

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

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FORTY-NINTH DAY

APRIL 14, 2010-WEDNESDAY-12:00 O'CLOCK NOON

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ORDER OF BUSINESS

Invocation by The Honorable Sam Slom  
Hawai'i State Senate

Roll Call

Approval of the Journal

Introductions

1. Messages from the Governor: Nos. 474-476

<u>MEASURE</u>	<u>TITLE</u>	<u>REFERRAL</u>
<a href="#">G.M. No. 474</a>	Informing the Senate that on April 13, 2010, the Governor signed the following bill into law: <a href="#">SB2050</a> (Act 018). "RELATING TO VOCATIONAL REHABILITATION IN WORKERS' COMPENSATION LAW."	FILE
<a href="#">G.M. No. 475</a>	Informing the Senate that on April 13, 2010, the Governor signed the following bill into law: <a href="#">SB2340 SD1 HD1</a> (Act 019). "RELATING TO KANEOHE BAY REGIONAL COUNCIL."	FILE

[G.M. No. 476](#)

Informing the Senate that on April 13, 2010, the Governor signed the following bill into law:  
[SB2201 SD1 HD1](#) (Act 020).  
"RELATING TO MOTOR VEHICLES."

FILE

2. Departmental Communications: None

3. House Communications Nos. 565-568

Returning the following Senate Bill which passed Third Reading in the House on April 13, 2010:

REFERRAL

565

[S.B. No. 2121](#)

"RELATING TO THE EARLY LEARNING COUNCIL."(Early Learning Council; Teleconference Meetings)

FILE

Informing the Senate that on April 13, 2010, the House made changes to conferee assignments to the following bill:

566

[H.B. No. 2061, H.D. 1, S.D. 2](#)

"RELATING TO CHILDREN."(Child Custody; Military Deployment)

FILE

Added Representative Evans as a member

Informing the Senate that on April 13, 2010, the House appointed Conferees to the following bill:

567

[S.B. No. 2346, S.D. 1, H.D. 1](#)

"RELATING TO THE HAWAII TEACHER STANDARDS BOARD."(Hawaii Teacher Standards Board)

FILE

Takumi/Rhoads, Co-Chrs.; Ching

Informing the Senate that on April 13, 2010, the House made changes to conferee assignments to the following bills:

568

[H.B. No. 2085, H.D. 1, S.D. 2](#)

FILE

"RELATING TO HEALTH."(QUEST Contracting)

Discharged Representatives Yamane, Mizuno, M. Oshiro, Co-Chairs; Shimabukuro, Finnegan

[H.B. No. 2086, H.D. 2, S.D. 2](#)

"RELATING TO HEALTH CARE DATA."(Clinical Laboratory Test Results; Privacy)

Discharged Representatives Yamane, Karamatsu, Co-Chairs; Belatti, Thielen

4. Senate Communications: None
5. Judiciary Communications: None
6. Standing Committee Report Nos. 3145-3150

[3145](#)  
(One Day Notice)

(ENE)

[G.M. No. 394](#)

"Submitting for consideration and confirmation to the Environmental Council, Gubernatorial Nominee, PETER H. COOPER, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[3146](#)  
(One Day Notice)

(JGO)

[G.M. No. 418](#)

"Submitting for consideration and confirmation to the Defender Council, Gubernatorial Nominee, JEFFREY ALAN HAWK, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[3146](#)  
(One Day Notice)

(JGO)

[G.M. No. 419](#)

"Submitting for consideration and confirmation to the Defender Council, Gubernatorial Nominee, SHIRLEY MIKI KAWAMURA, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[3147](#)  
(One Day Notice)

(JGO)

[G.M. No. 420](#)

"Submitting for consideration and confirmation to the Board of Registration of the Islands of Kaua'i and Ni'ihau, Gubernatorial Nominee, DANIEL KAWAMURA, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[3148](#)  
(One Day Notice)

(JGO)

[G.M. No. 421](#)

"Submitting for consideration and confirmation to the Commission on the Status of Women, Gubernatorial Nominee, ELENA M.H. CABATU, for a term to expire 6-30-2014."

(Recommends Senate Consent to Nomination)

[3149](#)  
(One Day Notice)

(EDH)

[G.M. No. 392](#)

"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."

(Recommends Senate Consent to Nomination)

[3150](#)  
(One Day Notice)

(ENE)

[H.C.R. No. 178](#)

"RECOGNIZING OCTOBER AS ENERGY AWARENESS MONTH IN HAWAII."  
(Recommends Adoption)

#### ORDER OF THE DAY

#### 7. Advise and Consent

[3140](#)  
[Testimony Status](#)

HMS

[G.M. No. 396](#)

"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."

[3140](#)  
[Testimony Status](#)

HMS

[G.M. No. 444](#)

"Submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs (PABEA), Gubernatorial Nominee, F. ADELE RUGG, for a term to expire 6-30-2014."

<a href="#">3141</a>	PSM	<a href="#">G.M. No. 454</a> "Submitting for consideration and confirmation to the Civil Defense Advisory Council, Gubernatorial Nominee, EDWARD R. CRUICKSHANK, for a term to expire 6-30-2011."
<a href="#">Testimony</a> <a href="#">Status</a>		
<a href="#">3142</a>	HMS	<a href="#">G.M. No. 412</a> "Submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, CHARLES E. LARSON, for a term to expire 6-30-2012."
<a href="#">Testimony</a> <a href="#">Status</a>		
<a href="#">3142</a>	HMS	<a href="#">G.M. No. 413</a> "Submitting for consideration and confirmation to the Early Learning Council, Gubernatorial Nominee, CRYSTAL RAY K. NAONE, for a term to expire 6-30-2012."
<a href="#">Testimony</a> <a href="#">Status</a>		
<a href="#">3143</a>	HMS	<a href="#">G.M. No. 443</a> "Submitting for consideration and confirmation to the Commission on Fatherhood, Gubernatorial Nominee, ELWOOD EDWARD MACHADO, for a term to expire 6-30-2012."
<a href="#">Testimony</a> <a href="#">Status</a>		
8. Adopt Resolutions		
<a href="#">3144</a>	HMS	<a href="#">H.C.R. No. 64, S.D. 1</a> "RECOGNIZING MARCH AS "ADULT RESIDENTIAL CARE HOME AND ADULT FOSTER HOME OPERATORS MONTH.""
<a href="#">Testimony</a> <a href="#">Prior</a> <a href="#">Versions</a> <a href="#">Status</a>		

9. Deferred Matters – Final Reading

[S.B. No. 2001, S.D. 1, H.D. 1](#)

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

"RELATING TO TAXATION."

(Tax Credit; Research Activities)

[S.B. No. 2159, H.D. 1](#)

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

"RELATING TO TRAFFIC ABSTRACT FEE."

(Traffic Abstract Fee)

[S.B. No. 2401, S.D. 1, H.D. 1](#)

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

"RELATING TO STATE FINANCES."

(High Technology Tax Credits; Temporary Suspension)

10. Final Reading

[Conf. Com. Rep. No. 2 - 10](#)

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

[H.B. No. 1907, H.D. 1, S.D. 1, C.D. 1](#)

"RELATING TO TAXATION."

(Itemized Deductions - Limits; Capital Goods Excise Tax Credit)

[Conf. Com. Rep. No. 3 - 10](#)

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

[H.B. No. 2866, H.D. 1, S.D. 1, C.D. 1](#)

"RELATING TO TAXATION."

(Taxation; Income Tax Rates)

[Conf. Com. Rep. No. 4 - 10](#)

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

[H.B. No. 2421, H.D. 2, S.D. 2, C.D. 1](#)

"RELATING TO GOVERNMENT."

(Food and Energy Security)

[Conf. Com. Rep. No. 5 - 10](#)

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

[H.B. No. 1985, S.D. 1, C.D. 1](#)  
"RELATING TO TAXATION."

(Taxation; Political Contribution; Insurance Fees)

[Conf. Com. Rep. No. 51 - 10](#)

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

[S.B. No. 2650, S.D. 2, H.D. 2, C.D. 1](#)  
"RELATING TO THE DEPARTMENT OF HUMAN SERVICES."

(Department of Human Services)

[Conf. Com. Rep. No. 52 - 10](#)

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

[S.B. No. 2405, S.D. 2, H.D. 1, C.D. 1](#)  
"RELATING TO TAXATION."

(Streamlined Sales and Use Tax Amendments)

[Conf. Com. Rep. No. 53 - 10](#)

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

[S.B. No. 2402, S.D. 1, H.D. 1, C.D. 1](#)  
"RELATING TO TAXATION."

(General Excise Taxes; Temporary Suspension; Exemption for Certain Persons and Gross Amounts)

## 11. Referrals and Re-Referrals

### RE-REFERRALS FOR WEDNESDAY, APRIL 14, 2010

MEASURE

TITLE

RE-REFERRAL

[H.C.R. 21](#)

APPROVING THE FEE SIMPLE SALE OF 1593 PAPAU STREET, KAPA'A, HAWAII.  
(Approving The Fee Simple Sale Of 1593 Papau Street, Kapa'a, Hawaii) (WTL/WAM)

WTL



<a href="#"><u>H.C.R. 22</u></a>	APPROVING THE FEE SIMPLE SALE OF 1951 PAHOEHOE STREET, KOLOA, HAWAII. (Approving The Fee Simple Sale Of 1951 Pahoehoe Street, Koloa, Hawaii) (WTL/WAM)	WTL
<a href="#"><u>H.C.R. 23</u></a>	APPROVING THE FEE SIMPLE SALE OF 1098 ONAHA STREET, WAILUKU, HAWAII. (Approving The Fee Simple Sale Of 1098 Onaha Street, Wailuku, Hawaii) (WTL/WAM)	WTL
<a href="#"><u>H.C.R. 24</u></a>	APPROVING THE FEE SIMPLE SALE OF 1051 ONAHA STREET, WAILUKU, HAWAII. (Approving The Fee Simple Sale Of 1051 Onaha Street, Wailuku, Hawaii) (WTL/WAM)	WTL
<a href="#"><u>H.C.R. 25</u></a>	APPROVING THE FEE SIMPLE SALE OF 91-1139 KAMAAHA LOOP, KAPOLEI, HAWAII. (Approving The Fee Simple Sale Of 91-1139 Kamaaha Loop, Kapolei, Hawaii) (WTL/WAM)	WTL
<a href="#"><u>H.C.R. 26</u></a>	APPROVING THE FEE SIMPLE SALE OF 91-1072 WELOWELO STREET, KAPOLEI, HAWAII. (Approving The Fee Simple Sale Of 91-1072 Welowelo Street, Kapolei, Hawaii) (WTL/WAM)	WTL
<a href="#"><u>H.C.R. 27</u></a>	APPROVING THE SALE OF THE FEE INTEREST IN 95-033 KUAHELANI AVENUE, MILILANI, HAWAII. (Approving The Sale Of The Fee Interest In 95-033 Kuahelani Avenue, Mililani, Hawaii) (WTL/WAM)	WTL

<a href="#"><u>H.C.R. 28</u></a>	APPROVING THE SALE OF THE FEE INTEREST IN 94-940 MEHEULA PARKWAY, MILILANI, HAWAII. (Approving The Sale Of The Fee Interest In 94-940 Meheula Parkway, Mililani, Hawaii) (WTL/WAM)	WTL
<a href="#"><u>H.C.R. 29</u></a>	APPROVING THE SALE OF THE FEE INTEREST IN 95-029 KUAHELANI AVENUE, MILILANI, HAWAII. (Approving The Sale Of The Fee Interest In 95-029 Kuahelani Avenue, Mililani, Hawaii) (WTL/WAM)	WTL
<a href="#"><u>H.C.R. 30</u></a>	APPROVING THE SALE OF THE FEE INTEREST IN 95-021 KUAHELANI AVENUE, MILILANI, HAWAII. (Approving The Sale Of The Fee Interest In 95-021 Kuahelani Avenue, Mililani, Hawaii) (WTL/WAM)	WTL
<a href="#"><u>H.C.R. 31</u></a>	APPROVING THE SALE OF THE FEE INTEREST IN 2949 ALA ILIMA STREET #201, HONOLULU, HAWAII. (Approving The Sale Of The Fee Interest In 2949 Ala Ilima Street #201, Honolulu, Hawaii) (WTL/WAM)	WTL
<a href="#"><u>H.C.R. 32</u></a>	APPROVING THE FEE SIMPLE SALE OF THE NORTHWEST CORNER PARCEL, KAPOLEI, HAWAII. (Approving The Fee Simple Sale Of The Northwest Corner Parcel, Kapolei, Hawaii) (WTL/WAM)	WTL
<a href="#"><u>H.C.R. 33</u></a>	APPROVING THE FEE SIMPLE SALE OF A 9.105 ACRE VACANT PARCEL IN VILLAGE 8, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII. (Approving The Fee Simple Sale Of A 9.105 Acre Vacant Parcel In Village 8, The Villages Of Kapolei, Kapolei, Hawaii) (WTL/WAM)	WTL

- [H.C.R. 34](#) APPROVING THE FEE SIMPLE SALE OF KEKUILANI VILLAGE 4, THE VILLAGES OF KAPOLEI, KAPOLEI, HAWAII.  
(Approving The Fee Simple Sale Of Kekuilani Village 4, The Villages Of Kapolei, Kapolei, Hawaii) (WTL/WAM) WTL
- [H.C.R. 36](#) APPROVING THE FEE SIMPLE SALE OF TWO VACANT PARCELS IN HOKULELE, KANEOHE, HAWAII.  
(Approving The Fee Simple Sale Of Two Vacant Parcels In Hokulele, Kaneohe, Hawaii) (WTL/WAM) WTL
- [H.C.R. 44](#) AUTHORIZING THE SALE OF STATE RECLAIMED LAND AT KAALAEA, KOOLAUPOKO, OAHU, FOR PRIVATE PROPERTY PURPOSES.  
(Authorizing The Sale Of State Reclaimed Land At Kaalaea, Koolaupoko, Oahu, For Private Property Purposes) (WTL/WAM) WTL
- [H.C.R. 45](#) AUTHORIZING THE SALE OF STATE RECLAIMED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, FOR BEACH ACCESS RIGHT-OF-WAY PURPOSES.  
(Authorizing The Sale Of State Reclaimed Lands At Kaneohe, Koolaupoko, Oahu, For Beach Access Right-Of-Way Purposes) (WTL/WAM) WTL
- [H.C.R. 46](#) AUTHORIZING THE SALE OF STATE LANDS AT HANAPEPE, WAIMEA, KAUAI, FOR RESIDENTIAL PURPOSES.  
(Authorizing The Sale Of State Lands At Hanapepe, Waimea, Kauai, For Residential Purposes) (WTL/WAM) WTL

[H.C.R. 47](#) REQUESTING AUTHORIZATION TO ENTER INTO A DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF KEEHI INDUSTRIAL LOTS, ISLAND OF OAHU. WTL  
(Requesting Authorization To Enter Into A Development Agreement For The Development Of Keehi Industrial Lots, Island Of Oahu) (WTL/WAM)

[H.C.R. 320](#) SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE. WTL  
(Land Transfer; Camp Pupukea)  
(WTL/WAM)

12. Miscellaneous Communications: None

13. Miscellaneous Business

- Reconsideration of Disagreement to House Amendments; Agree; One Day Notice for Final Reading

[S.B. No. 898, S.D. 2, H.D. 1](#) PSM, JGO "RELATING TO CIVIL DEFENSE."

[S.B. No. 2775, S.D. 1, H.D. 2](#) EDT, JGO "RELATING TO PUBLICITY RIGHTS NAMES AS DISTINGUISHED FROM TRADE NAMES AND SPECIFYING REGISTRATION PROCEDURES FOR PUBLICITY RIGHTS NAMES BY AMENDING CHAPTER 482P."

#### 14. Announcements

- Committee Hearing Schedule:

<u>COMMITTEE</u>	<u>DATE &amp; TIME</u>	<u>ROOM</u>
CONF	4/14/2010 2:00 PM	423
CONF	4/14/2010 2:00 PM	225
CONF	4/14/2010 3:00 PM	225
CONF	4/14/2010 3:00 PM	224
CONF	4/14/2010 6:45 PM	309
CONF	4/14/2010 7:00 PM	309
CONF	4/15/2010 9:30 AM	423
CONF	4/15/2010 10:00 AM	225
CONF	4/15/2010 1:00 PM	224
CONF	4/15/2010 2:00 PM	016
CONF	4/15/2010 2:00 PM	423
CONF	4/15/2010 2:00 PM	329
CONF	4/15/2010 2:15 PM	325
CONF	4/15/2010 2:30 PM	329
CONF	4/15/2010 3:00 PM	016
LBR	4/15/2010 4:00 PM	312
CONF	4/16/2010 9:30 AM	312
WAM	4/16/2010 9:30 AM	211
CONF	4/16/2010 11:00 AM	312
CONF	4/16/2010 2:30 PM	329
CONF	4/16/2010 3:00 PM	312
CONF	4/16/2010 3:05 PM	312
PSM	4/28/2010 8:30 AM	229

- Senate Session will convene at 11:30 a.m. on Thursday, April 15, 2010.

#### 15. Adjournment