT TO HONORING AND REMEMBERING THE LIVES OF ALL MEMBERS OF THE US ARMED FORCES WHO HAVE LOST THEIR LIVES IN THE LINE OF DUTY."(Honor and Remember Flag)

4. Senate Communications: None

5. Judiciary Communications: None

6. Standing Committee Report Nos. 2935-2956

<u>2935</u> (One Day Notice)	(CPN)	<u>S.C.R. No. 218, S.D. 1</u> "EXPRESSING LEGISLATIVE SUPPORT FOR THE RIGHT TO DISPLAY THE UNITED STATES FLAG." (Recommends Adoption)
<u>2936</u> (One Day Notice)	(HTH)	<u>S.C.R. No. 235, S.D. 1</u> "REQUESTING THE ESTABLISHMENT OF A CLEAN AND SOBER HOME AND HALFWAY HOUSE TASK FORCE." (Recommends Adoption)
<u>2937</u> (One Day Notice)	(HTH)	<u>S.R. No. 79, S.D. 1</u> "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." (Recommends Adoption)
<u>2938</u> (One Day Notice)	(HTH/LBR)	<u>S.C.R. No. 40, S.D. 1</u> "EXPRESSING SUPPORT FOR ENFORCEMENT OF EXISTING OSHA REGULATIONS ON THE USE OF HEXAVALENT CHROMIUM AND URGING OSHA TO DEVELOP SAFER ALTERNATIVES AND BAN HEXAVALENT CHROMIUM." (Recommends Adoption)

2939 (One Day Notice)	(HRE/EDT)	S.C.R. No. 145, S.D. 1 "PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII." (Recommends Adoption)
2940 (One Day Notice)	(HRE/EDT)	S.R. No. 66, S.D. 1 "PROCLAIMING 2010 AS THE YEAR OF ETHNIC STUDIES IN HAWAII." (Recommends Adoption)
2941 (One Day Notice)	(PSM/TIA)	S.C.R. No. 207, S.D. 1 "URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT H.R. 208, THE NATIONAL GUARDSMEN AND RESERVISTS PARITY FOR PATRIOTS ACT, AND S. 644, THE NATIONAL GUARD AND RESERVE RETIRED PAY EQUITY ACT OF 2009." (Recommends Adoption)
2942 (One Day Notice)	(PSM/TIA)	S.R. No. 105, S.D. 1 "URGING MEMBERS OF HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT H.R. 208, THE NATIONAL GUARDSMEN AND RESERVISTS PARITY FOR PATRIOTS ACT, AND S. 644, THE NATIONAL GUARD AND RESERVE RETIRED PAY EQUITY ACT OF 2009." (Recommends Adoption)

[2943](#)
(One Day Notice)

(EDH)

[G.M. No. 196](#)

"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."

(Recommends Senate Consent to Nomination)

[2944](#)
(One Day Notice)

(EDH)

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

"Submitting for consideration and confirmation to the Hawaii Teacher Standards Board, Gubernatorial Nominee, VOLETTA NOE NOE TOM, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

[2945](#)
(One Day Notice)

(EDH)

[G.M. No. 255](#)

"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Public Housing Authority (HPHA), Gubernatorial Nominee, MATTIE A. YOSHIOKA, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[2945](#)
(One Day Notice)

(EDH)

[G.M. No. 278](#)

"Submitting for consideration and confirmation to the Board of Directors of the Hawai'i Public Housing Authority (HPHA), Gubernatorial Nominee, ROGER K. GODFREY, for a term to expire 6-30-2013."

(Recommends Senate Consent to Nomination)

<u>2946</u> (One Day Notice)	(TIA)	<u>G.M. No. 371</u> "Submitting for consideration and confirmation to the Commission on Transportation, Gubernatorial Nominee, JOHN B. RAY, for a term to expire 6-30-2014." (Recommends Senate Consent to Nomination)
<u>2947</u> (48 Hrs. Notice)	(JGO)	<u>H.B. No. 2020, H.D. 2, S.D. 2</u> "RELATING TO COUNTIES." (Recommends passage on <u>THIRD READING</u>)
<u>2948</u> (48 Hrs. Notice)	(JGO)	<u>H.B. No. 1684, H.D. 2, S.D. 2</u> "RELATING TO INVASIVE SPECIES." (Recommends passage on <u>THIRD READING</u>)
<u>2949</u> (48 Hrs. Notice)	(JGO)	<u>H.B. No. 134, H.D. 2, S.D. 2</u> "RELATING TO MOTOR VEHICLE DRIVER LICENSING." (Recommends passage on <u>THIRD READING</u>)
<u>2950</u> (48 Hrs. Notice)	(JGO)	<u>H.B. No. 1944, S.D. 2</u> "RELATING TO HEALTH CLUBS." (Recommends passage on <u>THIRD READING</u>)
<u>2951</u> (48 Hrs. Notice)	(CPN)	<u>H.B. No. 1978, H.D. 2, S.D. 2</u> "RELATING TO TOWING." (Recommends passage on <u>THIRD READING</u>)

2952 (48 Hrs. Notice)	(CPN)	H.B. No. 2297, H.D. 2, S.D. 2 "RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES." (Recommends passage on <u>THIRD</u> <u>READING</u>)
2953 (One Day Notice)	(JGO)	H.B. No. 2568, S.D. 1 "RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY." (Recommends passage on <u>THIRD</u> <u>READING</u>)
2954 (One Day Notice)	(CPN)	H.B. No. 2056, H.D. 1, S.D. 1 "RELATING TO PHARMACIST LICENSURE." (Recommends passage on <u>THIRD</u> <u>READING</u>)
2955 (One Day Notice)	(CPN)	H.B. No. 2197, H.D. 1, S.D. 1 "RELATING TO CONDOMINIUMS." (Recommends passage on <u>THIRD</u> <u>READING</u>)
2956 (48 Hrs. Notice)	(CPN)	H.B. No. 2548, H.D. 1, S.D. 1 "RELATING TO CONSUMER PROTECTION." (Recommends passage on <u>SECOND</u> <u>READING</u> and placement on the calendar for Third Reading)

ORDER OF THE DAY

7. Deferred Matters – Agree/Disagree

<u>HSE. COM. NO.</u>		<u>REFERRAL</u>
289	S.B. No. 2111, S.D. 2, H.D. 1 "RELATING TO AFFORDABLE HOUSING."(Affordable Housing; Infrastructure; County Review)	AGREE/DISAGREE
290	S.B. No. 2340, S.D. 1, H.D. 1 "RELATING TO KANEOHE BAY REGIONAL COUNCIL."(Kaneohe Bay Regional Council; Meeting; Report)	AGREE/DISAGREE
291	S.B. No. 2697, S.D. 1, H.D. 1 "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)	AGREE/DISAGREE
292	S.B. No. 2910, H.D. 1 "RELATING TO REAL PROPERTY."(Residential Real Property; Mortgage Foreclosure)	AGREE/DISAGREE

8. Advise and Consent

- | | | |
|---|------------|--|
| <p>2899</p> <p>Testimony Status</p> | <p>EDT</p> | <p>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."</p> |
| <p>2899</p> <p>Testimony Status</p> | <p>EDT</p> | <p>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."</p> |
| <p>2899</p> <p>Testimony Status</p> | <p>EDT</p> | <p>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."</p> |
| <p>2900</p> <p>Testimony Status</p> | <p>EDT</p> | <p>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."</p> |
| <p>2900</p> <p>Testimony Status</p> | <p>EDT</p> | <p>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."</p> |

[2900](#) EDT
[Testimony Status](#)

[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."

[2900](#) EDT
[Testimony Status](#)

[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."

[2901](#) EDT
[Testimony Status](#)

[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."

[2901](#) EDT
[Testimony Status](#)

[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."

[2902](#) EDT
[Testimony Status](#)

[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."

2902	EDT	G.M. No. 287
Testimony Status		"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."
2903	EDT	G.M. No. 285
Testimony Status		"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."
2904	HMS	G.M. No. 347
Testimony Status		"Submitting for consideration and confirmation to the Commission of Fatherhood, Gubernatorial Nominee, CHESTER JAMES ADESSA, JR., for a term to expire 6-30-2011."
9. Adopt Resolutions		
2896	EDH	S.C.R. No. 140, S.D. 1
Testimony Prior Versions Status		"REQUESTING THE DEPARTMENT OF EDUCATION TO RESPOND TO KPMG'S RECOMMENDATIONS REGARDING IMPROVEMENTS TO THE DEPARTMENT'S OPERATIONS AND WORKFLOW."

[2897](#)

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)

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

[2898](#)

EDH

[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."

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

[2905](#)

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."

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

10. Third Reading

[\(See Stand. Com. Rep. No. 2861\)](#)

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

[H.B. No. 2157, H.D. 1, S.D. 1](#)

"RELATING TO EXPANDED ADULT
RESIDENTIAL CARE HOMES." -
(HTH/HMS)

(Expanded Adult Residential Care Homes;
Population)

[\(See Stand. Com. Rep. No. 2862\)](#)

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

[H.B. No. 2397, H.D. 1, S.D. 1](#)

"RELATING TO PRIMARY ELECTIONS."
- (JGO)

(Primary Elections; Filing of Nomination
Papers)

[\(See Stand. Com. Rep. No. 2863\)](#)

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

[H.B. No. 2784, H.D. 1, S.D. 1](#)

"RELATING TO SMALL CLAIMS
COURT." - (JGO)

(Small Claims Court; Monetary Limit)

[\(See Stand. Com. Rep. No. 2864\)](#)

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

[H.B. No. 840, H.D. 1, S.D. 1](#)

"RELATING TO CHARGING BY
WRITTEN INFORMATION." - (JGO)

(Information Charging; Charging of Criminal
Offenses)

[\(See Stand. Com. Rep. No. 2865\)](#)

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

[H.B. No. 1019, H.D. 1, S.D. 1](#)

"RELATING TO THE PENAL CODE." -
(JGO)

(Criminal Homicide; Simulated Firearm)

[\(See Stand. Com. Rep. No. 2866\)](#)

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

[H.B. No. 1862, H.D. 1, S.D. 1](#)

"RELATING TO PUBLIC ORDER." - (JGO)

(Public Order; Public Urination and
Defecation)

[\(See Stand. Com. Rep. No. 2867\)](#)

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

[H.B. No. 1863, H.D. 1, S.D. 1](#)

"RELATING TO PROSTITUTION." - (JGO)

(Prostitution)

[\(See Stand. Com. Rep. No. 2893\)](#)

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

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

"RELATING TO LONG TERM CARE." -
(HMS)

(Long Term Care Commission; Delay of
Required Report)

[\(See Stand. Com. Rep. No. 2894\)](#)

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

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

"RELATING TO TAX
ADMINISTRATION." - (WAM)

(Tax Administration; Tax Due Dates)

[\(See Stand. Com. Rep. No. 2895\)](#)

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

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

"RELATING TO TAX CREDITS." - (WAM)

(Income Tax Credits; Ordering of Credit
Claims)

11. Miscellaneous Communications: None

12. Miscellaneous Business

13. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE & TIME</u>	<u>ROOM</u>
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
HUS-HMS	4/1/2010 10:20 AM	329
PSM/HRE	4/1/2010 1:15 PM	229
PSM	4/1/2010 1:20 PM	229
WTL	4/7/2010 2:45 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 Thursday, April 1, 2010.

14. Adjournment